

## **5. Paris Agreements 23 OCTOBER 1954 I. Four Power Conference - Paris, 23 October 1954**

The United States of America, the United Kingdom of Great Britain and Northern Ireland, the French Republic and the Federal Republic of Germany agree as follows:

1. Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany
2. Annexes I to V Attached to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany
3. Letters

Ten letters were exchanged following the signing of the agreements: letters from the Chancellor to the three Ministers for Foreign Affairs, letters from the three High Commissioners to the Chancellor and letters from the three Ministers for Foreign Affairs to the Chancellor. These letters deal with specific points in the Bonn Conventions which were deleted therefrom by mutual consent, the Parties concerned having agreed to deal with them by an exchange of letters. In the absence of the text of the Conventions their contents would be virtually unintelligible, so they have been omitted from the present work.

4. Convention on the Presence of Foreign Forces in the Federal Republic of Germany
5. Three-Power Declaration on Berlin

### **II. Documents Signed by Five Parties**

1. Declaration Inviting Italy and the Federal Republic of Germany to Accede to the Brussels Treaty - Paris, 23 October 1954

### **III. Nine-Power Conference**

1. Protocol Modifying and Completing the Brussels Treaty - Paris, 23 October 1954
2. Protocol No. 11 on Forces of Western European Union - Paris, 23 October 1954
3. Protocol No. III on the Control of Armaments
4. Protocol No. IV on the Agency of Western European Union for the Control of Armaments
5. Letters with Reference to the Jurisdiction of the International Court of Justice from, Respectively, the Governments of the Federal Republic and of

Italy to the Other Governments Signatory of the Protocol Modifying and Completing the Brussels Treaty

6. Reply to the Letters from the Governments of the Federal Republic and of Italy to the Other Governments Signatory of the Protocol Modifying and Completing the Brussels Treaty

7. Resolution on Production and Standardization of Armaments (Adopted by the Nine-Power Conference on 21 October, 1954)

#### **IV. North Atlantic Council**

1. Text of the Protocol on the Accession to the North Atlantic Treaty of the Federal Republic of Germany

2. Resolution to Implement Section IV of the Final Act of the London Conference

3. Resolution on Results of the Four and Nine Power Meetings

4. Resolution of Association

- Declaration by the Government of the Federal Republic of Germany

- Declaration by the Governments of the United States of America, the United Kingdom and France

#### **Analysis of the Terms of the Paris Agreements**

The Paris Agreements comprise:

1. Documents signed by two Parties (France and the Federal Republic of Germany). Subject: Franco-German disputes (the resolution of cultural, economic and other difficulties) and the Saar.

2. Documents signed by four Parties (Four-Power Conference) France, the United States, the United Kingdom and the Federal Republic of Germany, relating to German sovereignty:

- a. Protocol on the termination of the Occupation Regime in the Federal Republic;
- b. Amendments to the Convention on Relations between the Occupying Powers and the Federal Republic (Revocation of the Occupation Statute, Retention of Rights stationing of allied forces, state of emergency, hypothesis of reunification);
- c. Amendments to the Convention on the Rights and Obligations of Foreign Forces in Germany;
- d. Amendments to the Finance Convention;
- e. Amendments to the Convention on the Settlement of Matters arising out of the War and the Occupation,

- f. Exchange of letters;
- g. Convention on the Presence of Foreign Forces in the Federal Republic of Germany. (The Conventions cited at a., b., c., d. and e. above are those signed in Bonn on 26 May 1952, designed to end the Occupation Régime).

To these documents should be added:

- h. A Tripartite Declaration on Berlin.

3. Documents signed by five Parties: Belgium, the Netherlands, Luxembourg, France and the United Kingdom. Subject: Declaration inviting the Federal Republic of Germany and Italy to accede to the Brussels Treaty.

4. Documents signed by seven Parties: Belgium, the Netherlands, Luxembourg, France, the United Kingdom, the Federal Republic of Germany and Italy. Subject:

- a. Protocol revising and completing the Brussels Treaty;
- b. Protocol on the forces of Western European Union;
- c. Protocol on the control of armaments;
- d. Protocol on the Agency of Western European Union for the Control of Armaments;
- e. Exchange of letters referring to the jurisdiction of the International Court of Justice;
- f. Resolution on the Production and Standardization of Armaments.

5. Documents signed by the 14 North Atlantic Treaty countries:

- a. Protocol to the North Atlantic Treaty on the Accession of the Federal Republic of Germany;
- b. Resolution by the North Atlantic Council to implement Section IV of the Final Act of the London Conference (authority of SACEUR);
- c. Resolution on the results of the Four and Nine-Power Conferences.
- d. Resolution of Association taking note of the obligations accepted by the Federal Republic on the signature of the London Agreements and of the declaration relating to such obligations.

Hereunder is the text of all the official documents, with the exception of:

- 1. The documents signed by two parties (France and the Federal Republic of Germany) which only concern the two signatory countries.
- 2. The amendments of the Bonn Conventions (a., b., c., d and e.), which are replaced by a summary of the Conventions and of the amendments made to them entitled: "Summary of the Five Annexes attached to the

Protocol on the Termination of the Occupation Régime”, as well as 2 f. the exchange of letters.

### **Protocol On the Termination of the Occupation Regime in the Federal Republic of Germany Article I**

The Convention on Relations between the Three Powers and the Federal Republic of Germany, the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany, the Finance Convention, the Convention on the Settlement of Matters arising out of the War and the Occupation, signed at Bonn on 26 May, 1952, the Protocol signed at Bonn on 27 June, 1952, to correct certain textual errors in the aforementioned Conventions, and the Agreement on the Tax Treatment of the Forces and their Members signed at Bonn on 26 May, 1952, as amended by, the Protocol signed at Bonn on 26 July, 1952, shall be amended in accordance with the five Schedules to the present Protocol and as so amended shall enter into force (together with subsidiary documents agreed by the Signatory States relating to any of the aforementioned instruments) simultaneously with it.

### **Article II**

Pending the entry into force of the arrangements for the German Defence Contribution, the following provisions shall apply:

1. The rights heretofore held or exercised by the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic relating to the fields of disarmament and demilitarisation shall be retained and exercised by them, and nothing in any of the instruments mentioned in Article I of the present Protocol shall authorise the enactment, amendment, repeal or deprivation of effect of legislation or, subject to the provisions of paragraph 2. of this Article, executive action in those fields by any other authority.
2. On the entry into force of the present Protocol, the Military Security Board shall be abolished (without prejudice to the validity of any action or decisions taken by it) and the controls in the fields of disarmament and demilitarisation shall thereafter be applied a Joint Four-Power Organization to which each of the Signatory States shall appoint one representative and which shall take its decisions by majority vote of the four members.
3. The Governments of the Signatory States will conclude an administrative agreement which shall provide, in conformity with the

provisions of this Article, for the establishment of the Joint Four-Power Commission and its staff and for the organization of its work.

### **Article III**

1. The present Protocol shall be ratified or approved by the Signatory States in accordance with their respective constitutional procedures. The Instruments of Ratification or Approval shall be deposited by the Signatory States with the Government of the Federal Republic of Germany.
2. The present Protocol and subsidiary documents relating to it agreed between the Signatory States shall enter into force upon the deposit by all the Signatory States of the Instruments of Ratification or Approval as provided in paragraph I of this Article.
3. The present Protocol shall be deposited in the Archives of the Government of the Federal Republic of Germany, which will furnish each Signatory State with certified copies thereof and notify each State of the date of entry into force of the present Protocol. In faith whereof the undersigned Representatives duly authorized there to have signed the present Protocol. Done at Paris this twenty third day of October, 1954, in three texts, in the English, French and German languages, all being equally authentic.

### **Annexes I to V**

Attached to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany

Since these Annexes can only be understood in the light of the Conventions signed in Bonn in 1952, they have been replaced in the present work by a brief recapitulation of the Conventions and a summary of the amendments made to them.

### **Schedule I**

This Schedule amends the former "Convention on Relations between the Three Powers and the Federal Republic of Germany". The introductory words have changed since 1952 from "the three Occupying Powers" to a list of the four Powers who have "entered into the following Convention setting forth the basis of their relationship".

Article I of the Schedule states that the three Powers will terminate the Occupation regime in Western Germany, revoke the Occupation Statute, and abolish the offices of the Land Commissioners. The Federal Republic is accorded "the full authority of a sovereign State over its internal and external affairs".

Article II lays down that the Three Powers retain their rights “relating to Berlin and to Germany as a whole, including the reunification of Germany and a peace settlement”. In the original Convention, Article II had included in these reservations the right to station troops in Germany. Under the new arrangements, allied troops will remain in Germany as at present “pending the entry into force of the arrangements for the German defence contribution” and, after that, remain with the consent of the Federal Government. Their position is covered in a separate convention, the text of which is given below. Thus, the new status of the Federal Republic is taken into consideration without jeopardising the rights of the three Powers in Berlin.

Articles IV and V deal with the responsibilities obtained by the three Powers relating to the stationing of armed forces in Germany and the protection of their security. The Convention states that, after the coming into force of the German defence contribution, “the forces of the same nationality and effective strength as at that time may be stationed in the Federal Republic”. The Convention is open to any State which is not a signatory but which had forces stationed in Germany on October 23, 1954 - i.e. Belgium, the Netherlands, Canada, Luxembourg and Denmark. The Convention is to expire “with the conclusion of a German peace settlement or if at an earlier time the signatory States agree that the development of the international situation justifies new arrangements”.

With regard to the protection of the security of allied forces in Germany, allied rights “shall lapse when the appropriate German authorities have obtained similar powers under German legislation enabling them to take effective action to protect the security of those forces, including the ability to deal with a serious disturbance of public security and order”. Article X of the Schedule sets out the terms under which the Convention may be reviewed; they are:

- a. “Upon request of any one of them, in the event of the reunification of Germany, or an international understanding being reached with the participation or consent on steps towards bringing about the reunification of Germany or the creation of a European federation”.
- b. “In any situation which all the signatory States recognize has resulted from a change of a fundamental character in the conditions prevailing at the time of the entry into force of the present convention”.

### **Schedules II and III**

Schedule II amends the Convention on the Rights and Obligations of foreign forces and their members in the Federal Republic. The third Schedule brings

up to date the Finance Convention. The German Government will provide a monthly average contribution of 600m. marks for the support of the allied forces from the entry of the Convention into force until the arrangements for the German defence contribution are completed. These provisions apply only until June 30, 1955. During the first year of the German defence contribution the Federal Republic will make available a total amount of 3,200m. marks for the support of the allied forces.

### **Schedules IV and V**

Schedule IV amends the Convention “on the Settlement of Matters arising out of the war and the occupation”. It makes clear that existing programmes of decentralisation will be completed. Legislation concerning the reorganization of the German coal-mining, iron and steel industries being applied at the time of the entry into force of the present arrangements “shall be maintained in force insofar and so long as de-concentration measures ordered before that date are still to be carried out or claimants are still to be protected”. Article X sets up a mixed committee of experts whose task is defined as the consideration of “applications for extensions of the final time for the disposition of securities required by regulations or orders of the Allied High Commission or its subordinate bodies or by reason of the terms of a plan approved by any such order”. The eight-line Schedule V makes three alterations in the “Agreement on the Tax Treatment of the forces and their members”, in the original Bonn Agreement.

**Convention On the Presence of Foreign Forces in the Federal Republic of Germany** In view of the present international situation and the need to ensure the defence of the free world which require the continuing presence of, foreign forces in the Federal Republic of Germany, the United States of America, the United Kingdom of Great Britain and Northern Ireland, the French Republic and the Federal Republic of Germany agree as follows:

### **Article I**

1. From the entry into force of the arrangements for the German Defence Contribution, forces of the same nationality and effective strength as at that time may be stationed in the Federal Republic.
2. The effective strength of the forces stationed in the Federal Republic of Germany pursuant to paragraph 1 of this Article may at any time be increased with the consent of the Government of the Federal Republic.
3. Additional forces of the States Parties to the present Convention may enter and remain in the Federal territory with the consent of the Government of the Federal Republic for training purposes in accordance with the procedures applicable to forces assigned to the Supreme Allied Commander Europe,

provided that such forces do not remain there for more than thirty days at any one time.

4. The Federal Republic grants to the French, the United Kingdom and the United States forces the right to enter, pass through, and depart from the territory of the Federal Republic in transit to or from Austria (so long as their forces continue to be stationed there) or any country Member of the North Atlantic Treaty Organization, on the same basis as is usual between Parties to the North Atlantic Treaty or as may be agreed with effect for all Member States by the North Atlantic Council.

### **Article II**

The present Convention shall be open to accession by any State not a Signatory, which had forces stationed in the Federal territory on the date of the signature of the Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany signed at Paris on 23 October, 1954. Any such State, desiring to accede to the present Convention, may deposit with the Government of the Federal Republic an Instrument of Accession.

### **Article III**

1. The present Convention shall expire with the conclusion of a German peace settlement or if at an earlier time the Signatory States agree that the development of the international situation justifies new arrangements,
2. The Signatory States will review the terms of the present Convention at the same time and subject to the same conditions as provided for in Article 10 of the Convention on Relations between the Three Powers and the Federal Republic of Germany.

### **Article IV**

1. The present Convention shall be ratified or approved by the Signatory States and Instruments of Ratification or Approval shall be deposited by them with the Government of the Federal Republic of Germany which shall notify each Signatory State of the deposit of each instrument of Ratification or Approval. The present Convention shall enter into force when all the Signatory States have made such deposit and the Instrument of Accession of the Federal Republic of Germany to the North Atlantic Treaty has been deposited with the Government of the United States of America.
2. It shall also enter into force on that date as to any acceding State which has previously deposited an Instrument of Accession in accordance with Article II



of the present Convention and, as to any other acceding State, on the date of the deposit by it of such an Instrument.

3. The present Convention shall be deposited in the Archives of the Government of the Federal Republic of Germany, which will furnish each State Party to the present Convention with certified copies thereof and of the Instruments of Accession deposited in accordance with Article II and will notify each State of the date of the entry into force of the present Convention and the date of the deposit of any Instrument of Accession.

In faith whereof the undersigned Representatives duly authorized there have signed the present Convention.

Done at Paris this 23rd day of October, 1954, in three texts, in the English, French and German languages all being equally authentic.

**Three-Power Declaration On Berlin** The following statement was issued on 23 October, 1954, by the Foreign Ministers of the French Republic, the United Kingdom and the United States of America:

“With respect to Berlin, in addition to the Allied security guarantees for the city in the London communiqué of October 3, 1954, the Foreign Ministers of France, the United Kingdom and the United States have noted with deep satisfaction the close and friendly co-operation between the Allied and Berlin authorities. The Three Powers are determined to ensure the greatest possible degree of self-government in Berlin compatible with Berlin’s special situation. Accordingly, the three Governments have instructed their representatives in Berlin to consult with the authorities of that city with a view to implementing jointly and to the fullest degree possible the foregoing principles”.

**Declaration Inviting Italy and the Federal Republic of Germany to Accede to the Brussels Treaty** The Governments of Belgium, France, Luxembourg, the Netherlands and the United Kingdom Parties to the Brussels Treaty of March the 17th, 1948 for collaboration in economic, social and cultural matters and for legitimate collective self-defence. Aware that the principles underlying the association created by the Brussels Treaty are also recognised and applied by the Federal Republic of Germany and Italy; Noting with satisfaction that their devotion to peace and their allegiance to democratic institutions constitute common bonds between the countries of Western Europe; Convinced that an association with the Federal Republic of Germany and Italy would represent a new and substantial advance in the direction already indicated by the Treaty: Decide, in application of Article IX of the Treaty, to invite the Federal Republic of Germany and Italy to accede to this

Treaty, as modified and completed in accordance with the decisions of the Conference held in London from September the 28th to October the 3rd 1954, which are recorded in its Final Act.

**Protocol Modifying and Completing the Brussels Treaty** His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands and Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Parties to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed at Brussels on March the 17th, 1948, hereinafter referred to as the Treaty, on the one hand. and the President of the Federal Republic of Germany and the President of the Italian Republic on the other hand, Inspired by a common will to strengthen peace and security; Desirous to this end of promoting the unity and of encouraging the progressive integration of Europe. Convinced that the accession of the Federal Republic of Germany and the Italian Republic to the Treaty will represent a new and substantial advance towards these aims,; Having taken into consideration the decisions of the London Conference as set out in the Final Act of October the 3rd, 1954 and its Annexes; Have appointed as their Plenipotentiaries:.....

Who, having exhibited their full powers found in good and due form,

Have agreed as follows:

### **Article I**

The Federal Republic of Germany and the Italian Republic hereby accede to the Treaty as modified and completed by the present Protocol. The High Contracting Parties to the present Protocol consider the Protocol on Forces of Western European Union (hereinafter referred to as Protocol No. II), the Protocol on the Control of Armaments and its Annexes (hereinafter referred to as Protocol No. m), and the Protocol on the Agency of Western European Union for the Control of Armaments (hereinafter referred to as Protocol No. IV) to be an integral part of the present Protocol.

### **Article II**

The sub-paragraph of the Preamble to the Treaty: “to take such steps as may be held necessary in the event of renewal by Germany of a policy of aggression” shall be modified to read: “to promote the unity and to encourage the progressive integration of Europe”. The opening words of the 2nd

paragraph of Article I shall read: “The cooperation provided for in the preceding paragraph which will be effected through the Council referred to in Article VII...”

### **Article III**

The following new Article shall be inserted in the Treaty as Article IV: “ In the execution of the Treaty the High Contracting Parties and any organs established by Them under the Treaty shall work in close co-operation with the North Atlantic Treaty Organization”. Recognising the undesirability of duplicating the Military Staffs of NATO, the Council and its agency will rely on the appropriate Military Authorities of NATO for information and advice on military matters. Articles IV, V, VI and VII of the Treaty will become respectively Articles V, VI, VII and VIII.

### **Article IV**

Article VIII of the Treaty (formerly Article VII) shall be modified to read as follows:

1. “For the purposes of strengthening peace and security and of promoting unity and of encouraging the progressive integration of Europe and closer co-operation between Them and with other European organizations. the High Contracting Parties to the Brussels Treaty shall create a Council to consider matters concerning the execution of this Treaty and of its Protocols and their Annexes.
2. This Council shall be known as the ‘Council of Western European Union’; it shall be so organized as to be able to exercise its functions continuously; it shall set up such subsidiary bodies as may be necessary: in particular it shall establish immediately an Agency for the Control of Armaments whose functions are defined in Protocol No. IV.
3. At the request of any of the High Contracting Parties the Council shall be immediately convened in order to permit Them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability.
4. The Council shall decide by unanimous vote questions for which no other voting procedure has been or may be agreed. In the cases provided for in Protocols II, III and IV it will follow the various voting procedures, unanimity, two-thirds majority, simple majority laid down therein. It will decide by simple majority questions submitted to it by the Agency for the Control of Armaments”.

### Article V

A new Article shall be inserted in the Treaty as Article IX: "The Council of Western European Union shall make an Annual Report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe". The Articles VIII, IX and X of the Treaty shall become respectively Articles X, XI and XII.

The present Protocol and the other Protocols listed in Article I above shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Belgian Government. They shall enter into force when all instruments of ratification of the present Protocol have been deposited with the Belgian Government and the instrument of accession of the Federal Republic of Germany to the North Atlantic Treaty has been deposited with the Government of the United States of America. The Belgian Government shall inform the governments of the other High Contracting Parties and the Government of the United States of America of the deposit of each instrument of ratification. In witness whereof the above-mentioned Plenipotentiaries have signed the present Protocol and have affixed thereto their seals. Done at Paris this twenty third day of October 1954 in two texts, in the English and French languages, each text being equally authoritative in a single copy which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

**Protocol No. II On Forces of Western European Union** His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany the President of the Italian Republic. Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, and Her majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty,

Having consulted the North Atlantic Council

Have appointed.....

Have agreed as follows:

### **Article I**

1. The land and air forces which each of the High Contracting Parties to the present Protocol shall place under the Supreme Allied Commander Europe in peacetime on the mainland of Europe shall not exceed in total strength and number of formations:
  - a. for Belgium, France, the Federal Republic of Germany, Italy and the Netherlands, the maxima laid down for peacetime in the Special Agreement annexed to the Treaty on the Establishment of a European Defence Community signed at Paris, on 27 May, 1952; and
  - b. for the United Kingdom, four divisions and the Second Tactical Air Force;
  - c. for Luxembourg, one regimental combat team.
2. The number of formations mentioned in paragraph 1 may be brought up to date and adapted as necessary to make them suitable for the North Atlantic Treaty Organization, provided that the equivalent fighting capacity and total strengths are not exceeded.
3. The statement of these maxima does not commit any of the High Contracting Parties to build up or maintain forces at these levels, but maintains their right to do so if required.

### **Article II**

As regards naval forces, the contribution to NATO Commands of each of the High Contracting Parties to the present Protocol shall be determined each year in the course of the Annual Review (which takes into account the recommendations of the NATO military authorities). The naval forces of the Federal Republic of Germany shall consist of the vessels and formations necessary for the defensive missions assigned to it by the North Atlantic Treaty Organisation within the limits laid down in the Special Agreement mentioned in Article I, or equivalent fighting capacity.

### **Article III**

If at any time during the Annual Review recommendations are put forward, the effect of which would be to increase the level of forces above the limits specified in Articles I and II, the acceptance by the country concerned of such recommended increases shall be subject to the unanimous approval of the High Contracting Parties to the present Protocol expressed either in the Council of Western European Union or in the North Atlantic Treaty Organization.

#### Article IV

In order that it may establish that the limits specified in Articles I and II are being observed, the Council of Western European Union will regularly receive information acquired as a result of inspections carried out by the Supreme Allied Commander Europe. Such information will be transmitted by a high-ranking officer designated for the purpose by the Supreme Allied Commander Europe.

#### Article V

The strength and armaments of the internal defence and police forces on the mainland of Europe of the High Contracting Parties to the present Protocol shall be fixed by agreements within the Organization of Western European Union, having regard to their proper functions and needs and to their existing levels.

#### Article VI

Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland will continue to maintain on the mainland of Europe, including Germany, the effective strength of the United Kingdom forces which are now assigned to the Supreme Allied Commander Europe, that is to say four divisions and the Second Tactical Air Force, or such other forces as the Supreme Allied Commander Europe regards as having equivalent fighting capacity. She undertakes not to withdraw these forces against the wishes of the majority of the High Contracting Parties who should take their decision in the knowledge of the views of the Supreme Allied Commander Europe. This undertaking shall not, however, bind her in the event of an acute overseas emergency. If the maintenance of the United Kingdom forces on the mainland of Europe throws at any time too great a strain on the external finances of the United Kingdom, she will, through Her Government in the United Kingdom of Great Britain and Northern Ireland invite the North Atlantic Council to review the financial conditions on which the United Kingdom formations are maintained.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Protocol, being one of the Protocols listed in Article I of the Protocol Modifying and Completing the Treaty, and have affixed thereto their seals.

Done at Paris this twenty-third day of October, 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian

Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

**Protocol No. III On the Control of Armaments** His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands, Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty,

Have appointed....

Have agreed as follows:

**Part I**  
**Armaments not to be manufactured**

**Article I**

The High Contracting Parties, members of Western European Union, take note of and record their agreement with the Declaration of the Chancellor of the Federal Republic of Germany (made in London on 3 October, 1954, and annexed hereto as Annex 1) in which the Federal Republic of Germany undertook not to manufacture in its territory atomic, biological and chemical weapons. The types of armaments referred to in this Article are defined in Annex n. These armaments shall be more closely defined and the definitions brought up to date by the Council of Western European Union.

**Article II**

The High Contracting Parties, members of Western European Union, also take note of and record their agreement with the undertaking given by the Chancellor of the Federal Republic of Germany in the same Declaration that certain further types of armaments will not be manufactured in the territory of the Federal Republic of Germany, except that if in accordance with the needs of the armed forces a recommendation for an amendment to, or cancellation of, the content of the list of these armaments is made by the competent Supreme Commander of the North Atlantic Treaty Organization and if the

Government of the Federal Republic of Germany submits a request accordingly, such an amendment or cancellation may be made by a resolution of the Council of Western European Union passed by a two-thirds majority. The types of armaments referred to in this Article are listed in Annex

**Part II**  
**Armaments to be controlled**

**Article III**

When the development of atomic, biological and chemical weapons in the territory on the mainland of Europe of the High Contracting Parties Who have not given up the right to produce them has passed the experimental stage and effective production of them has started there, the level of stocks that the High Contracting Parties concerned will be allowed to hold on the mainland of Europe shall be decided by a majority vote of the Council of Western European Union.

**Article IV**

Without prejudice to the foregoing Articles, the types of armaments listed in Annex IV will be controlled to the extent and in the manner laid down in Protocol No. IV.

**Article V**

The Council of Western European Union may vary the list in Annex IV by unanimous decision.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present protocol, being one of the Protocols listed in Article I of the Protocol Modifying and Completing the Treaty, and have affixed thereto their seals.

Done at Paris on the twenty-third day of October, 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

**Annex I**

The Federal Chancellor declares: that the Federal Republic undertakes not to manufacture in its territory any atomic weapons, chemical weapons or biological weapons, as detailed in paragraphs I, II, and III of the attached list;



that it undertakes further not to manufacture in its territory such weapons as those detailed in paragraphs IV, V and VI of the attached list.

(2) Any amendment to or cancellation of the substance of paragraphs IV, V and VI” can, on the request of the Federal Republic, be carried out by a resolution of the Brussels Council of Ministers by a two-thirds majority, if in accordance with the needs of the armed forces a request is made the competent Supreme Commander of the North Atlantic Treaty Organization;

that the Federal Republic agrees to supervision by the competent authority of the Brussels Treaty Organization to ensure that these undertakings are observed.

## **Annex II**

This list comprises the weapons defined in paragraphs I to III and the factories earmarked solely for their production. All apparatus, parts, equipment, installations, substances and organisms which are used for civilian purposes or for scientific, medical and industrial research in the fields of pure and applied science shall be excluded from this definition.

### **I. Atomic Weapons**

- a. An atomic weapon is defined as any weapon which contains, or is designed to contain or utilise, nuclear fuel or radioactive isotopes and which, by explosion or other uncontrolled nuclear transformation of the nuclear fuel, or by radioactivity of the nuclear fuel or by radioactive isotopes, is capable of mass destruction., mass injury or mass poisoning.
- b. Furthermore, any part, device, assembly of material especially designed for, or primarily useful in, any weapon as set forth under paragraph a., shall be deemed to be an atomic weapon.
- c. Nuclear fuel as used in the preceding definition includes plutonium Uranium 233, Uranium 235 (including Uranium 235 contained in Uranium enriched to over 2.1 per cent by weight of Uranium 235) and ally other material capable of releasing substantial quantities of atomic energy through nuclear fission or fusion or other nuclear reaction of the material. The foregoing materials shall be considered to be nuclear fuel regardless of the chemical or physical form in which they exist.

### **II. Chemical Weapons**

- a. A chemical weapon is defined as any equipment or apparatus expressly designed to use for military purposes, the asphyxiating, toxic, irritant,

paralysant, growth-regulating, anti-lubricating or catalysing properties of any chemical substance.

- b. Subject to the provisions of paragraph c., chemical substances, having such properties and capable of being used in the equipment or apparatus referred to in paragraph a., shall be deemed to be included in this definition.
- c. Such apparatus and such quantities of the chemical substances as are referred to in paragraphs a. and b. which do not exceed peaceful civilian requirements shall be deemed to be excluded from this definition.

### **III. Biological Weapons**

- a. A biological weapon is defined as any equipment or apparatus expressly designed to use, for military purposes, harmful insects or other living or dead organisms, or their toxic products.
- b. Subject to the provisions of paragraph c., insects, organisms and their toxic products of such nature and in such amounts as to make them capable of being used in the equipment or apparatus referred to in a. shall be deemed to be included in this definition.
- c. Such equipment or apparatus and such quantities of the insects, organisms and their toxic products as are referred to in paragraphs a. and b. which do not exceed peaceful civilian requirements shall be deemed to be excluded from the definition of biological weapons.

### **Annex III**

This list comprises the weapons defined in paragraph IV to VI and the factories earmarked solely for their production. All apparatus, parts-equipment, installations, substances and organisms, which are used for civilian purposes or for scientific, medical and industrial research in the fields of pure and applied science shall be excluded from this definition.

### **IV. Long-range Missiles, Guided Missiles and Influence Mines**

- a. Subject to the provisions of paragraph d., long-range missiles and guided missiles are defined as missiles such that the speed or direction of motion can be influenced after the instant of launching by a device or mechanism inside or outside the missile, including V-type weapons developed in the recent war and subsequent modifications thereof. Combustion is considered as a mechanism which may influence the speed.
- b. Subject to the provisions of paragraph d., influence mines are defined as naval mines which can be exploded automatically by influences which emanate solely from external sources, including influence mines developed in the recent war and subsequent modifications thereof.

c. Parts, devices or assemblies specially designed for use in or with the weapons referred to in paragraphs a. and b. shall be deemed to be included in this definition.

d. Proximity fuses, and short-range guided missiles for anti-aircraft defence with the following maximum characteristics are regarded as excluded from this definition: Length, 2 metres; Diameter, 30 centimetres; Speed, 660 metres per second; Ground range, 32 kilometres; Weight of War-head, 22.5 kilogrammes.

#### **V. Warships, with the exception of smaller ships for defence purposes**

“Warships, with the exception of smaller ships for defence purposes are:

- a. Warships of more than 3.000 tons displacement;
- b. Submarines of more 350 tons displacement;
- c. All warships which are driven by means other than steam, Diesel or petrol engines or by gas turbines or by jet engines.”

#### **VI. Bomber aircraft for strategic purposes**

##### **Annex IV**

#### **List of Types of Armaments to be Controlled**

1. a. Atomic
  - b. biological, and
  - c. chemical weapons.

In accordance with definitions to be approved by the Council of Western European Union as indicated in Article I of the present Protocol.

2. All guns, howitzers and mortars of any types and of any roles of more than 90 mm. calibre including the following component for these weapons, viz., the elevating mass.

3. All guided missiles.

Definition: Guided missiles are such that the speed or direction or motion can be influenced after the instant of launching by a device or mechanism inside or outside the missile; these include V-type weapons developed in the recent war and modifications thereto. Combustion is considered as a mechanism which may influence the speed.

4. Other self-propelled missiles of a weight exceeding 15 kilogrammes in working order.

5. Mines of all types except antitank and anti-personnel mines.

6. Tanks, including the following component parts for these tanks, viz: a. the elevating mass-, b. turret castings and/or plate assembly.

7. Other armoured fighting vehicles of an overall weight of more than 10 metric tons.
8. a. Warships over 1,500 tons displacement;
  - b. submarines;
  - c. all warships powered by means other than steam, Diesel or petrol engines or gas turbines;
  - d. small craft capable of a speed of over 30 knots, equipped with offensive armament.
9. Aircraft bombs of more than 1,000 kilogrammes.
10. Ammunition for the weapons described in paragraph 2 above.
11. a. Complete military aircraft other than:
  - i. all training aircraft except operational types used for training purposes;
  - ii. military transport and communication aircraft;
  - iii. helicopters;
- b. air frames, specifically and exclusively designed for military aircraft except those at (i), (ii) and (iii) above;
- c. jet engines, turbo-propeller engines and rocket motors, when these are the principal motive power.

**Protocol No. IV On the Agency of Western European Union for the Control of Armaments** His Majesty the King of the Belgians, the President of the French Republic, President of the French Union, the President of the Federal Republic of Germany, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty, the Queen of the Netherlands, Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, Signatories of the Protocol Modifying and Completing the Brussels Treaty,

Having agreed in accordance with Article IV of the Protocol modifying and Completing the Treaty to establish an Agency for the Control of Armaments, Have appointed...

Have agreed as follows:

### **Part 1. Constitution**

#### **Article I**

The Agency for the Control of Armaments (hereinafter referred to as 'the Agency') shall be responsible to the Council of Western European Union (hereafter referred to as "the Council"). It shall consist of a Director assisted

by a Deputy Director, and supported by a staff drawn equitably from nationals of the High Contracting Parties. Members of Western European Union.

### **Article II**

The Director and his staff, including any officials who may be put at the disposal of the Agency by States Members, shall be subject to the general administrative control of the Secretary General of Western European Union.

### **Article III**

The Director shall be appointed by unanimous decision of the Council for a period of five years and shall not be eligible for reappointment. He shall be responsible for the selection of his staff in accordance with the principle mentioned in Article I and in consultation with the individual States Members concerned. Before filling the posts of Deputy Director and of the Heads of Departments of the Agency, the Director shall obtain from the Council approval of the persons to be appointed.

### **Article IV**

1. The Director shall submit to the Council, through the Secretary General, a plan for the organization of the Agency. The organization should provide for departments dealing respectively with:
  - a. the examination of statistical and budgetary information to be obtained from the members of Western European Union and from the appropriate NATO authorities;
  - b. inspections, test checks and visits;
  - c. administration.
2. The organization may be modified by decision of the Council.

### **Article V**

The costs of maintaining the Agency shall appear in the budget of Western European Union. The Director shall submit, through the Secretary General, to the Council an annual estimate of these costs.

### **Article VI**

Officials of the Agency shall be bound by the full NATO code of security. They shall in no circumstances reveal information obtained in connection with the execution of their official tasks except and only in the performance of their duties towards the Agency.

## **Part II. Functions**

### **Article VII**

1. The tasks of the Agency shall be:
  - a. to satisfy itself that the undertaking set out in Protocol No. III not to manufacture certain types of armaments mentioned in Annexes II and III to that Protocol are being observed;
  - b. to control, in accordance with Part II of the present Protocol, the level of stocks of armaments of the types mentioned in Annex IV to Protocol No. III held by each member of Western European Union on the mainland of Europe. This control shall extend to production and imports to the extent required to make the control of stocks effective.
2. For the purposes mentioned in paragraph I of this Article, the Agency shall:
  - a. scrutinize statistical and budgetary information supplied by members of Western European Union and by the NATO authorities;
  - b. undertake on the mainland of Europe test checks, visits and inspections at production plants, depots and forces (other than depots or forces under NATO authority),
  - c. report to the Council.

### **Article VIII**

With respect to forces and depots under NATO authority, test checks, visits and inspections shall be undertaken by the appropriate authorities of the North Atlantic Treaty Organization. In the case of the forces and depots under the Supreme Allied Commander Europe, the Agency shall receive notification of the information supplied to the Council through the mechanism of the high-ranking officer to be designated by him.

### **Article IX**

The operations of the Agency shall be confined to the mainland of Europe.

### **Article X**

The Agency shall direct its attention to the production of end-items and components listed in Annexes II, III and IV of Protocol No. III, and not to processes. It shall ensure that materials and products destined for civilian use are excluded from its operations.

### **Article XI**

Inspections by the Agency shall not be of a routine character, but shall be in the nature of tests carried out at irregular intervals. Such inspections shall be conducted in a spirit of harmony and co-operation. The Director shall propose to the Council detailed regulations for the conduct of the inspections providing, inter alia, for due process of law in respect of private interests.

### **Article XII**

For their test checks, visits and inspections the members of the Agency shall be accorded free access on demand to plants and depots, and the relevant accounts and documents shall be made available to them. The Agency and national authorities shall co-operate in such checks and inspections, and in particular national authorities may, at their own request, take part in them.

## **Part III. Levels of Stocks of Armaments**

### **Article XIII**

1. Each member of Western European Union shall, in respect of its forces under NATO authority stationed on the mainland of Europe, furnish annually to the Agency Statements of:
  - a. the total quantities of armaments of the types mentioned in Annex IV to Protocol No. III required in relation to its forces;
  - b. the quantities of such armaments currently held at the beginning of the control years;
  - c. the programmes for attaining the total quantities mentioned in a. by:
    - i. manufacture in its own territory;
    - ii. purchase from another country
    - iii. end-item aid from another country.
2. Such statements shall also be furnished by each member of Western European Union in respect of its internal defence and police forces and its other forces under national control stationed on the mainland of Europe including a statement of stocks held there for its forces stationed overseas.
3. The statements shall be correlated with the relevant submissions to the North Atlantic Treaty Organization.

### **Article XIV**

As regards the forces under NATO authority, the Agency shall verify in consultation with the appropriate NATO authorities that the total quantities stated under Article XIII are consistent with the quantities recognised as required by the units of the members concerned under NATO authority, and with the conclusions and data recorded in the documents approved by the North Atlantic Council in connection with the NATO Annual Review.

### **Article XV**

As regards internal defence and police forces, the total quantities of their armaments to be accepted as appropriate by the Agency shall be those notified by the members provided that they remain within the limits laid down in the further agreements to be concluded by the members of Western European Union on the strength and armaments of the internal defence and police forces on the mainland of Europe.

### **Article XVI**

As regards other forces remaining under national control, the total quantities of their armaments to be accepted as appropriate by the Agency shall be those notified to the Agency by the members.

### **Article XVII**

The figures furnished by members for the total quantities of armaments under Articles XV and XVI shall correspond to the size and mission of the forces concerned.

### **Article XVIII**

The provisions of Articles XIV and XVII shall not apply to the High Contracting Parties and to the categories of weapons covered in Article III of Protocol No. III Stocks of the weapons in question shall be determined in conformity with the procedure laid down in that Article and shall be notified to the Agency by the Council of the Western European Union.

### **Article XIX**

The figures obtained by the Agency under Articles XIV, XV, XVI and XVIII shall be reported to the Council as appropriate levels for the current control year for the members of Western European Union. Any discrepancies between the figures stated under Article XIII, paragraph 1, and the quantities recognised under Article XIV will also be reported

### **Article XX**

1. The Agency shall immediately report to the Council if inspection, or information from other sources, reveals:
  - a. the manufacture of armaments of a type which the member concerned has undertaken not to manufacture;



- b. the existence of stocks of armaments in excess of the figures and quantities ascertained in accordance with Articles XIX and XXII..
2. If the Council is satisfied that the infraction reported by the Agency is not of major importance and can be remedied by prompt local action, it will so inform the Agency and the member concerned, who will take the necessary steps.
  3. In the case of other infractions, the Council will invite the member concerned to provide the necessary explanation within a period to be determined the Council; if this explanation is considered unsatisfactory, the Council will take the measures which-it deems necessary in accordance with a procedure to be determined.
  4. Decisions of the Council under this Article will be taken by majority vote.

#### **Article XXI**

Each member shall notify to the Agency the names and locations of the depots on the mainland of Europe containing armaments subject to control and of the plants on the mainland of Europe manufacturing such armaments, or, even though not in operation, specifically intended for the manufacture of such armaments.

#### **Article XXII**

Each member of Western European Union shall keep the Agency informed of the quantities of armaments of the types mentioned in Annex IV to Protocol No. III, which are to be exported from its territory on the mainland of Europe. The Agency shall be entitled to satisfy itself that the armaments concerned are in fact exported. If the level of stocks of any item subject to control appears abnormal, the Agency shall further be entitled to enquire into the orders for export.

**Article XXIII**

The Council shall transmit to the Agency information received from the Governments of the United States of America and Canada respecting military aid to be furnished to the forces on the mainland of Europe of members of Western European Union.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Protocol being one of the Protocols listed in Article I of the Protocol Modifying and Completing the Treaty, and have affixed thereto their seals.

Done at Paris this twenty-third day of October, 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

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