

Protocol for the accession of Spain and Portugal to WEU (London, 14 November 1988)

Caption: Protocol for the accession of Spain and Portugal to Western European Union (WEU), signed in London on 14 November 1988. The protocol entered into force on 27 March 1990.

Source: Proceedings. Thirty-fourth ordinary session. Second part, III. Assembly Documents. Paris: Assembly of Western European Union, December 1988. 279 p. . "Accession of the Portuguese Republic and the Kingdom of Spain to Western European Union", page:246 - 249.

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14th November 1988

*Accession of the Portuguese Republic and the Kingdom of Spain
to Western European Union*

14th November 1988

(Documents transmitted by the Council)

Protocol

*for the accession of the Portuguese Republic and the Kingdom of Spain
to the Treaty of Economic, Social and Cultural Collaboration
and Collective Self-Defence, signed at Brussels on 17th March 1948,
as amended by the 'Protocol modifying and completing the Brussels Treaty',
signed at Paris on 23rd October 1954*

The parties to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence signed at Brussels on 17th March 1948, as modified and completed by the Protocol signed at Paris on 23rd October 1954 and the other protocols and annexes which form an integral part thereof, hereinafter referred to as 'the Treaty', on the one hand,

and the Portuguese Republic and Kingdom of Spain, on the other,

Reaffirming the common destiny which binds their countries and recalling their commitment to build a European union in accordance with the Single European Act;

Convinced that the construction of an integrated Europe will remain incomplete as long as it does not include security and defence;

Determined to develop a more cohesive European defence identity which will translate more effectively into practice the obligations of solidarity contained in the Treaty and in the North Atlantic Treaty;

Noting that the Portuguese Republic and the Kingdom of Spain, which are fully committed to the process of European construction and are members of the Atlantic Alliance, have formally stated that they are prepared to accede to the Treaty;

Noting that these two states accept unreservedly and in their entirety the Rome declaration of 27th October 1984 and the platform on European security interests adopted in The Hague on 27th October 1987 and that they are prepared to participate fully in their implementation;

Recalling the invitation issued on 19th April 1988 by the Council of Ministers of Western European Union to the Portuguese Republic and the Kingdom of Spain to open discussions with a view to their possible accession to the Treaty;

Noting the satisfactory conclusion of the discussions which followed this invitation;

Noting that the Portuguese Republic and the Kingdom of Spain have acknowledged the agreements, resolutions, decisions and rules of whatever nature adopted in the framework of Western European Union in conformity with the provisions of the Treaty;

Noting the invitation to accede to the Treaty issued to the Portuguese Republic and to the Kingdom of Spain on 14th November 1988;

Noting the political declaration adopted on 14th November 1988;

Considering that the enlargement of Western European Union to include the Portuguese Republic and the Kingdom of Spain represents a significant step in the development of European solidarity in the field of security and defence;

Have agreed as follows:

Article I

By the present Protocol, the Portuguese Republic and the Kingdom of Spain accede to the Treaty.

Article II

By their accession to the Treaty, the Portuguese Republic and the Kingdom of Spain become parties to the agreements concluded between the member states in fulfilment of the Treaty, listed by way of annex to the present Protocol.

Article III

Each of the signatory states shall notify the Belgian Government of the acceptance, approval or ratification of the present Protocol, which shall enter into force on the day of the receipt of the last of these notifications. The Belgian Government shall inform the signatory states of each such notification and of the entry into force of the Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Protocol.

Done at London this fourteenth day of November, 1988, 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 certified copies of which shall be transmitted by that government to each of the other signatories.

For the Government of the Kingdom of Belgium:

For the Government of the French Republic:

For the Government of the Federal Republic of Germany:

For the Government of the Italian Republic:

For the Government of the Grand Duchy of Luxembourg:

For the Government of the Kingdom of the Netherlands:

For the Government of the Portuguese Republic:

For the Government of the Kingdom of Spain:

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ANNEX

Agreements concluded between the member states in fulfilment of the Treaty:

1. Agreement on the status of Western European Union, national representatives and international staff, signed at Paris on 11th May 1955.
2. Agreement drawn up in implementation of Article V of Protocol No. II to the Treaty, signed at Paris on 14th December 1957.

***Political declaration relating to the enlargement of
Western European Union to include Portugal and Spain***

During the consultations which were held with a view to the enlargement of WEU to include Portugal and Spain, the member states of WEU with Portugal and Spain, taking into consideration the spirit in which their security co-operation has recently developed, found that a number of the provisions of the Brussels Treaty, as modified in 1954, did not correspond to the way in which they intend to pursue and strengthen that co-operation, on the basis of the Rome declaration on 27th October 1984 and of the platform on European security interests, adopted in The Hague on 27th October 1987.

Consequently, the member states of WEU with Portugal and Spain consider that the relevant provisions of the Brussels Treaty, as modified in 1954, and its corresponding protocols will be re-examined, as appropriate, having regard for the practice and achievements of, and the prospects for, their co-operation in security matters.

Texts for exchange of letters on Article X of the modified Brussels Treaty

English version

A. Draft letter from Spanish Minister to each member state and Portugal

“ Your Excellency,

I have the honour to refer to the Protocol signed this day for the accession of the Portuguese Republic and the Kingdom of Spain to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed at Brussels on 17th March 1948, as amended by the protocol modifying and completing the Brussels Treaty, signed at Paris on 23rd October 1954, and to communicate the following in connection with Article X of the said Treaty, hereinafter referred to as ‘the Treaty’.

The Government of the Kingdom of Spain proposes in this connection that the Kingdom of Spain shall not, as a consequence of its accession to the Treaty, be obliged to submit to the International Court of Justice, without its consent, any dispute between Spain and another party to the Treaty existing prior to the entry into force of the Treaty for Spain or relating to facts or situations existing before that date.

I should be grateful if Your Excellency would confirm that your Government is in agreement with the above and that the exchange of letters thus effected will be considered as an annex to the protocol of accession, which will enter into force simultaneously therewith.

(formal close) ”

B. Draft reply from each member state and Portugal to the Spanish Minister

“ Your Excellency,

I have the honour to acknowledge receipt of your communication of today’s date referring to the Protocol for the accession of the Portuguese Republic and the Kingdom of Spain to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, signed at Brussels on 17th March 1948, as amended by the protocol modifying and completing the Brussels Treaty, signed at Paris on 23rd October 1954 and in particular to Article X of the said Treaty, hereinafter referred to as ‘the Treaty’.

I have the honour in reply to confirm that, in the view of my Government, the Kingdom of Spain shall not, as a consequence of its accession to the Treaty, be obliged to submit to the International Court of Justice, without its consent, any dispute between Spain and another party to the Treaty existing prior to the entry into force of the Treaty for Spain or relating to facts or situations existing before that date, and that the present exchange of letters will be considered as an annex to the protocol of accession, which will enter into force simultaneously therewith.

(formal close) ”