



Treaty Series No. 53 (1990)

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 17 March 1948,
as amended by the "Protocol Modifying and Completing the
Brussels Treaty", signed at Paris
on 23 October 1954
with Exchange of Letters

London, 14 November 1988

[The United Kingdom instrument of ratification was deposited on 18 April 1989 and the Protocol entered into force on 27 March 1990]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
August 1990*

LONDON : HMSO

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**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
17 MARCH 1948, AS AMENDED BY THE "PROTOCOL MODIFYING
AND COMPLETING THE BRUSSELS TREATY", SIGNED
AT PARIS ON 23 OCTOBER 1954**

The Parties to the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence signed at Brussels on 17 March 1948¹, as modified and completed by the Protocol signed at Paris on 23 October 1954² 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 the 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 27 October 1984 and the Platform on European Security Interests adopted in The Hague on 27 October 1987 and that they are prepared to participate fully in their implementation;

Recalling the invitation issued on 19 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 14 November 1988;

Noting the Political Declaration adopted on 14 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.

¹ Treaty Series No. 1 (1949), Cmd. 7599.

² Treaty Series No. 39 (1955), Cmd. 9498.

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 Protocol¹.

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.

SIGNATURES AND RATIFICATIONS

SIGNATURES, RATIFICATIONS AND ACCEPTANCE

<i>State</i>	<i>Signature</i>	<i>Date of deposit of instrument of Ratification or Acceptance (A)</i>
Belgium	14 Nov 1988	8 Jan 1990
France	14 Nov 1988	29 Jan 1990
Germany, Federal Republic of	14 Nov 1988	4 Oct 1989
Italy	14 Nov 1988	23 Feb 1990
Luxembourg	14 Nov 1988	27 July 1989
Netherlands	14 Nov 1988	12 Jun 1989(A)
Portugal	14 Nov 1988	27 Mar 1990
Spain	14 Nov 1988	9 Aug 1989
United Kingdom	14 Nov 1988	18 Apr 1989

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 11 May 1955².
2. Agreement drawn up in implementation of Article V of Protocol No II to the Treaty, signed at Paris on 14 December 1957³.

¹ The Protocol entered into force on 27 March 1990.

² Treaty Series No. 42 (1957), Cmnd. 173.

³ Treaty Series No. 37 (1962), Cmnd. 1712.

EXCHANGE OF LETTERS¹

The Minister for Foreign Affairs for the Kingdom of Spain to the Secretary of State for Foreign and Commonwealth Affairs

Madrid

14 November 1988

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 17 March 1948, as amended by the Protocol modifying and completing the Brussels Treaty, signed at Paris on 23 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.

Accept, Your Excellency, the renewed assurance of my highest consideration,

FRANCISCO FERNÁNDEZ ORDOÑEZ

The Secretary of State for Foreign and Commonwealth Affairs to the Minister for Foreign Affairs for the Kingdom of Spain

London

14 November 1988

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 17 March 1948, as amended by the Protocol modifying and completing the Brussels Treaty, signed at Paris on 23 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.

Accept, Your Excellency, the renewed assurance of my highest consideration,

GEOFFREY HOWE

¹ Similar letters were exchanged between the Government of the Kingdom of Spain and the other Governments signatory to the Protocol.