

Finding judges on the battlefield: a key component to military success

Warfare is increasingly coordinated by multinational military coalitions. Despite the many advantages of military partnerships, there remain significant challenges to successful coalition operations. A particular challenge is the coordination of military operations around the different legal obligations of coalition partners. This has received minimal attention but has significant implications on the battlefield.

What we knew before

States typically conduct warfare through coalitions. Such coalitions have to manage the different legal obligations of contributing states for instance in the way they design military operations. Such 'coalition legal interoperability' has previously been seen as a by-product of multinational military operations as opposed to an object of study in itself.

What we know now

Coalition legal interoperability is a process that runs much deeper than simply managing diverse legal obligations as part of military operations on the ground. Particularly the potential of litigation in the court systems of contributing countries means that these

operations are always potentially being observed by outside judicial systems. Courts as "observers" have real impact on how military operations develop and whether a coalition can operate effectively.

Implications of new knowledge

Courts have a "judicial observer effect" for modern military coalitions in multiple ways. The potential of litigation for military partners can disrupt tactical operations as partners navigate legal interoperability and emerging threats on the battlefield. Additionally, political alliances can be negatively implicated when partner jurisdictions create legal uncertainties and political risk.

Research source

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