

DEFENSIE
LA DÉFENSE



VOORRANG AAN VREDE
PRIORITÉ À LA PAIX

NATO

Planification d'Operations

Col d'Avi BEM S. VASSART (BELOTAN)



05 Mai 2015



Les notions clés en lien avec l'OTAN

- Le Traité de Washington
- L'OTAN
- L'Alliance

So what ? Le Traité confère :

- ✓ la première source de légitimité à l'action de l'OTAN (et des Alliés)
- ✓ les principes de fonctionnement de l'Alliance qui garantissent la prise en compte de tous les aspects y compris légaux

The North Atlantic Treaty

Washington D.C., 4 April 1949

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defense and for the preservation of peace and security. They therefore agree to this North Atlantic Treaty:

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Article 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article 6¹⁾

For the purpose of Article 5 an armed attack on one or more of the Parties is deemed to include an armed attack on the territory of any of the Parties in Europe or North America, on the Algerian departments of France²⁾, on the occupation forces of any Party in Europe, on the islands under the jurisdiction of any Party in the North Atlantic area north of the Tropic of Cancer or on the vessels or aircraft in this area of any of the Parties.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Article 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third state is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article 9

The Parties hereby establish a council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The council shall be so organized as to be able to meet promptly at any time. The council shall set up such subsidiary bodies as may be necessary, in particular it shall establish immediately a defense committee which shall recommend measures for the implementation of Articles 3 and 5.

Article 10

The Parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any state so invited may become a party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

Article 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the states which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other states on the date of the deposit of their ratifications.

Article 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Article 13

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

Article 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof will be transmitted by that Government to the Governments of the other signatories.

In witness whereof, the undersigned Plenipotentiaries have signed this Treaty.

Done at Washington, the fourth day of April, 1949.

BELGIUM

P. N. Spreeuw
S. Verwilt

FRANCE

Blumenthal
Gouard

PORTUGAL

J. A. Monteiro
Pedro Teotónio Pereira

UNITED STATES

Dean Rusk

NETHERLANDS

W. A. D. van Veen
K. N. van Veen

CANADA

Clayton B. Kopp
H. H. King

ITALY

Spadolini

NORWAY

Harald Lange
Wilhelm von der Manteuffel

LUXEMBOURG

Jos Berke
Hugues Lefebvres

UNITED KINGDOM

Ernest Bevin

ICELAND

Bjarni Benediktsson
Thor Thors

DENMARK

Carl Gustav Caspersen
Arnold Hennings

Oliver Franks

¹ Article 6 has been modified by Article II of the Protocol to the North Atlantic Treaty on the Accession of Greece and Turkey.

² On January 16, 1963, the North Atlantic Council modified this Treaty in its decision C-RN32, part V, on the independence of the Algerian departments of France.



Analyse des dispositions du Traité

Les Etats parties au présent Traité, réaffirmant leur foi dans les buts et les principes de la Charte des Nations Unies et leur désir de vivre en paix avec tous les peuples et tous les gouvernements.

Déterminés à sauvegarder la liberté de leurs peuples, leur héritage commun et leur civilisation, fondés sur les principes de la démocratie, les libertés individuelles et le règne du droit.

Soucieux de favoriser dans la région de l'Atlantique Nord le bien-être et la stabilité. Résolus à unir leurs efforts pour leur défense collective et pour la préservation de la paix et de la sécurité. Se sont mis d'accord sur le présent Traité de l'Atlantique Nord:

- Traité prend sa base dans la Charte des Nations Unies (préambule)
- Met en avant les valeurs lui offrant une deuxième source de légitimité (existence, influence & action)
- Rappelle que son objectif est la préservation de la paix et de la sécurité



Analyse des dispositions du Traité



Article 9

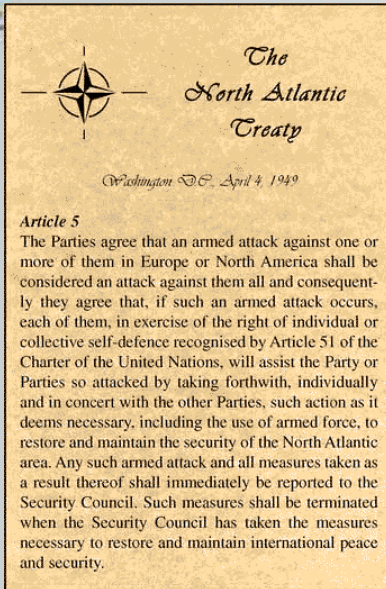
Les parties établissent par la présente disposition un Conseil, auquel chacune d'elle sera représentée pour examiner les questions relatives à l'application du Traité. Le Conseil sera organisé de façon à pouvoir se réunir rapidement et à tout moment. Il constituera les organismes subsidiaires qui pourraient être nécessaires; en particulier, il établira immédiatement un comité de défense qui recommandera les mesures à prendre pour l'application des articles 3 et 5.

Etablit l'existence du Conseil qu'il charge de mettre en place l'organisation (**OTAN**) > mise en place d'un Comité de Défense et conduit à la nomination d'un SecGen

- Organisation politico-militaire
 - Prise de décision au niveau politique sur base militaire
 - Contrôle politique de son action à priori militaire, également de +en+ politique (balises de conformité vis-à-vis de l'ordre international)
 - Décision par les 28 Alliés au consensus (force de la solidarité et 'poids' de la cohésion) (**Alliance**)



Analyse des dispositions du Traité



- Mécanismes Art 4 (consultation) et Art 5 (défense collective)
- Gestion de crise et Cooperative security
- Concept Stratégique de 2010 approuvé les Chefs d'Etat et de Gouvernement au Sommet de Lisbonne





Analyse des dispositions du Traité

Article 4

Les parties se consulteront chaque fois que, de l'avis de l'une d'elles, l'intégrité territoriale, l'indépendance politique ou la sécurité de l'une des parties sera menacée.

Article 5

Les parties conviennent qu'une attaque armée contre l'une ou plusieurs d'entre elles survenant en Europe ou en Amérique du Nord sera considérée comme une attaque dirigée contre toutes les parties, et en conséquence elles conviennent que, si une telle attaque se produit, chacune d'elles, dans l'exercice du droit de légitime défense, individuelle ou collective, reconnu par l'article 51 de la Charte des Nations Unies, assistera la partie ou les parties ainsi attaquées en prenant aussitôt, individuellement et d'accord avec les autres parties, telle action qu'elle jugera nécessaire, y compris l'emploi de la force armée, pour rétablir et assurer la sécurité dans la région de l'Atlantique Nord.

Toute attaque armée de cette nature et toute mesure prise en conséquence seront immédiatement portées à la connaissance du Conseil de Sécurité. Ces mesures prendront fin quand le Conseil de Sécurité aura pris les mesures nécessaires pour rétablir et maintenir la paix et la sécurité internationales.



D'où l'OTAN tire-t-elle sa légitimité ?

- Au quotidien
 - Traité de Washington
 - Valeurs
 - Décision au Consensus et Ctl Politique
- En cas de difficultés/crise sécuritaire
 - Article 4
 - Article 5
 - Processus OTAN de gestion de crise
 - UNSCR
 - Invitation (par UN ou par le pays concerné (Libye, AFG))
 - R2P



NATO OPERATIONS





NATO OPERATIONS

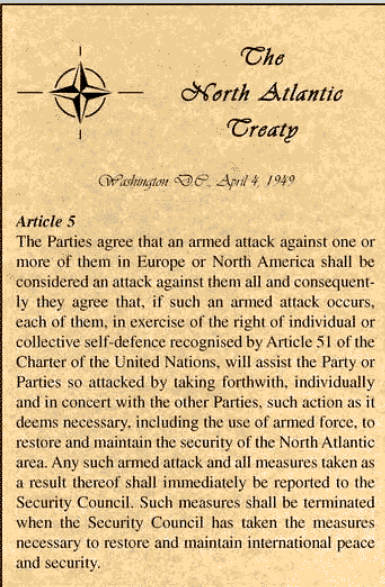


Defence & Deterrence Operations

- « (Art 4) Art 5 » Ops

Crisis Response Operations

- « Non-Art 5 » Ops
 - Peace Enforcing/Keeping
 - Humanitarian Assistance
 - Disaster Relief



Cooperative Security (Defence capacity Building)



Processus de décision OTAN

- Pour être effectives et valables, toutes les décisions sont prises par le Conseil de l'Atlantique Nord (NAC) = **Ambassadeurs/ Ministres ou les Chefs d'Etat et de Gouvernement**
- **Consensus = 28 Alliés**
- Phases de processus de prise de décision:
 1. Indications & Warning
 2. Assessment : analyse & consultations (EU, UN, e.a.)
 3. Considération politique de la nécessité de réponse et des options militaires possibles
 4. Initiation de la planification
 5. Lancement de la mise en œuvre du plan et exécution de l'opération, y compris une révision périodique
 6. Phase de finalisation/transition « End State »





Approche plus détaillée de planification

- Rmq préliminaire : souveraineté de décision
- Comprehensive approach : via le cœur de l'action , le CCOMC au SHAPE
- Décision et ctl politique à chaque étape
 - **NID** est un des documents le plus important (Pq ?)
 - ! Base légale; objectifs Pol & Mil; contraintes et restrictions
 - CONOPS – OPLAN (ROE REQ; Forces generation (national caveats); degré d'autorité du Comd OTAN)
 - NED permet de préciser certaines limites
 - PMR permet d'adapter la mission
- Autres aspects : responsabilité pour dommages !
 - OTAN = Int Org >> immunité (pas de juridiction compétente)
 - Nations sont responsables
 - Il existe des accords de régime d'exemption (ISAF, Libye)



Autres considérations légales

1. UNSCR-1325 « Women, Peace & Security »
2. UNSCR-1612 « Children affected by armed conflict »
3. SOFA (Ex : OTAN-AFG : ? Etats parties ou non au Traité de Rome)
4. Readiness Action Plan
Arrangements de transit (munitions, armes)

