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Agreements relating to Germany  
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DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA

Agreements relating to Germany concluded  
at Paris, October 23, 1954.

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## I. INTRODUCTION

This special supplement contains the official texts of all the agreements signed at Paris on October 23rd, 1954, at the end of the Four-Power Nine-Power and North Atlantic Council meetings, with the exception of the five Schedules to the Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany. These Schedules are meaningless unless read in conjunction with the Bonn Conventions of May, 1952, and therefore it was judged more useful to the reader to replace them with a résumé of the principal modifications made under each schedule to the original Conventions.

The documents and agreements made public on October 23rd amount in all to about 30,000 words. They comprise:

- (1) A set of Four-Power Agreements on the ending of the occupation régime in Western Germany;
- (2) A set of Nine-Power Agreements establishing Western European Union, on the basis of the enlarged Brussels Treaty;
- (3) A group of NATO agreements providing for the entry of the Federal Republic of Germany into NATO and the strengthening of the Atlantic Organization.

The first two sets of agreements were signed at the Quai d'Orsay on Saturday afternoon, October 23rd, 1954. The NATO Protocol was signed at the Palais de Chaillot at 5.0 p. m. the same afternoon.

In addition to the Conferences held at the Palais de Chaillot, Franco-German talks also took place throughout the week, beginning with conversations on October 19th at the Château de la Celle St. Cloud, between Chancellor Adenauer and Premier Mendès-France. Franco-German Agreements, including that on the Saar, were also signed at the Quai d'Orsay on October 23rd, 1954. The text of the Saar Agreement is given in the current issue of this Letter.

## II. FOUR-POWER CONFERENCE

### 1. Protocol on the Termination of the Occupation Régime 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 1

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 2

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 1 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 by 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 3

- (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 1 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 thereto 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.

For the United States of America:

For the United Kingdom of Great Britain and Northern Ireland:

For the French Republic :

For the Federal Republic of Germany:

2. Résumé of the Five Schedules Attached to the Protocol on the Termination of the Occupation Régime

(i) 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 new relationship".

Article 1 of the Schedule states that the three Powers will terminate the Occupation régime 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 2 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 2 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 4 and 5 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". (See the letter from the Chancellor to the three foreign Ministers reproduced as the first letter below).

Article 10 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".

(ii) SCHEDULE 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 30th, 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 & 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 de-centralisation will be completed. Legislation concerning the reorganization of the German coalmining, 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 10 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.

#### 3. Exchange of letters

The eleven letters reproduced below fall into three categories:

1. From the Chancellor to the three Foreign Ministers;
2. From the three High Commissioners to the Chancellor;
3. From the three Foreign Ministers to the Chancellor

The United Kingdom version of the correspondence is given in this Supplement: the similar letters were exchanged with the United States and French authorities.

(Original in German)

Her Britannic Majesty's  
Principal Secretary of State  
for Foreign Affairs.

Dear Mr. Minister,

I refer to paragraph 7 of Article 5 of the Convention on Relations between the Three Powers and the Federal Republic of Germany signed at Bonn on 26 May, 1952, which provides that, independently of a state of emergency, any military commander may, if his Forces are imminently menaced, take such immediate action appropriate for their protection (including the use of armed force) as is requisite to remove the danger. The Federal Government is of the opinion that this is the inherent right of any military commander according to international law and therefore German law.

I therefore wish to say that the right referred to in paragraph 7 of Article 5 of the Convention on Relations will not be affected by the deletion of that paragraph as provided by the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany.

I have the honour to be, etc.

The Chancellor of the  
Federal Republic of Germany

Paris, 23rd October 1954

His Excellency,  
The Chancellor of the  
Federal Republic of Germany

Mr. Chancellor,

I have the honour to acknowledge receipt of your letter of today's date stating that the Federal Government will oppose all efforts to repeal or modify the Allied decartelisation legislation (United States Military Government Law No. 56, British Military Government Ordinance No. 78, Ordinance No. 96 of the French Commander-in-Chief in Germany) before the coming into force of a German law containing general provisions against restraints of competition.

Accept, Mr. Chancellor, the renewed assurance of my highest consideration.

United Kingdom High  
Commissioner for Germany

(Original in German)

Paris, 23rd October 1954

The United Kingdom  
High Commissioner in Germany.

Mr. High Commissioner,

The Federal Government adheres to the principle that freedom of competition is the most important basis of the policy of "social market economy" which it stands for. It has given expression to this attitude in the draft of a law against restraints of competition. This draft has received the approval in principle of the Bundesrat. The Federal Government has submitted the draft to the first Bundestag; it will submit it again in the near future to the Bundestag for its adoption. The Federal Government has thus shown that it earnestly desires the passing of a law against restraints of competition. It is determined to maintain the anti-cartel policy hitherto pursued by it and to work toward effective and comprehensive protection of freedom of competition by a German law. In this effort, the Federal Government will also oppose all efforts to repeal or modify the Allied legislation which now prohibits restraints of competition and monopolies (United States Military Government Law No. 56, United Kingdom Military Government Ordinance No. 78, Ordinance No. 96 of the French Commander-in-Chief in Germany) before the coming into force of a German law containing general provisions against restraints of competition.

I have the honour to be, etc.

The Chancellor of the  
Federal Republic of Germany

Paris, 23rd October 1954

His Excellency,  
The Chancellor of the  
Federal Republic of Germany.

Mr. Chancellor,

I have the honour to acknowledge receipt of your letter of today's date concerning the legal position of persons engaged in a trade or free profession.

Accept, Mr. Chancellor, the renewed assurance of my highest consideration.

United Kingdom High  
Commissioner for Germany

His Excellency  
The Chancellor of the  
Federal Republic of Germany.

Mr. Chancellor,

In the course of the Four-Power Conference in London in October 1954, it was agreed to delete paragraph 5(a), (b) and (c) of Article 3 of Chapter Three (Internal Restitution) of the Convention on the Settlement of Matters arising out of the War and the Occupation and to make the matters covered by these deleted provisions the subject of an Exchange of Letters.

It is the understanding of the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic that the Government of the Federal Republic of Germany agrees that an official designated by each of the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic for the purpose of reporting to his Government on the progress of the Restitution programme, shall be granted reasonable facilities and shall be supplied with all necessary information including Statistics and Reports as heretofore submitted to the aforesaid Governments.

Your confirmation of the above agreement would be appreciated.

Accept, Mr. Chancellor, the renewed assurance of my highest consideration.

United Kingdom High  
Commissioner for Germany

Paris, 23rd October 1954

His Excellency,  
The Chancellor of the  
Federal Republic of Germany.

Mr. Chancellor,

In the course of the Four-Power Talks on the Termination of the Occupation Regime it has been agreed to delete paragraph 4 of Chapter Four (Compensation for Victims of Nazi Persecution) of the Convention on the Settlement of Matters arising out of the War and the Occupation and the understanding that the matters dealt with therein would be covered by an Exchange of Letters.

It is understood by the Governments of the

United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic that the Government of the Federal Republic of Germany agrees that adequate opportunities be afforded to the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic or their authorised agents, for the observation of all matters dealt with in Chapter Four of the Convention on the Settlement of Matters arising out of the War and the Occupation in so far as non-German nationals or non-residents of the Federal territory are involved.

Furthermore, the United Kingdom and the United States and the French Republic have noted the assurances which have been given in the course of the negotiations by the representatives of the Government of the Federal Republic and according to which the undertakings which the Federal Republic has contracted under paragraph 4(b) of Chapter 4 of the Settlement Convention, in so far as they are not already covered by German law, represent for the Federal Government a natural obligation which it is prepared voluntarily to assume in the future. On the basis of these assurances, the United Kingdom, and the United States and the French Republic have accepted the deletion of the above-mentioned provision.

Your confirmation of the above agreement would be appreciated.

Accept, Mr. Chancellor, the renewed assurances of my highest consideration.

United Kingdom High  
Commissioner for Germany

Paris, 23rd October 1954

His Excellency,  
The Chancellor of the  
Federal Republic of Germany.

Mr. Chancellor,

I have the honour to acknowledge receipt of your letter of today's date which is worded as follows:

"With reference to Article 13 of Chapter One of the Convention on the Settlement of Matters arising out of the War and the Occupation included in Schedule IV of the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany signed in Paris this day, I have the honour to inform you of the agreement of the Government of the Federal Republic of Germany to the following arrangements which have been concerted between representatives of the Governments of the Federal

Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic.

2. The property referred to in Article 13 of Chapter One of the said Convention comprises:-

- (a) (i) Movable and immovable property belonging to the Federal Republic, other than property administered by the German Railways or Federal Post;
- (ii) Movable and immovable property previously owned by the former Reich which on the entry into force of the said Convention, is subject to the administration of the Federal Republic in accordance with the Law for a Provisional Settlement of the Legal Status of Reich Property and the Prussian Shares of 21 July 1951 (Bundesgesetzblatt Teil I Seite 467) and the Ordinance for the Implementation of Article 6 of that Law of 26 July 1951 (Bundesgesetzblatt Teil I Seite 471), other than property administered by the German Federal Railways or Federal Post;
- (b) Movable and immovable property belonging to the constituent Laender of the Federal Republic and their political sub-divisions.
- (c) Privately owned movable and immovable property;
- (d) Immovable property the construction of which was financed out of occupation costs or mandatory expenditure funds of the Federal Republic or its constituent Laender;
- (e) Movable property acquired from occupation costs or mandatory expenditure funds.

3. The property referred to in sub-paragraphs (a), (b), (c) and (d) of the foregoing paragraph shall be determined after hearing the interested parties and taking into account the special needs of the Government of the United Kingdom of Great Britain and Northern Ireland during the transitional period, by mutual agreement between representatives to be designated for that purpose by each of the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic and the Government of the Federal Republic of Germany respectively, and with the co-operation of the Protocol Department of the Federal Foreign Office. Property of the types specified in sub-paragraphs (a), (b), (c) and (d) of the foregoing paragraph which is not included in the determination made pursuant to this paragraph will be released.



4. The Government of the United Kingdom of Great Britain and Northern Ireland will endeavour to convert its right of use of the property referred to in sub-paragraphs (a), (b), (c) and (d) of paragraph 2 above into tenancy arrangements under private law.

With respect to property referred to in sub-paragraph (a) of paragraph 2 the Government of the Federal Republic of Germany will meet the Government of the United Kingdom of Great Britain and Northern Ireland to a reasonable extent in agreeing the amount of the rent.

Rents for property referred to in sub-paragraphs (b) and (c) of paragraph 2 shall be based on those usual in the locality for the property concerned. So far as concerns Federal property referred to in sub-paragraph (d) of paragraph 2, for the period of nine months after the entry into force of the Convention on the Settlement of Matters arising out of the War and the Occupation, compensation shall be paid only in respect of the use of the land, taking into account, however, public charges and charges for special services or assessments for local improvements payable by the owner of the land in respect of such land. After such period a rent which is reasonable in the circumstances shall be paid for both land and buildings.

The Government of the Federal Republic of Germany will place its good offices at the disposal of the Government of the United Kingdom of Great Britain and Northern Ireland for the conclusion of tenancy arrangements with respect to property referred to in sub-paragraphs (b) and (c) of paragraph 2.

5. If tenancy agreements pursuant to the foregoing paragraph are not concluded, the Government of the United Kingdom of Great Britain and Northern Ireland shall pay compensation for use (Nutzungsvergütung) from the entry into force of the Convention on the Settlement of Matters arising out of the War and the Occupation. The amount of such compensation as well as the amount of compensation to be paid for damage which occurs after the entry into force of the Convention on the Settlement of Matters arising out of the War and the Occupation shall be determined in accordance with the Federal legislation relating to the procurement of goods, services and land for official agencies (Bundesleistungsgesetzgebung) which shall also apply to the manner of use of the property. Until the entry into force of this legislation, the hitherto existing basis for the assessment of compensation (Vergütung) for the property used, in accordance with Article 13 of Chapter One of the Convention on the Settlement of Matters arising out of the War and the Occupation and this letter, by the Embassy and Consulates shall continue to operate.

The Government of the Federal Republic of Germany will not demand compensation for wear and tear of its property referred to in sub-paragraphs (a)

and (d) of paragraph 2, and the Government of the United Kingdom of Great Britain and Northern Ireland will not demand compensation for improvements made by it to such property.

6. The release of property referred to in sub-paragraph (c) of paragraph 2 will be given priority and will be effected at the earliest possible moment and in any case not later than six months after the entry into force of the Convention on the Settlement of Matters arising out of the War and the Occupation, unless, in respect of any such property, tenancy arrangements have been concluded in pursuance of paragraph 4.

Property referred to in sub-paragraph (e) of paragraph 2 will be released not later than nine months after the entry into force of the Convention on the Settlement of Matters arising out of the War and the Occupation. Its continued use after that date will be the subject of negotiation between the Government of the Federal Republic of Germany and the Government of the United Kingdom of Great Britain and Northern Ireland.

The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to release all other property referred to in paragraph 2 at the earliest possible moment and in any case as soon as it becomes surplus to the requirements of the Government of the United Kingdom of Great Britain and Northern Ireland with regard to its Embassy and Consulates.

The Government of the Federal Republic of Germany will endeavour, by the construction of new buildings, to make available alternative accommodation for rental or purchase by the Government of the United Kingdom of Great Britain and Northern Ireland.

7. The personnel of the Embassy and Consulates of the United Kingdom of Great Britain and Northern Ireland not possessing German nationality shall be entitled to make use of the facilities of the non-German organizations established by the Forces of the United Kingdom, the United States and the French Republic pursuant to Article 36 of the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany or to similar provisions, if any, in Agreements which supersede that Convention.

8. Nothing in Article 13 of Chapter One of the Convention on the Settlement of Matters arising out of the War and the Occupation or in this letter shall be deemed to affect property required by the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic for the use of their Armed Forces.

9. I should be grateful if you would confirm the agreement of your Government with the foregoing."

I have the honour to inform you that my Government accepts the understandings set out in your letter.

Accept, Mr. Chancellor, the renewed assurance of my highest consideration.

United Kingdom High  
Commissioner for Germany

Paris, 23rd October 1954

His Excellency,  
The Chancellor of the  
Federal Republic of Germany

Mr. Chancellor,

I refer to Article 5 of Chapter Twelve of the Convention on the Settlement of Matters arising out of the War and the Occupation referred to in the Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany signed in Paris this day and wish to state on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland in agreement with the Governments of the United States of America and the French Republic, that, in the exercise of the responsibilities under the said Article, an application for authorisation of air traffic to and from the Berlin air corridors by aircraft of Powers other than the United Kingdom, the United States, the French Republic and the Union of Soviet Socialist Republics will be approved only after notification by the Federal Government to the representatives of the United Kingdom, the United States and the French Republic that the Federal Government is willing to grant the right to overfly the Federal territory.

I understand that a permit for the overflight of the Federal territory on these flights will be issued to the applicant only after notification to the Federal Government by the representatives of the United Kingdom, the United States and the French Republic that they are willing to approve the application for authorisation of air traffic to and from the Berlin air corridors.

Accept, Mr. Chancellor, the renewed assurance of my highest consideration.

United Kingdom High  
Commissioner for Germany

Paris, 23rd October 1954

His Excellency,  
The Chancellor of the  
Federal Republic of Germany.

Mr. Chancellor,

I have the honour to acknowledge receipt of your letter of today's date in which you, in the name of the Government of the Federal Republic of Germany, confirm the assurances given and the obligations undertaken by the Federal Republic in the various letters referred to in your letter.

On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland I confirm the assurances given and the obligations undertaken by that Government in the letters which you mention, subject to the amendments listed in the Schedule to your letter and with the understanding that letters Nos. 3, 5, 13, 14, 15 and 19 are no longer applicable.

I am also glad to confirm the declaration made on 25 May 1952 concerning reparations which appears at page 316 of the issue of the Federal Government's Official Gazette mentioned in your letter.

Accept, Mr. Chancellor, the renewed assurance of my highest consideration.

Her Britannic Majesty's  
Principal Secretary of State  
for Foreign Affairs

Schedule of Amendments  
(referred to in the Eighth Letter)

Letter No. 1, paragraph 3 (Bundesgesetzblatt 1954 Teil II Nr 3.) Page 242.

Substitute: "For this reason they have decided to exercise their right relating to Berlin in such a way as to facilitate the carrying out by the Federal Republic of its Declaration on aid to Berlin, of which a copy is annexed, and to permit the Federal authorities to ensure representation of Berlin and of the Berlin population outside Berlin."

Annex the following:-

Declaration of the Federal Republic on Aid to Berlin

In view of the special role which Berlin has played and is destined to play in the future for the self preservation of the free world, aware of the ties connecting the Federal Republic with Berlin as

the prospective capital of a free, reunified Germany,

resolved to consolidate these ties within the framework of the status of Berlin,

resolved to continue its aid to the political, cultural, economic and financial reconstruction of Berlin, and,

motivated by the desire to strengthen and to reinforce the position of Berlin in all fields, and in particular to bring about in so far as possible an improvement in the economic and financial situation in Berlin including its productive capacity and level of employment,

the Federal Republic undertakes

- (a) to take all necessary measures on its part in order to ensure the maintenance of a balanced budget in Berlin through appropriate assistance;
- (b) to take adequate measures for the equitable treatment of Berlin in the control and allocation of materials in short supply;
- (c) to take adequate measures to ensure that Berlin also benefits from resources at the disposal of the Federal Republic received from outside sources, for the necessary further economic reconstruction of Berlin;
- (d) to take all appropriate measures designed to promote the placing of public and private orders in the Berlin economy;
- (e) to promote the development of Berlin's external trade, to accord Berlin such favoured treatment in all matters of trade policy as circumstances warrant and to provide Berlin within the limit of possibility and in consideration of the participation of Berlin in the foreign currency control by the Federal Republic, with the necessary foreign currency;
- (f) to take all necessary measures on its part to ensure that the city remains in the currency area of the Deutsche Mark West, and that an adequate money supply is maintained in the city;
- (g) to assist in the maintaining in Berlin of adequate stockpiles of supplies for emergencies;
- (h) to use its best efforts for the maintenance and improvement of trade and of communications and transportation facilities between Berlin and the Federal territory, and to co-operate in accordance with the means at its disposal in their protection or their re-establishment;

- (i) to continue its efforts to compensate, as heretofore, the disproportionate burden placed on Berlin as a result of the admission of refugees;
- (j) to ensure the representation of Berlin and of the Berlin population outside Berlin, and to facilitate the inclusion of Berlin in the international agreements concluded by the Federal Republic, provided that this is not precluded by the nature of the agreements concerned.

Letter No. 2, paragraph, Page 244.

Delete "paragraph 1(c) of"

Letter No. 4, second sentence, Page 252.

Delete "Law No. 23"

Letter No. 11, first sentence, Page 308.

Insert after "1947" the words "or such provisions as may replace them".

Paris, 23rd October 1954

His Excellency,  
The Chancellor of the  
Federal Republic of Germany

Mr. Chancellor,

I refer to Article 2 of the Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany which deals with the rights retained by the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic relating to the fields of disarmament and demilitarisation.

I have the honour to inform you that the following legislation, including regulations issued thereunder, is the existing legislation in the fields referred to in Article 2:

Allied High Commission Law No. 7 - Uniforms and Insignia

Allied High Commission Law No. 16 - Elimination of Militarism

Allied High Commission Law No. 22, amended by AHC Laws Nos. 53 and 68 - Control of Materials, Facilities and Equipment Relating to Atomic Energy

Allied High Commission Law No. 24, amended by AHC Laws Nos. 61 and 78 - Control of Certain Articles, Products, Installations and Equipment

US Military Government Law No. 23 as amended by AHC Decision No. 12 - Control of Scientific Research

British Military Government Law No. 23 as amended by AHC Decision No. 12 - Control of Scientific Research  
Ordinance No. 231 of the French High Commissioner in Germany, as amended by AHC Decision No. 12 - Control of Scientific Research  
Control Council Law No. 23 - Prohibition of Military Construction in Germany.

The Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany shall not be considered to be an agreement within the meaning of Article 1 of Chapter 12 of the Convention on the Settlement of Matters Arising out of the War and the Occupation.

Accept, Mr. Chancellor, the renewed assurance of my highest consideration.

United Kingdom High  
Commissioner for Germany

Paris, 23rd October 1954

His Excellency,  
The Chancellor of the  
Federal Republic of Germany.

Mr. Chancellor,

I have the honour to acknowledge the receipt of your letter of today's date which reads as follows:

"Under the Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany, signed at Paris today, provision is made that during the period, if any, between its entry into force and the entry into force of the arrangements for the German Defence Contribution, the United Kingdom, the United States and the French Republic will retain their existing rights relating to the fields of disarmament and demilitarisation, and the controls in those fields will be applied by a joint Four Power Commission. I should appreciate it if you would confirm the agreement which we reached at London in this connection that at the end of 1954 the Governments which have today signed the Protocol will review this matter in the light of the situation then existing with regard to the entry into force of the Protocol. I should likewise appreciate confirmation of the agreement also reached in this connection at London that, at the same time, the four Governments will review the exercise of the controls with a view to permitting preparation by the Federal Republic for its future defence contribution."

I should confirm the agreements to which you refer in your letter.

Accept, Mr. Chancellor, the renewed assurance of my highest consideration.

Her Britannic Majesty's  
Principal Secretary of State  
for Foreign Affairs

4. 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 1

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 2

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 23rd 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 3

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 4

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 2 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 2 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.

For the United States of America:

For the United Kingdom of Great Britain and Northern Ireland:

For the French Republic:

For the Federal Republic of Germany:

### 5. Three-Power Declaration on Berlin

The following statement was issued on 23rd 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."

### III. NINE-POWER CONFERENCE

#### 1. 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.

2. 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. III), 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 co-operation provided for in the preceding paragraph, which will be effected through the Council referred to in Article VIII. ....".

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.

#### Article VI

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 1

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 27th 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 2

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 Organization within the limits laid down in the Special Agreement mentioned in Article 1, or equivalent fighting capacity.

#### Article 3

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 1 and 2, 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 4

In order that it may establish that the limits specified in Articles 1 and 2 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 5

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 6

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 1

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 3rd October, 1954, and annexed hereto as Annex I) 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 II. These armaments shall be more closely defined and the definitions brought up to date by the Council of Western European Union.

##### Article 2

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 III.

## Part II - Armaments to be controlled

### Article 3

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 4

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 5

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;<sup>(1)</sup>

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. <sup>(2)</sup> Any amendment to or cancellation of the substance of paragraphs IV, V and VI<sup>(2)</sup> 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 by 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 radioactive isotopes, is capable of mass destruction, mass injury or mass poisoning.
- (b) Furthermore, any part, device, assembly or 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

(1) Reproduced in Annex II  
(2) Reproduced in Annex III

contained in Uranium enriched to over 2.1 per cent by weight of Uranium 235) and any 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, paralytant, 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 paragraphs 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 than 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 rôles 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 anti-tank 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 I - Constitution

Article 1

The Agency for the Control of Armaments (hereinafter referred to as "the Agency") shall be responsible to the Council of Western European Union (hereinafter 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 2

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 3

The Director shall be appointed by unanimous decision of the Council for a period of five years and shall not be eligible for re-appointment. He shall be responsible for the selection of his staff in accordance with the principle mentioned in Article 1 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 4

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 5

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 6

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

## Part II - Functions

### Article 7

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 III 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 1 of this Article, the Agency shall:

- (a) scrutinise 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 8

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 medium of the high-ranking officer to be designated by him.

### Article 9

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

### Article 10

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 11

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 12

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 13

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 14

As regards the forces under NATO authority, the Agency shall verify in consultation with the appropriate NATO authorities that the total quantities states under Article 13 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 connexion with the NATO Annual Review.

#### Article 15

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 16

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 17

The figures furnished by members for the total quantities of armaments under Articles 15 and 16 shall correspond to the size and mission of the forces concerned.

#### Article 18

The provisions of Articles 14 and 17 shall not apply to the High Contracting Parties and to the categories of weapons covered in Article 3 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 19

The figures obtained by the Agency under Articles 14, 15, 16 and 18 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 13, paragraph 1, and the quantities recognised under Article 14 will also be reported.

#### Article 20

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 19 and 22.

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 by 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 21

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 22

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 23

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.

3. 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

I have the honour to make the following communication to Your Excellency in order to place on record the undertaking of the Federal/Italian Government regarding the application and interpretation of Article X (formerly Article VIII), of the Brussels Treaty.

The Federal/Italian Government undertake, before the Protocol modifying and completing the Brussels Treaty and the related Protocols and their Annexes are ratified by the High Contracting Parties, to declare their acceptance of the compulsory jurisdiction of the International Court of Justice in accordance with Article X (formerly Article VIII) of the Treaty, having made known to the Parties the reservations accompanying their acceptance.

The Federal/Italian Government understand that, in the view of the other High Contracting Parties, paragraph 5 of Article X (formerly Article VIII) of the Treaty leaves the way open for concluding agreements on other means of settling disputes between Them, and that the undertaking in question shall in no way prejudice the possibility of opening discussions immediately with a view to establishing other methods of settling possible disputes in the application or interpretation of the Treaty.

In the Federal Government's letter only

Moreover, in the opinion of the Federal Government, the widening of the Brussels Treaty may give rise to a number of doubts and disputes as to the interpretation and application of the Treaty, the Protocols and their Annexes, which may not be of fundamental importance but mainly of a technical nature. The Federal Government consider that it is desirable to establish another, simpler procedure for the settlement of such matters.

The Federal Government therefore propose that the High Contracting Parties should discuss the problems set out above at once, with a view to reaching agreement on an appropriate procedure.

In letters from both Federal and Italian Governments

I should be grateful if Your Excellency would confirm that  the Government concerned

agree with this letter. The exchange of letters thus effected will be considered as an Annex to the Protocol modifying and completing the Brussels Treaty, within the meaning of Article IV, paragraph 1, of the said Protocol.

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

I have the honour to acknowledge receipt of Your Excellency's communication of (date), and to state that [The Government concerned] have noted with satisfaction that the Government of the Federal Republic of Germany/the Italian Government undertake to declare their acceptance of the compulsory jurisdiction of the International Court of Justice in accordance with Article X (formerly Article VIII) of the Brussels Treaty, having made known to the High Contracting Parties the reservations accompanying their acceptance.

I confirm that [The Government concerned] interpret paragraph 5 of Article X (formerly Article VIII) of the Treaty as stated in the third paragraph of Your Excellency's communication.

[In the reply to the Federal Government's letter only]

With regard to the fourth and fifth paragraphs of Your Excellency's communication, [the Government concerned] are in agreement with the proposal of the Federal Government that the High Contracting Parties should discuss at once the question of establishing an appropriate procedure for the settlement of the possible disputes to which the Federal Government draw attention.

[In the reply to both Governments]

They also agree to consider this exchange of letters as an Annex to the Protocol modifying and completing the Brussels Treaty within the meaning of Article IV, paragraph 1 of the said Protocol.

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

The Governments of the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, and the United Kingdom of Great Britain and Northern Ireland,

Anxious to increase the effectiveness of their common Defence forces to the maximum,

Desirous of ensuring the best possible use of their available armament credits by means of the rational organization of production,

Noting the importance in this connection of standardising weapons and weapon components,

Desirous of facilitating any agreements to this end between all or certain of the Seven Powers:

(1) Recall the decision taken at the London Conference to set up a Working Party to study the draft directives submitted by the French Government on 1st October 1954 and such other documents as might subsequently be submitted on the problem of the production and standardisation of armaments.

(2) Agree to convene a Working Group in Paris on the 17th January 1955 of the Representatives of Belgium, France, Italy, Luxembourg, the Netherlands, the Federal Republic of Germany and the United Kingdom, to study the draft directives and other documents referred to in the foregoing paragraph, with a view to submitting proposals to the Council of Western European Union when it comes into being.

IV. NORTH ATLANTIC COUNCIL

1. RESOLUTION TO IMPLEMENT SECTION IV OF THE FINAL ACT OF THE LONDON CONFERENCE

THE NORTH ATLANTIC COUNCIL:

1. RECOGNISING the necessity of strengthening the structure of the North Atlantic Treaty Organization and of reinforcing the machinery for the collective defence of Europe, and desirous of specifying the conditions governing joint examination of the defence effort of member countries,

2. RECALLS that:

(a) the resources which member nations intend to devote to their defence effort as well as the level, composition and quality of the forces which the member nations are contributing to the defence of the North Atlantic area are each year subject to collective examination in the NATO Annual Review for the purpose of reaching agreement on force goals, taking into account expected mutual aid;

(b) the defence expenditures incurred by the member nations and the extent to which the recommendations emerging from the Annual Review have been carried out are the subject of periodical review during the year.

3. AGREES with the terms of the Agreement on Forces of Western European Union; and that with respect to the forces which the members of Western European Union will place under NATO Command on the mainland of Europe and for which maximum

figures have been established in that Agreement, if at any time during the NATO Annual Review recommendations are put forward, the effect of which would be to increase the level of forces above the limits established in this Agreement, the acceptance by the country concerned of such recommended increases shall be subject to unanimous approval by the members of Western European Union, expressed either in the Council of Western European Union or in the North Atlantic Treaty Organization.

4. DECIDES that all forces of member nations stationed in the area of the Allied Command Europe shall be placed under the authority of the Supreme Allied Commander Europe or other appropriate NATO Command and under the direction of the NATO military authorities with the exception of those forces intended for the defence of overseas territories and other forces which the North Atlantic Treaty Organization has recognised or will recognise as suitable to remain under national command.

5. INVITES member nations to make an initial report for consideration and recognition by the Council on those forces which they plan to maintain within the area of Allied Command Europe for the common defence, but not to place under the authority of the North Atlantic Treaty Organization, taking into account the provisions of relevant NATO directives bearing on that subject; the initial report will include a broad statement of the reason for which the above forces are not so placed. Thereafter, if any changes are proposed, the North Atlantic Council action on the NATO Annual Review will constitute recognition as to the suitability and size of forces to be placed under the authority of the appropriate NATO Command and those to be retained under national command.

6. NOTES that the agreements concluded within the framework of the Organization of Western European Union on the internal defence and police forces which the members of that Organization will maintain on the mainland shall be notified to the North Atlantic Council.

7. AGREES, in the interest of most effective collective defence, that in respect of combat forces in the area of Allied Command Europe and under the Supreme Allied Commander Europe;

(a) all deployments shall be in accordance with NATO strategy;

(b) the location of forces in accordance with NATO operational plans shall be determined by the Supreme Allied Commander Europe after consultation and agreement with the national authorities concerned;

(c) forces under the Supreme Allied Commander Europe and within the area of Allied Command Europe shall not be re-deployed or used operationally within that area without the consent of the

Supreme Allied Commander Europe, subject to political guidance furnished by the North Atlantic Council, when appropriate, through normal channels.

8. DECIDES THAT:

(a) integration of forces at Army Group and Tactical Air Force level shall be maintained;

(b) in view of the powerful combat support units and logistic support organization at Army level, integration at that level and associated Air Force level will be the rule, wherever formations of several nationalities are operating in the same area and on a common task, provided there are no overriding objections from the point of view of military effectiveness;

(c) wherever military efficiency permits, in light of the size, location and logistic support of forces, integration at lower levels, both in the land and air forces, shall be achieved to the maximum extent possible;

(d) proposals to the North Atlantic Council, indicating any increases in commonly financed items of expenditure, such as infrastructure which might be entailed by the adoption of such measures, should be submitted by the NATO military authorities.

9. AGREES that, in order to improve the capability of the Supreme Allied Commander Europe to discharge his responsibilities in the defence of Allied Command Europe, his responsibilities and powers for the logistic support of the forces placed under his authority shall be extended.

10. CONSIDERS that these increased responsibilities and powers should include authority:

(a) to establish, in consultation with the national authorities concerned, requirements for the provision of logistic resources\*;

(b) to determine, in agreement with the national authorities concerned, their geographic distribution;

(c) to establish, in consultation with these authorities, logistic priorities for the raising, equipping and maintenance of units;

(d) to direct the utilisation, for meeting his requirements, of those portions of the logistic support systems made available to him by the appropriate authorities;

(e) to co-ordinate and supervise the use, for logistical purposes, of NATO common infrastructure facilities and of those national facilities made available to him by the national authorities.

\*By logistic resources should be understood all the matériel, supplies, installations and parts thereof necessary for the prolonged conduct of combat operations.



11. AGREES that, in order to ensure that adequate information is obtained and made available to the appropriate authorities about the forces placed under the Supreme Allied Commander Europe including reserve formations and their logistic support within the area of Allied Command Europe, the Supreme Allied Commander Europe shall be granted increased authority to call for reports regarding the level and effectiveness of such forces and their armaments, equipment and supplies as well as the organization and location of their logistic arrangements. He shall also make field inspections within that area as necessary.

12. INVITES nations to submit to the Supreme Allied Commander Europe such reports to this end as he may call for from time to time; and to assist inspection within the area of Allied Command Europe by the Supreme Allied Commander Europe of these forces and their logistic support arrangements as necessary.

13. CONFIRMS that the powers exercised by the Supreme Allied Commander Europe in peacetime extend not only to the organization into an effective integrated force of the forces placed under him but also to their training; that in this field, the Supreme Allied Commander Europe has direct control over the higher training of all national forces assigned to his command in peacetime; and that he should receive facilities from member nations to inspect the training of those cadre and other forces within the area of Allied Command Europe earmarked for that Command.

14. DIRECTS the NATO military authorities to arrange for the designation by the Supreme Allied Commander Europe of a high-ranking officer of his Command who will be authorised to transmit regularly to the Council of Western European Union information relating to the forces of the members of Western European Union on the mainland of Europe acquired as a result of the reports and inspections mentioned in paragraphs 11 and 12 in order to enable that Council to establish that the limits laid down in the special agreement mentioned in paragraph 3 above are being observed.

15. AGREES that the expression "the area of Allied Command Europe" as used throughout this resolution shall not include North Africa; and that this Resolution does not alter the present status of the United Kingdom and United States forces in the Mediterranean.

16. DIRECTS the NATO Military Committee to initiate the necessary changes in the directives to give effect to the above policies and objectives of the North Atlantic Council.

## 2. RESOLUTION OF ASSOCIATION

### THE NORTH ATLANTIC COUNCIL:

WELCOMING the declaration made in London by the Government of the Federal Republic of Germany

on 3rd October, 1954 (Annex A), and the related declaration made on the same occasion by the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic (Annex B),

NOTES WITH SATISFACTION that the representatives of the other Parties to the North Atlantic Treaty have, on behalf of their Governments, today associated themselves with the aforesaid declaration of the Three Powers.

### Declaration by the Government of the Federal Republic of Germany

The German Federal Republic has agreed to conduct its policy in accordance with the principles of the Charter of the United Nations and accepts the obligations set forth in Article 2 of the Charter.

Upon her accession to the North Atlantic Treaty and the Brussels Treaty, the German Federal Republic declares that she will refrain from any action inconsistent with the strictly defensive character of the two treaties. In particular the German Federal Republic undertakes never to have recourse to force to achieve the reunification of Germany or the modification of the present boundaries of the German Federal Republic, and to resolve by peaceful means any disputes which may arise between the Federal Republic and other States.

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

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic,

Being resolved to devote their efforts to the strengthening of peace in accordance with the Charter of the United Nations and in particular with the obligations set forth in Article 2 of the Charter:

- (i) to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;
- (ii) to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;
- (iii) to give the United Nations every assistance in any action it takes in accordance with the Charter, and to refrain from giving assistance to any State against which the United Nations take preventive or enforcement action;

- (iv) to ensure that States which are not Members of the United Nations act in accordance with the principles of the Charter so far as may be necessary for the maintenance of international peace and security.

Having regard to the purely defensive character of the Atlantic Alliance which is manifest in the North Atlantic Treaty, wherein they 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, and undertake to settle their international disputes by peaceful means in accordance with the principles of the Charter and to refrain, in accordance with those principles, from the threat or use of force in their international relations,

Take note that the German Federal Republic has by a Declaration dated 3rd October accepted the obligations set forth in Article 2 of the Charter of the United Nations and has undertaken never to have recourse to force to achieve the reunification of Germany or the modification of the present boundaries of the German Federal Republic, and to resolve by peaceful means any disputes which may arise between the Federal Republic and other States;

DECLARE THAT:

1. They consider the Government of the Federal Republic as the only German Government freely and legitimately constituted and therefore entitled to speak for Germany as the representative of the German people in international affairs.
2. In their relations with the Federal Republic they will follow the principles set out in Article 2 of the United Nations Charter.
3. A peace settlement for the whole of Germany, freely negotiated between Germany and her former enemies, which should lay the foundation of a lasting peace, remains an essential aim of their policy. The final determination of the boundaries of Germany must await such a settlement.
4. The achievement through peaceful means of a fully free and unified Germany remains a fundamental goal of their policy.
5. The security and welfare of Berlin and the maintenance of the position of the Three Powers there are regarded by the Three Powers as essential elements of the peace of the free world in the present international situation. Accordingly they will maintain armed forces within the territory of Berlin as long as their responsibilities require it. They therefore reaffirm that they will treat any attack against Berlin from any quarter as an attack upon their forces and themselves.

6. They will regard as a threat to their own peace and safety any recourse to force which in violation of the principles of the United Nations Charter threatens the integrity and unity of the Atlantic Alliance or its defensive purposes. In the event of any such action, the three Governments, for their part, will consider the offending Government as having forfeited its rights to any guarantee and any military assistance provided for in the North Atlantic Treaty and its protocols. They will act in accordance with Article 4 of the North Atlantic Treaty with a view to taking other measures which may be appropriate.

7. They will invite the association of other member States of the North Atlantic Treaty Organization with this Declaration.

3. PROTOCOL TO THE NORTH ATLANTIC TREATY ON THE ACCESSION OF THE FEDERAL REPUBLIC OF GERMANY

The Parties to the North Atlantic Treaty signed at Washington on 4th April, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Federal Republic of Germany to that Treaty, and

Having noted that the Federal Republic of Germany has, by a declaration dated 3rd October, 1954, accepted the obligations set forth in Article 2 of the Charter of the United Nations and has undertaken upon its accession to the North Atlantic Treaty to refrain from any action inconsistent with the strictly defensive character of that Treaty, and

Having further noted that all member governments have associated themselves with the declaration also made on 3rd October, 1954, by the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic in connection with the aforesaid declaration of the Federal Republic of Germany,

Agree as follows:

Article I

Upon the entry into force of the present Protocol, the Government of the United States of America shall on behalf of all the Parties communicate to the Government of the Federal Republic of Germany an invitation to accede to the North Atlantic Treaty. Thereafter the Federal Republic of Germany shall become a Party to that Treaty on the date when it deposits its instrument of accession with the Government of the United States of America in accordance with Article 10 of the Treaty.

Article II

The present Protocol shall enter into force, when (a) each of the Parties to the North Atlantic

Treaty has notified to the Government of the United States of America its acceptance thereof, (b) all instruments of ratification of the Protocol modifying and completing the Brussels Treaty have been deposited with the Belgian Government, and (c) all instruments of ratification or approval of the Convention on the Presence of Foreign Forces in the Federal Republic of Germany have been deposited with the Government of the Federal Republic of Germany. The Government of the United States of America shall inform the other Parties to the North Atlantic Treaty of the date of the receipt of each notification of acceptance of the present Protocol and of the date of the entry into force of the present Protocol.

### Article III

The present Protocol, 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 shall be transmitted by that Government to the Governments of the other Parties to the North Atlantic Treaty.

In witness whereof, the undersigned Representatives, duly authorised thereto by their respective Governments, have signed the present Protocol.

Signed at Paris the 23rd day of October, 1954:

4. RESOLUTION ON RESULTS OF THE FOUR AND NINE POWER MEETINGS (Adopted by the North Atlantic Council on 22nd October 1954)

#### THE NORTH ATLANTIC COUNCIL:

RECOGNISING that all the arrangements arising out of the London Conference form part of one general settlement which is directly or indirectly of concern to all the NATO Powers and has therefore been submitted to the Council for information or decision;

HAVE LEARNT with satisfaction of the arrangements agreed between the Governments of France, the United Kingdom and the United States of America and of the Federal Republic of Germany for the termination of the occupation régime in the Federal Republic as set forth in the Protocol communicated to the Council;

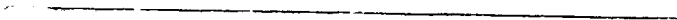
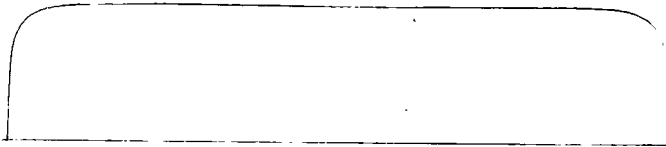
WELCOME the decision of the Brussels Treaty Powers to invite the Federal Republic of Germany and Italy to accede to the Brussels Treaty as modified and completed by the Protocols and other documents communicated to the Council, and hereby record their agreement with the provisions of those Protocols and documents insofar as they concern action by the North Atlantic Treaty Organization;

WELCOME the extension of the Brussels Treaty as an important step toward the achievement of European unity; and express confidence that there will be the closest co-operation between the Western European Union and the North Atlantic Treaty Organization which remains the foundation of the security and progress of the Atlantic Community.


TAKE NOTE with satisfaction of the statements made on 29th September 1954 in London by the United States Secretary of State and the Canadian Secretary of State for External Affairs, and of the declaration by the Foreign Secretary of the United Kingdom concerning the maintenance of United Kingdom forces on the continent of Europe;

Finally,

RECORD their deep satisfaction at the happy conclusion of all the above arrangements which together constitute a decisive step in fortifying the North Atlantic Alliance and uniting the Free World.



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