

VOLUME 6

“INTERNATIONAL AND OPERATIONAL LAW”

SUMMARY OF VOLUME 6 CHANGES

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Submit recommended changes to this Volume, via the proper channels, to:

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VOLUME 6: INTERNATIONAL AND OPERATIONAL LAW

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REFERENCES

- (a) SECNAVINST 5430.7R
- (b) SECNAVINST 5430.27D
- (c) SECNAVINST 5430.25E
- (d) 10 U.S.C. §§ 806, 1044, 1044e, 1059, 1072, 1565b, 1588, and 5046
- (e) MCO 5430.2
- (f) JAGINST 5803.1E
- (g) Manual for Courts-Martial, (2016 ed.)
- (h) U.S. Navy Regulations, (1990)
- (i) MCO 5800.14
- (j) MCO 1001.62A
- (k) MCO 1200.17E
- (l) JAGINST 5803.2B
- (m) SECNAVINST 1920.6C
- (n) Uniform Code of Military Justice, (2016)
- (o) MCO 1610.7
- (p) MCO 1300.8
- (q) MCO 1000.6
- (r) JAGINST 5800.7F
- (s) SECNAVINST 5211.5E
- (t) 5 U.S.C. §§ 101, 552a, and 3111
- (u) JAGINST 5801.2
- (v) 37 U.S.C. §§ 601-604
- (w) 38 U.S.C. §§ 4301-4334
- (x) DoD Instruction 1205.12
- (y) 31 U.S.C. § 1342
- (z) DoD Instruction 1100.21
- (aa) 8 U.S.C. § 1400
- (bb) Executive Order 13269, (July 3, 2002)
- (cc) DoD Directive 2311.01E
- (dd) MCO 3300.4A
- (ee) DoD Directive 2310.01E
- (ff) DoD Directive 5146.13
- (gg) Executive Order 12333, (December 4, 1981)
- (hh) DoD Directive 5240.01
- (ii) DoD 5240.1-R
- (jj) DoD Instruction 3025.21
- (kk) DoD Instruction 5525.03
- (ll) SECNAVINST 5710.25B
- (mm) 1 U.S.C. § 112b
- (nn) 22 CFR Part 181
- (oo) DoD Directive 5530.3
- (pp) DoD 5500.07-R
- (qq) 18 U.S.C. § 202
- (rr) 5 C.F.R. § 2634

“REFERENCES”

As changes are made within this MCO Volume, the References list will also update.
Annotation of each update/change/addition to the References list is required.

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VOLUME 6

“INTERNATIONAL AND OPERATIONAL LAW”

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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INTERNATIONAL AND OPERATIONAL LAW

0101 PURPOSE

This Volume promulgates Marine Corps policy for the provision of international and operational law support throughout the Total Force and establishes service-wide standards for the performance of international and operational law.

0102 GENERAL

The increasing scope, complexity, and intensity of international and operational law issues that arise during the planning and execution of military operations demands increasing knowledge and expertise by judge advocates. Judge advocates practicing in the international and operational law arena must be conversant with the numerous manuals, orders, and publications to guide judge advocates on substantive legal issues as well as issues of training, organizing, and administration for the practice of international and operational law.

010201. International Law

International law is generally the law governing relations between nations, international organizations, and persons. International law is derived from international agreements, customary international law (resulting from a general and consistent practice of states observed out of a sense of legal obligation), or rules derived from general principles common to the major legal systems of the world.

010202. Law of War

It is important to recognize that “law of war” (LOW), also referred to as the “law of armed conflict,” is but one part of international law binding on the United States that may directly affect military operations. Judge advocates practicing international law are expected to be able to ascertain the existence of, and interpret, international law applicable to a particular operation. The most common will be international agreements, including Status-of-Forces Agreements, Acquisition and Cross-Serving Agreements, Defense Cooperation Agreements, and Article 98 Agreements. Judge advocates must also be familiar with the authority for, and the limitations on, negotiating and concluding such agreements.

010203. Operational Law

Operational law addresses the international laws, foreign (host nation) laws, and domestic laws, regulations, and policies that directly affect the planning and execution of U.S. military operations across the range of military operations (ROMO). While traditionally associated with areas such as the LOW and rules of engagement (ROE), operational law also encompasses such divergent areas as international human rights law; intelligence law; international agreements; national authority to execute operations; review of contingency / operational plans for compliance with statute and regulations; information and cyberspace operations; noncombatant evacuation operations; sea, air, and space law; humanitarian assistance and disaster relief operations; detainee and interrogation operations; funding for U.S. operations; funding for foreign security assistance; domestic operations; foreign and deployment claims; and contingency and deployment contracting. The practice of international law is only one of several components that comprise the operational law functional area. The art of providing operational law support is to proactively identify legal and related policy issues in many divergent areas; rapidly

synthesize them in order to give timely and coherent legal advice to commanders, staffs, and Marines; and to assist commanders in the assessment and mitigation of legal risk by considering alternate courses of action. The ultimate goal of operational law support is to ensure the Marine Corps can maintain unit readiness and conduct operations in accordance with applicable laws, regulations, and policies. One of the keys to providing proactive legal advice is gaining unfettered access to all staff and participating throughout the entire duration of the staff planning process.

0103 PERSONNEL

010301. Roles and Responsibilities of Judge Advocates in the Provision of International and Operational Law Support

A. General

Within the Marine Corps, international and operational law support is provided to commanders, their staffs, and their Marines by judge advocates in their role as command advisors. This support is provided primarily by the Office of the SJA organic to the command element of the Marine Air Ground Task Forces (MAGTF) and the headquarters of the Marine service component commands. In addition, at the Marine Expeditionary Force (MEF) Office of the SJA, there are structured operational law billets dedicated to supporting the MEF operational mission. Furthermore, there are structured operational law billets for Marine judge advocates at Headquarters, Marine Corps (HQMC) International and Operational Law Branch (JAO), Office of the Judge Advocate General (Code 10), Joint Staff (Chairman's Legal and J-5), and training commands. Judge advocates also compete for assignment to operational law billets at combatant commands. Finally, judge advocates may serve on temporary duty to augment the organic SJA office of deployed Marine units, provide task-organized legal support to contingency MAGTFs, or to fill Individual Augmentation (IA) requirements on Joint Task Forces (JTF) and multinational force headquarters staffs.

B. Structured Billets

The following billets are essential to the provision of international and operational law advice and support.

1. Staff Judge Advocate. Provide overall, unfettered command advice on international and operational law issues to the Commander; serve as the legal advisor who provides advice to the staff on international laws, foreign national laws, and applicable domestic laws and regulations; serve as the legal advisor for operational exercises and contingencies and provide legal advice during the Marine Corps Planning Process and the development of Operation Plans (OPLANS)/Operation Orders (OPORDS); and serve as the key staff interface with external organizations such as non-governmental organizations or international organizations during contingency operations.

2. Operational Law Attorney. Provide advice to the SJA and staff on international laws, foreign national laws, and applicable domestic laws and regulations; provide advice to the SJA and staff on the LOW and the development, formulation, and interpretation of the ROE; conduct LOW and other operational law training for all deploying personnel; assist the Operations Section (S-3) with ROE and Escalation of Force training, as necessary; coordinate with servicing legal assistance attorneys for the provision of legal assistance to Marines preparing for deployment; assist the SJA as the legal planner for operational exercises and contingencies; and assist the SJA in providing legal advice during the Marine Corps Planning Process and during the development of OPLANS/OPORDS.

3. Legal Chief. Assist the SJA and Operational Law Attorney in all associated billet functions.

010302. Role of the Office of the Staff Judge Advocate in International and Operational Law

A. Staff Integration

To be most responsive, judge advocates practicing international and operational law must be integrated members of the commander's staff. It is not enough to just know "the law." The judge advocate must understand the mission and the commander's intent, and provide legal advice that facilitates the development of courses of action to accomplish the unit's mission consistent with applicable law and policy. This requires participation on operational planning teams, boards, and cells as well as presence within the combat operation center. This also requires Marine judge advocates to maintain their proficiency as well-rounded MAGTF officers, imbued with an expeditionary mindset.

B. Marine Corps Planning Process (MCP)

To be effective on operational planning teams, boards, and cells Marine judge advocates must be well-versed in MCP and the Rapid Response Planning Process (R2P2), the truncated version of MCP used at the Marine Expeditionary Unit and battalion-level. Practical understanding and experience with the MCP and R2P2 positions a judge advocate to spot legal issues and to provide timely solutions to the commander and staff to facilitate further course of action development consistent with the law.

C. Operational Plans (OPLANS) and Orders (OPORDS)

By Department of Defence (DoD) Directive and Marine Corps Order, all OPLANS, OPORDS, directives, and similar documents concerning operational matters must be reviewed by judge advocates for legal sufficiency. Within the OPLAN/OPORD particular attention should be given to the following:

1. Base Plan.
2. Annex B, Intelligence.
3. Annex C, Operations. In particular, appendices for Concept of Operations, ROE, and Fire Support Plan/Targeting. The ROE Appendix contains the applicable ROE for the specific operation. The tasks of drafting this appendix, requesting supplemental ROE, disseminating the ROE, and providing ROE training is the responsibility of the unit's operations officer (e.g., G-3, S-3) and ultimately the commander; however, the SJA must be prepared to assist with these tasks as directed.
4. Annex E, Personnel. In particular, the Legal Appendix. The Legal Appendix contains references to documents pertinent to the specific operation, and general and specific guidance on matters such as international legal considerations, legal assistance, claims, military justice, fiscal law, LOW, detainee handling, and interaction with the ICRC and other non-governmental organizations.
5. Annex J, Command Relationships.

0104 SUPERVISION AND OVERSIGHT

010401. Chain of Command

In a deployed environment, Marine judge advocates must be cognizant of the separate and distinct service and operational chains of command, to include respective underlying authorities and responsibilities of each, as well as the supervisory and oversight roles of the SJA to CMC and the Navy Judge Advocate General (JAG).

010402. Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) and Judge Advocate Division (JAD)

The SJA to CMC is responsible for the operational and international law functions within the Marine Corps. This includes Service-level supervision and management of operational law matters arising in the Marine Corps. Within HQMC, the SJA to CMC is the legal advisor to CMC and HQMC on all operational and international law matters. Beyond HQMC, the SJA to CMC formulates, implements, supervises, and inspects the use of standard policies and procedures for the delivery of operational and international law support throughout the Marine Corps, with the exception of those matters assigned to the Navy JAG. The International and Operational Law Branch (JAO) within JAD assists the SJA to CMC with these responsibilities.

010403. International and Operational Law Branch (JAO)

JAO provides advice and guidance to CMC in his capacity as both a Service Chief and as a member of the Joint Chiefs of Staff, to the HQMC staff, and to Marine judge advocates worldwide. JAO also provides service input to the Office of the Secretary of Defense and the Joint Staff, and participates as a standing member of the DoD LOW Working Group. JAO focuses on international and operational law matters such as treaty interpretation and compliance, negotiation and conclusion of international agreements, LOW, detention operations, rules of engagement, law of the sea, training and equipping foreign forces, non-lethal weapons, cyberspace law, intelligence law, and domestic operations law. JAO also assists in the establishment and supervision of standard policies and procedures, manages the Marine Corps LOW Program, represents the Marine Corps at various domestic and international forums, and provides support for Marine judge advocates within the operating forces. Support includes providing advice, a web-based information portal, reference documents, and an after-action reports/legal lessons learned clearinghouse.

010404. Staff Judge Advocates (SJAs) and Title 10 Authority

Section 806 of Title 10 (Article 6, UCMJ) allows for the free flow of communication between SJAs within the operational and service chains of command, including the SJA to CMC. The SJA to CMC's role with regard to the delivery of operational and international law support to the operating forces and the supporting establishment, however, is limited to providing advice and establishing standards of performance and conduct. Consistent with Section 5046 of Title 10, no officer or employee of the DoD may interfere with the ability of judge advocates to give independent legal advice to their commanders.

0105 CRITICAL INFORMATION REQUIREMENTS (CIRs)

Certain CIRs exist in order to ensure proper execution of the Staff Judge Advocate to the Commandant's supervisory and oversight roles. In addition to a commander's responsibility to inform his operational chain of command regarding the types of events described below, the staff judge advocate

will simultaneously notify CMC (JAO) by the most expeditious means available when any of the following events occur:

010501. Law of War (LOW) Violation

Any possible, suspected, or alleged violation of the LOW by Marine Corps personnel, or DoD civilians assigned to or supporting Marine Corps units, for which there is credible information; or conduct during military operations other than war that would constitute a violation of the LOW if it occurred during an armed conflict (see DODD 2311.01E, DOD Law of War Program, and MCO 3300.4A, *Marine Corps Law of War Program*).

010502. Treatment of Detainees

Any alleged or suspected violation of U.S. law or policy governing the treatment of detainees as well as possible, suspected, or alleged violations of the LOW, for which there is credible information, that occur in the context of detention operations, and is committed by Marine Corps personnel, DoD civilians and contractors assigned to or supporting Marine Corps units, and non-DoD personnel (including foreign government representatives) who have access to DoD detention facilities or to detainees under DoD control. A detainee is any person captured, detained, held, or otherwise under the control of Marine Corps personnel (military, civilian, or contractor employee); a detainee does not include persons being held primarily for law enforcement purposes, except where the the United States is the occupying power (see DoD Directive 2310.01E, *DoD Detainee Program*).

010503. Questionable Intelligence Activity

Any questionable intelligence activity (QIA) or significant or highly sensitive matters, as defined in DoDD 5146.13, reasonably believed to have been committed by Marine Corps personnel or DoD civilians assigned to or supporting Marine Corps units, for which there is credible information. (see Executive Order 12333; DoD Directive 5240.01, *DoD Intelligence Activities*; and DoD 5240.1-R, *Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons*).

010504. Participation in Civilian Law Enforcement Activities

Any actual or suspected direct participation of Marine Corps personnel in civilian law enforcement activities in violation of applicable U.S. law and U.S. policy, for which there is credible information (see DoD Instruction 3025.21, *Defense Support of Civilian Law Enforcement Agencies*).

010505. Foreign Arrest or Detention of Marine Corps Personnel

Any arrest or detention of Marine Corps personnel by a foreign nation that occurs outside of the United States.

010506. Accusation of Misconduct

When a Marine serving overseas as an exchange officer, liaison officer, Marine Security Guard, Defense Attaché, or other similar position, has been accused of misconduct which, if proven, would be punishable under host nation law, U.S. law, including the UCMJ, or is involved in an incident that could bring discredit or cause embarrassment to the Marine Corps.

010507. Exercise of Criminal Jurisdiction over Friendly Foreign Forces

Any arrest, detention, confinement, or other exercise of criminal jurisdiction by Marine Corps personnel over friendly foreign military forces for offenses committed by its members within the United States. This CIR includes any facilitation for the exercise of criminal jurisdiction by service courts of friendly foreign forces or sending states in the United States (see DoD Instruction 5525.03, *Criminal Jurisdiction of Service Courts of Friendly Foreign Forces and Sending States in the United States*).

010508. Negotiation, Conclusion, or Implementation of an International Agreement

Any negotiation, conclusion, or implementation of an international agreement on behalf of the Marine Corps that falls within one of the following categories: implementing agreements; cooperative or reciprocal support agreements; plans, exercises, operations, and exchange agreements; foreign military intelligence agreements; military information exchange agreements; health and medical agreements; communications agreements; or any other international agreement that SECNAV has delegated the authority to negotiate, conclude, and implement to CMC (see SECNAVINST 5710.25B, *International Agreements*). This CIR excludes those international agreements that concern operational command of joint forces or other non-single-Service matters under the cognizance of the Chairman, Joint Chiefs of Staff and the Combatant Commanders.

010509. Breach of an International Agreement

When an international agreement signed by CMC, or his designee, is breached by the other party.

0106 RECURRING REPORTING REQUIREMENTS

010601. After-Action Reports (AARs)

The completion of an AAR is an important part of capturing legal lessons learned from operational experiences and developing the operational law “community of practice.” Therefore, within 90 days of redeployment, all Marine judge advocates, regardless of the duration or type of deployment/operational exercise, will complete and submit an AAR to the Marine Representative at the Center for Law and Military Operations (CLAMO), The U.S. Army’s Judge Advocate General’s Legal Center and School (TJAGLCS).

A. Responsibilities

Judge advocates will contact CLAMO or CMC (JAO) upon their redeployment to begin the AAR process. The responsibility to submit an AAR to CLAMO is separate and distinct from any other AAR requirement (e.g., unit AAR, submissions to Marine Corps Center for Lessons Learned, etc.). CMC (JAO), in coordination Marine Corps Staff Judge Advocates and Officers-in-Charge, will assist CLAMO with identifying and contacting those judge advocates whose deployment or participation in an operational exercise may provide valuable lessons learned to the legal community.

B. AAR Process

The AAR will be completed in the prescribed format located on the JAO SharePoint site within the After Action Reports section. The AAR may either be conducted with a member of CLAMO in person, electronically, or by telephone. The AAR will be unclassified, For Official Use Only; any

classified comments will be submitted in a classified annex. The AAR will follow an “Issue, Discussion, and Recommendation” format by identifying a legal issue, discussing the issue and actions taken to resolve it, and then providing a recommendation to address the issue in the future. CLAMO has an established collection process and it is strongly recommended that redeploying judge advocates coordinate with the Marine Representative at CLAMO prior to completing the AAR.

C. Resource Publication

CLAMO is the central repository for all AARs completed in accordance with paragraph 0106. CLAMO maintains the AARs in its own repository and in the JAGCNET website document library (CAC Access Required). Lessons learned from the AARs are also incorporated into various CLAMO publications such as *Forged in the Fire: Legal Lessons Learned During Military Operations* and its supplement, and *Tip of the Spear*. The Marine Representative at CLAMO will ensure that copies of completed AARs are distributed to CMC(JAO), Marine Expeditionary Force SJAs, Marine Division SJAs, and any other designated Marine Corps components that CLAMO, in consultation with CMC(JAO), determines to have a legitimate requirement. CMC(JAO) will also maintain all AARs in a secure web portal that is accessible to Marine judge advocates upon request.

010602. Case Act Reporting

Pursuant to the Case-Zablocki Act (Pub.L. 92-403; 1 U.S.C. § 112b) (the “Case Act”), all international agreements shall be transmitted to the Department of State (DoS) within 20 days of signing. SECNAVINST 5710.25B designates the Navy JAG as the Central Office of Record and the Central Repository for all Department of the Navy international agreements, including those negotiated and concluded by CMC. SECNAVINST 5710.25B tasks CMC (JAO) to provide required legal support to CMC for all efforts associated with those international agreements that CMC is authorized to negotiate and conclude. Therefore, the original or certified true copies of all international agreements concluded by CMC or pursuant to a CMC grant of authority, shall be forwarded to CMC (JAO) as soon as possible after they have been concluded, to assist in meeting the 20-day notification period imposed by the Case Act. Commands, HQMC departments, agencies, or other officials submitting certified true copies of concluded agreements to CMC (JAO) shall include copies of all related documents, including all accompanying papers, such as agreed minutes, exchanges of notes, or side letters, and background statements. Background statements include information explaining the agreement, the negotiating history, the effect of the agreement, and a precise citation of legal authority to be submitted (*see* 22 CFR Part 181, section 181.7; and DoD Directive 5530.3). All contemplated international agreements should be coordinated with CMC (JAO) prior to negotiation to determine whether authority has been delegated to negotiate and conclude the international agreement.

0107 STANDARDS FOR ASSIGNMENT AND TRAINING OF MARINES

010701. Garrison Environment

Dedicated Operational Law Attorney billets are structured in each of the MEF and Division SJA offices (see Appendix I). All International and Operational Law billet assignments will be screened by Plans and Innovation Branch (JPI) to ensure the right Marine is assigned to the right billet at the right time. JPI ensures that the billet holder has the appropriate education, experience, and skill necessary to provide the gaining command with competent advice to accomplish its mission. Although not required by order or regulation, JPI considers the possession of MOS 4405 (Operational Law) as a major criterion in the decision to assign a judge advocate to an operational law billet. Similarly, operational law skill sets

and experience may demonstrate competence to handle a specific billet assignment. Regardless of the achieved qualifications, the requirements of HQMC will dictate the placement of personnel in international/operational law billets.

010702. Deployed Environment

A. General

Judge advocates will generally be assigned to operational law duties in a deployed environment in one of several ways: as permanent personnel, assigned to the organic SJA office of a deploying Marine organization; on temporary duty, attached to the organic SJA office, headquarters, or command element of a deploying Marine organization; or on temporary duty, as an individual augmentee (IA) to a JTF or other Joint and/or combined force.

B. Augmentation Requests

Organizations requesting judge advocate augmentation should clearly identify the legal support requirements for their assigned mission. Given the steady state garrison military justice services requirements for judge advocates, provision of judge advocate support must be judicious and efficient. Judge advocates should not be provided to meet a deploying unit's pre-existing, traditional legal administration requirements (e.g., adjutant duties, JAGMAN investigating officer, SRB Page 11/NJP/ADSEP administration, etc.). These traditional requirements are to be filled by the unit's organic assets (i.e., legal officer, S-1, adjutant, executive officer, etc.). Active participation by a judge advocate in the mission planning process can help units anticipate, articulate, and validate their unit legal support requirements.

C. Experience, Education, and Training

In assigning judge advocates as augmentees to deploying commands to provide operational law support, the supporting organization shall ensure that augmentees have the requisite experience, education, and training, and that such assignment will not conflict with professional responsibility obligations inherent in their current assignment. This is particularly important where the judge advocate will be assigned as the primary command legal advisor. Supporting organizations shall, insofar as practicable, assign judge advocates who: have at least one-year experience in MOS 4402; have the ability to complete individual pre-deployment training requirements established by the respective MEF, MARFOR, or other responsible higher headquarters (e.g., MARCENT pre-deployment training program (PTP) requirements); hold the requisite level security clearance; have completed advanced Continuing Legal Education (CLE) courses in operational and international law, or are able to complete those courses prior to, or in conjunction with, assignment to the billet, or possess the 4405 secondary MOS; have experience in MCPP/R2P2, or have completed grade-appropriate Professional Military Education (PME) requirements (e.g., Expeditionary Warfare School); do not have remaining defense client representation obligations; and are available for immediate assignment. Judge advocates designated to fill augmentation requirements shall complete individual training requirements as soon as possible, and be made available to the supported organization as early as possible to allow for staff integration and participation in operational planning, unit training, and unit exercises.

010703. Entry and Graduate-Level Professional Military Education

A. Operational Law Training at Naval Justice School

All judge advocates will receive operational law courses as part of the Basic Lawyer Course at the Naval Justice School (NJS). These courses provide student judge advocates a basic working foundation in the international and operational law practice area and is in accordance with the requirements set forth in MCO 3300.4A (Marine Corps Law of War Program).

B. Graduate Program at The U.S. Army's Judge Advocate General's Legal Center and School (TJAGLCS); Special Education Program (SEP); and Advanced Degree Program (ADP)

The Marine Corps has identified and validated several billets required to be staffed by judge advocates who possess specific postgraduate level education. The Commandant's Professional Intermediate-Level Education Board and Career-Level Education Board annually select the best and most qualified officers for career/intermediate-level PME and graduate-level education, to include the TJAGLCS Graduate Program, SEP, and ADP. These programs provide selected judge advocates the opportunity to earn a Masters of Law degree with a specialization in international and operational law.

010704. Pre-deployment Training for Judge Advocates

Commanders and SJAs must make every attempt to ensure that judge advocates assigned to provide operational law support have the appropriate education and training that includes, but is not limited to:

A. Pre-Deployment Legal Training (PDLT)

PDLT is a program in which judge advocates preparing to deploy receive the latest updates and training on legal issues relevant to their anticipated area of operations. These training periods are organized and managed by the respective MEF SJAs. CMC (JAO) supports the MEF with their PDLT curriculum development as well as with their instruction requirements.

B. Unit Pre-Deployment Training Program (PTP) and Assessment

Deploying operational units are required to conduct training and assessment exercises. Judge advocates assigned to, and expected to deploy with, such units should attend these training and assessment exercises along with the unit.

C. Continuing Legal Education

Numerous options are available for judge advocates to obtain CLE in the fields of international and operational law. Commanders should encourage and allow their assigned judge advocates to attend the international and operational law short courses available at both NJS and TJAGLCS. Additionally, NJS, TJAGLCS, and the Air Force Judge Advocate School offer on-line classes that encompass many aspects of international and operational law.

D. Operational Law Branch (JAO)

JAO may, upon request, and as resources permit, provide additional instruction in international and operational law to judge advocates within the operating forces.

E. Law of War Training

LOW training for commanders and their staffs is addressed in MCO 3300.4A. MEF SJAs, JAO, and the Marine Corps Law of War Detachment (LOW-Det) perform central roles in supervising and executing this program. The LOW-Det's primary mission is to support the efforts of the MEF SJAs as they provide LOW training and education in support of commanders and staffs of operational forces. All courses and periods of instruction will be reviewed and approved by, and reported to, JAO by the LOW-Det prior to occurring. The four levels of Law of War training are outlined in MCO 3300.4A and are as follows:

1. “Entry-level” Training. “Entry-level” LOW training, as set forth in enclosure (2) of MCO 3300.4A, will be provided to every newly accessing Marine, whether officer or enlisted, at Officer Candidates School or the Marine Corps Recruit Depots.

2. “Follow-on” Training. Marines attending Marine Corps formal or unit-run schools such as The Basic School, School of Advanced Warfighting, Schools of Infantry, and Expeditionary Warfare School. Additionally, Follow-on Training also consists of formal operational pre-deployment unit training.

3. “Specialized” Training. “Specialized” LOW training is required for Marines occupying certain billets or assigned particular duties and responsibilities such as directing or planning operations. These personnel are identified in enclosure (4) of MCO 3300.4A.

4. “Detailed” Training. All Marine Corps judge advocates will receive “Detailed” LOW training while attending the Basic Lawyer Course at NJS and refresher “Detailed” LOW training prior to deployment.

F. Instructional Training Packages

LOW baseline training materials used in the “Entry-level” and “Follow-on” classroom instruction periods and realistic training exercise scenarios will be obtained through Marine Corps Combat Development Command (MCCDC), Training and Education Command (Code 465). SJA to CMC (JAO) is tasked with supporting MCCDC by creating, monitoring, and reviewing all “Entry-level” and “Follow-on” LOW instruction and instructional materials. The baseline training materials for the “Specialized” classroom instruction periods and realistic training exercise scenarios will be obtained from JAO through the JAO SharePoint site. These training materials are meant to be the baseline content for instruction for each of the training curriculums stated above. Instructors are permitted to add pertinent substance to these training packages, but they should not deviate from the substantive content within the training materials without previous authorization from JAO.

0108 RECURRING SUBSTANTATIVE LEGAL ISSUES

Certain international and operational legal issues recur with some consistency while in a deployed or garrison environment. Fiscal law, captured enemy property, LOW application, interpreting international agreements, and weapons legal reviews are a few of the substantive matters confronted by operational law judge advocates. See the JAO web portals for more detailed explanation of these issues.

0109 RESOURCES

Although primary source documents (international agreements, statutes, regulations, etc.) should be relied upon when researching legal issues, a variety of informal international and operational law resources exist that capture and explain in great detail issues frequently encountered by units and judge advocates.

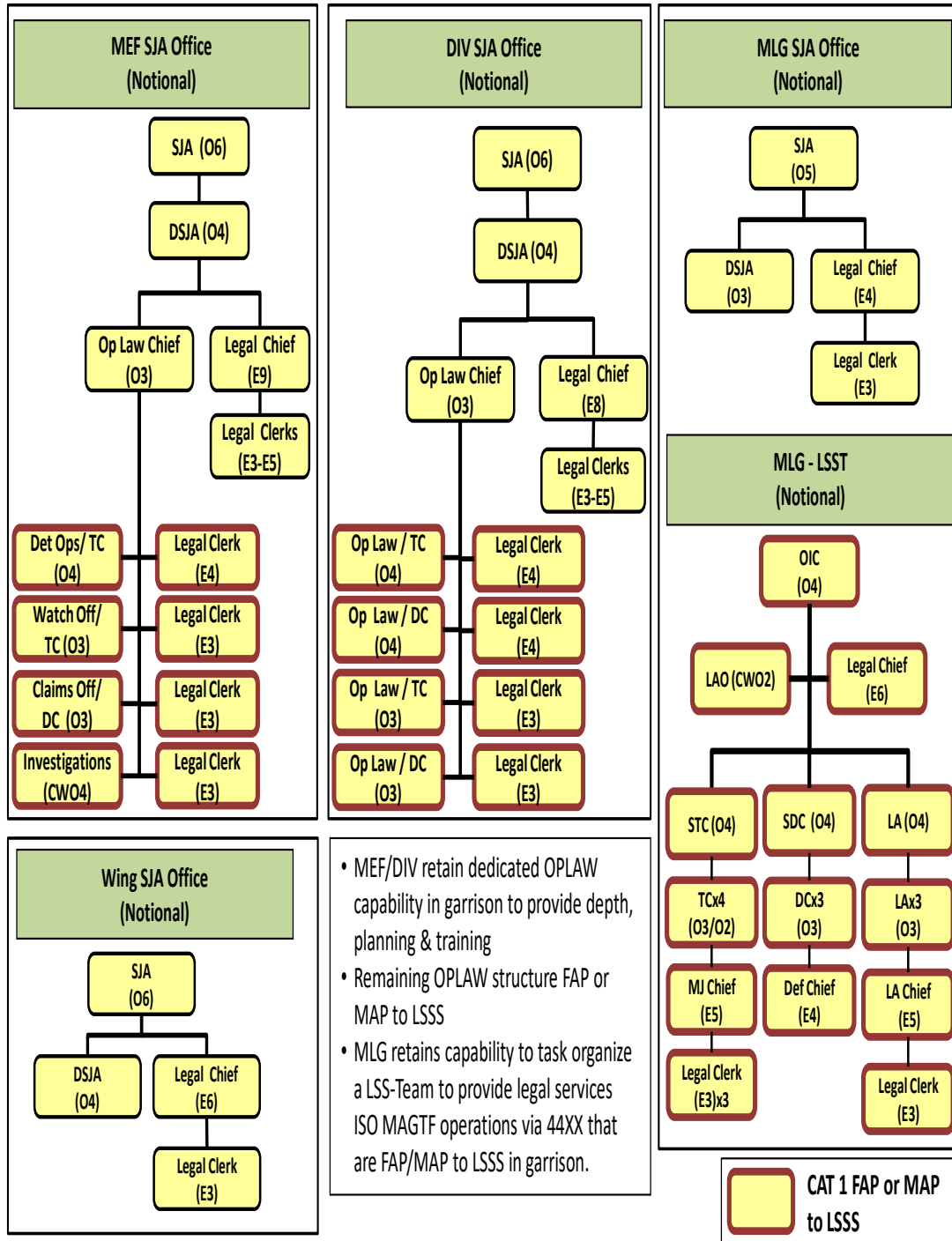
010901. Operational Law Branch (JAO) Web Portal and Publishing Policy Guidance

JAO maintains both unsecured and secured unclassified web portals which contain references, opinions, and articles on the latest operational and international law issues, as well as historical documents and publications with respect to recurring legal issues. Additionally, further policy guidance and administrative procedures applicable to judge advocates serving in operational law billets will be published separately on these JAO web portals. Both sites are designed to assist the garrison and deployed judge advocate across the ROMO. The JAO unsecured web portal may be accessed at: [https://hqmc.usmc.afpims.mil/sja/Branches/InternationalOperationalLawBranch\(JAO\).aspx](https://hqmc.usmc.afpims.mil/sja/Branches/InternationalOperationalLawBranch(JAO).aspx). The JAO secured web portal may be accessed at: <https://ehqmc.usmc.mil/org/sja/JAO/default.aspx>. Requests for access should be sent to the JAD Plans and Innovation, Information Branch (JPI-1) at JAIWebmaster@usmc.mil.

010902. Marine Representative at the Center for Law and Military Operations (CLAMO)

CLAMO is a joint, interagency, and multinational legal center at TJAGLCS that collects and synthesizes data relating to legal issues arising in military operations, manages a central repository of information relating to such issues, and disseminates resources addressing those issues. A Marine judge advocate serves as the Marine Representative at CLAMO. The Marine Representative is able to assist redeploying judge advocates with the AAR process and can be contacted at (434)971-3145, usarmy.pentagon.hqda-tjaglcs.mbx.clamo-tjaglcs@mail.mil (NIPR), or clamo.clamotjaglcs@us.army.smil.mil (SIPR). In addition to AARs, the Marine Representative can mail hard copy publications of the *Operational Law Handbook* and the *Deployed MAGTF Judge Advocate Handbook*. The Marine Representative can also help Marine judge advocates access the Army JAGCNET website (www.jagcnet.army.mil) and answer requests for information/assistance from currently deployed judge advocates.

Legal Support to Operations & Exercises – Command Advice



- MEF/DIV retain dedicated OPLAW capability in garrison to provide depth, planning & training
- Remaining OPLAW structure FAP or MAP to LSSS
- MLG retains capability to task organize a LSS-Team to provide legal services ISO MAGTF operations via 44XX that are FAP/MAP to LSSS in garrison.

Figure 1