

Brief by the British Foreign Office on the Agreement implementing Article 5 of Protocol II on the forces of WEU (23 February 1957)

Caption: On 23 February 1957, in preparation for the forthcoming Western European Union (WEU) Ministerial Meeting, due to be held on 26–27 February in London, the British Foreign Office prepares a brief for the Secretary of State for Foreign Affairs, Selwyn Lloyd, on the Agreement implementing Article 5 of Protocol II on the forces of WEU. The note gives a background analysis on the agreement and its negotiation phase. The crucial part of the agreement is Article IV, which states that the WEU Council will accept the figures on levels of forces provided to it by the North Atlantic Council. The analysis concludes that the Secretary of State should sign the agreement.

Source: The National Archives of the UK (TNA). Foreign Office, Political Departments: General Correspondence from 1906-1966. WESTERN ORGANISATIONS (WU): Western European Union - WEU (WUW). WEU ministerial meetings. 01/01/1957-31/12/1957, FO 371/131147 (Former Reference Dep: File 1078 (pp 24 to end)).

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ITEM III

AGREEMENT IMPLEMENTING ARTICLE 5
OF PROTOCOL II ON THE FORCES OF
WESTERN EUROPEAN UNION

Background

Article 5 of Protocol No. II of the revised Brussels Treaty states that "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 Organisation of Western European Union having regard to their proper functions and needs and to their existing levels". The text in C(57)217 now submitted for signature is intended to constitute such an Agreement. It has taken two years of argument and discussion to draw it up and the final result is a not very satisfactory compromise between different points of view; in particular, it contains loopholes and leaves a number of important details to be worked out later, among them the actual levels referred to in Article 3.

2. Inasmuch as the Agreement only refers to forces on the mainland of Europe United Kingdom forces are hardly concerned. The main arguments have been between the French and Italians, who have found it difficult to agree on the circumstances in which two other categories of national (non-NATO) forces, i.e. those intended for the defence of overseas territories and so-called "common defence forces", should be included in the Agreement for control by the Armaments Control Agency. Strictly speaking, neither of these forces need have been /mentioned in the

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mentioned in the Agreement, but it was decided early in the negotiations to make the Agreement apply to all forces not under NATO Command. Even then there is no mention in the Brussels Treaty of common defence forces and it is doubtful whether any exist, but for some reason the Italians have insisted on their inclusion, relying on the vague wording of paragraph 5 of the NATO Resolution to implement Section IV of the Final Act of the London Conference to justify their case.

3. The crucial part of the Agreement is Article IV, in which it is stated that the Western European Union Council will accept the figures provided annually by the North Atlantic Council for the strength of common defence forces. This does not provide any means of controlling the growth of common defence forces as such, but provided that NATO implements the terms of paragraph 5 of the Resolution referred to in the previous paragraph it should soon become apparent from the figures provided by NATO if in any particular case there was excessive growth; it would then be possible for Member Nations to consult together and to take appropriate action. There is also a measure of control over their strength (but not their armaments) in that NATO has to recognize "Common defense forces" as such after hearing explanations. As regards their armaments, the Armaments Control Agency will have to satisfy itself that they "correspond to the size and mission of the forces concerned", in accordance with Article 17 of Protocol No. IV. To do this they will consult NATO.

/4. The NATO Council

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4. The NATO Council has already been asked officially to confirm that they are willing and able to provide the information required.

5. In short this is not a very effective Agreement, but it is probably the best text on which we can all agree and the Director of the Armaments Control Agency, who will have to work the Agreement, takes the view that in the circumstances a poor Agreement is better than no Agreement.

6. The definition of police forces in the related Resolution was not included in the text of the Agreement since in the absence of agreement on the definition of the other categories of forces some Delegations thought it was not suitable to do so.

Recommendation

7. It is recommended that the Secretary of State should sign the Agreement.

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Paragraph 5 of the N.A.T.O. Resolution to implement Section (1)
of the Final Act of the London Conference.

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, 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 N.A.T.O. 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 N.A.T.O. Annual Review will constitute recognition as to the suitability and size of forces to be placed under the authority of the appropriate N.A.T.O. Command and those to be retained under national command.

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