

Internal note from the British Foreign Office on the limitations on German arms production (London, 20 April 1959)

Caption: On 20 April 1959, A. Desmond F. Pemberton-Pigott of the British Foreign Office drafts a report on British policy with regard to the German request to produce certain types of weapons for which they are subject to restrictions under the Revised Brussels Treaty, in this case the joint production of surface-to-air guided missiles. Pemberton-Pigott agrees to support the German request, explaining that the amendment does not contravene the spirit of the Brussels Treaty because the weapons which the Federal Republic of Germany will be permitted to manufacture are strictly defensive, and that the joint production of suitable air defence systems is of vital importance to Allied Command Europe.

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). Limitations on FRG arms production. 01/01/1959-31/12/1959, FO 371/146464 (Former Reference Dep: File 1195).

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1959

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WESTERN DEPARTMENT

WUW 1195/23

WESTERN

EUROPEAN UNION

FROM F.O. Minute
Mr. Pigott

SUBJECT:

Limitation on German Arms
Production in the Revised Brussels
Treaty.

No. -
Dated April 20
Received April 29

References

MINUTES

A) No. 10. Prime Minutes to Secy. of State of
26/4.

(Printing Instructions)

(Outward Action)
Pft) Prime Minutes
from Secy. of State
(PM/59/46) of
April 24.

(Action completed)

(Main Indexed)

H.
17/7/59.

W
2/6/60

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ARCHIVES
29 APR 1959

LIMITATION ON GERMAN ARMS PRODUCTION IN
THE REVISED BRUSSELS TREATY

WUW 1195/23

Under Protocol III of the revised Brussels Treaty Germany is forbidden to produce atomic, biological and chemical weapons, long range and guided missiles, influence mines, large warships and strategic bomber aircraft.

2. The WEU Council can amend these restrictions (except for restrictions on production of atomic, biological and chemical weapons) by two-thirds majority, on the recommendation of SACEUR. In the course of 1958 the Council agreed to two relatively unimportant amendments to permit Germany to manufacture, first anti-tank guided missiles, and secondly one training ship with a displacement greater than the limits permitted in the Treaty. There have been Parliamentary Questions about these amendments but no adverse public reaction.

3. Early this year the Germans asked for an amendment to the Treaty in order to permit Germany to undertake, in concert with certain other WEU countries, the joint production of anti-aircraft guided missiles. The background is an agreement between France, Italy, Germany, Belgium and the Netherlands, concluded within the framework of the NATO Armaments Committee, to manufacture jointly the American HAWK surface-to-air missile. Production would be shared among the participating countries in proportion to their requirements for this missile. The HAWK is a defensive weapon and has no atomic capability (although a future development of it might have).

4. On March 10, Mr. Ormsby-Gore agreed that we should not object to this request (see WUW1195/8, Flag A). Two conditions were made:

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(a) we should want to scrutinise carefully the terms of any amendment to the Treaty to make sure that its effect was limited to the immediate purpose for which it was sought;

(b) we did not want the actual formal decision in WEU to be taken (and consequently made public) until the Russians were definitely committed to a meeting of Foreign Ministers.

5. This second condition has now been fulfilled, and the German Delegation to WEU have circulated a proposed text (Flag B) which would permit Germany to manufacture any guided anti-aircraft missiles. They want to get this through as soon as they can and hope that the WEU Council will approve the amendment at a meeting on April 29 or before.

6. We have agreed with the Ministry of Defence that we should accept this proposed text as it stands. The Germans have already been suspicious of us because of the delay in getting the amendment to the Treaty agreed. If we put forward a more restrictive text (e.g. limiting German production of these missiles to joint production with other NATO countries) there may be fresh German hostility and suspicion of our motives. It is also possible that the other WEU countries will want to accept the present German text straight away, so that we ^{might} ~~may~~ be outvoted anyhow.

7. The Ministry of Defence have, however, raised a subsidiary point, but one of substance. The relevant clause of the Brussels Treaty at present reads:

"Proximity fuses, and short-range guided missiles for anti-aircraft defence with the following maximum characteristics are regarded as excluded from this definition". I.e. from prohibition.

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There follow certain limitations which restrict German production to very small anti-aircraft missiles.]

The comma after the words "proximity fuses" implies that Germany is already permitted to manufacture all proximity fuses, not only those associated with anti-aircraft defence. From the context of the passage, however, it seems ~~most~~ unlikely that this was the intention of the Treaty. The French text contains no comma, but is ambiguous. The Ministry of Defence ask that we should try to obtain the deletion of the comma from the amended text as proposed by the Germans in order to make it clearer that Germany could only manufacture proximity fuses for the purpose of anti-aircraft defence. The Ministry of Defence maintain that this is not in any way a limitation but only a clarification of the Treaty. But they do not wish to insist on the point if in our judgement it would be unwise to put it forward now.

8. We could ^{raise} this point informally and very carefully to the German Delegation, but in the present atmosphere we should be likely to be misunderstood. The Germans would inevitably think that we were trying to prevent them from doing something. Though it is admittedly unsatisfactory it seems best to leave this phrase in the Treaty as it now stands.

9. We know that all other WEU countries agree in principle with the amendment: we do not yet know whether they will all accept the text as proposed. We have heard informally that the French may propose an alternative text which would still impose limits on the size of the missiles which the Germans would be permitted to construct; but the size would now be great enough to permit the manufacture of HAWK missiles.

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This should not affect our attitude which is mainly based on considerations of Anglo-German relations.

10. If the amendment is approved, it will have to be made public. (There has already been some interest from the press.) Both the WEU Secretariat and the Foreign Office News Department should issue explanations on the following lines:

- (a) the amendment does not contravene the spirit of the Brussels Treaty since the weapons which Germany is now permitted to manufacture are strictly defensive;
- (b) the joint production of suitable air defence systems is of vital importance to Allied Command Europe. It is in the interests of the Alliance that the industrial capacity of the Federal Republic should be harnessed to the joint armament efforts of her Allies.

This would need to be put to the WEU Council when it approved the amendment.

Recommendations.

11. (a) We should agree to the amendment to the Revised Brussels Treaty to permit Germany to manufacture anti-aircraft missiles in the terms proposed by the German Delegation.

(b) Publicity guidance on the lines of paragraph 10 should be proposed to the WEU Council when the matter is discussed there.

S. Pemberton-Pigott

(A.D.F. Pemberton-Pigott)

April 20, 1959.

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