



Volume 8. Occupation and the Emergence of Two States, 1945-1961 Protocol Modifying and Completing the Brussels Treaty (Paris, October 23, 1954)

In connection with its acceptance into NATO, the Federal Republic of Germany voluntarily renounced the development, production, and use of atomic weapons. This was not difficult, since a debate on the consequences of the atomic age had already broken out at home. The debate was fueled not least by changes in the American strategy for defending Western Europe. The U.S. had had so-called tactical nuclear weapons at its disposal since 1953. They were supposed to serve as deterrents against a Soviet attack but would also be deployed in the event that deterrence failed. After various studies and maneuvers, it became increasingly clear to both politicians and the population that the deployment of these weapons would turn Germany into a nuclear battlefield and result in hundreds of thousands of deaths.

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 23rd day of October 1954, in two texts, in the English and French languages, each text being equally authoritative, in a single copy, which shall remain deposited in the archives of the Belgian Government and of which certified copies shall be transmitted by that Government to each of the other Signatories.

ANNEX I

The Federal Chancellor declares:

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

that it undertakes further not to manufacture in its territory such weapons as those detailed in paragraphs IV, V and VI of the attached list. Any amendment to or cancellation of the substance of paragraphs IV, V and VI can, on the request of the Federal Republic, be carried out by a resolution of the Brussels Council of Ministers by a two-thirds majority, if in accordance with the needs of the armed forces a request is made 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 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, paralysant, growth-regulating, anti-lubricating or catalysing properties of any chemical substance.
- b. Subject to the provisions of paragraph C), chemical substances, baring 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 kilograms.

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

[. . .]

Source: Protocol No. III (and Annexes) on the Control of Armaments (October 23, 1954), *American Foreign Policy, 1950-1955. Basic Documents*, vol. 1. Washington, DC: Government Printing Office, 1957; also reprinted in John A. Reed, Jr., *Germany and NATO*. Washington, DC, 1987, pp. 222-27.