

No. 7333

**FEDERAL REPUBLIC OF GERMANY, BELGIUM,
FRANCE, NETHERLANDS and SWEDEN**

**Convention (with Financial Protocol) for the establishment
of a European Organization for Astronomical Research
in the Southern Hemisphere. Signed at Paris, on
5 October 1962**

Official texts: French, German, Dutch and Swedish.

Registered by France on 2 July 1964.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, BELGIQUE,
FRANCE, PAYS-BAS et SUÈDE**

**Convention (avec Protocole financier) portant création
d'une Organisation européenne pour des recherches
astronomiques dans l'hémisphère austral. Signée à
Paris, le 5 octobre 1962**

Textes officiels français, allemand, néerlandais et suédois.

Enregistré par la France le 2 juillet 1964.

[TRANSLATION — TRADUCTION]

No. 7333. CONVENTION¹ FOR THE ESTABLISHMENT OF
A EUROPEAN ORGANIZATION FOR ASTRONOMICAL
RESEARCH IN THE SOUTHERN HEMISPHERE.
SIGNED AT PARIS, ON 5 OCTOBER 1962

The Governments of the States Parties to this Convention,

Considering :

That the study of the southern celestial hemisphere is much less advanced than that of the northern hemisphere,

That, consequently, the data on which knowledge of the galaxy is based are by no means of equal value in the different sections of the heavens and that it is essential to improve them and to supplement them where they are inadequate,

That, in particular, it is highly regrettable that systems which have no equivalent in the northern hemisphere are almost inaccessible to the largest instruments now in use,

That there is therefore an urgent need for the installation in the southern hemisphere of powerful instruments, comparable with those in the northern hemisphere, but that such a project can be successfully carried out only through international co-operation,

Desiring to establish jointly in the southern hemisphere an observatory equipped with powerful instruments, and thus to promote and organize co-operation in astronomical research,

Have agreed as follows :

Article I

ESTABLISHMENT OF THE ORGANIZATION

1. A European Organization for Astronomical Research in the Southern Hemisphere, hereinafter referred to as « the Organization », is hereby established.

2. The provisional seat of the Organization shall be at Brussels. Its seat shall be definitively fixed by the Council set up under article IV.

¹ In accordance with article XIV, paragraph 1, of the Convention, the Convention and the Financial Protocol came into force on 24 December 1963, the date of deposit of the fourth instrument of ratification. The instruments were deposited with the French Government on the following dates :

Netherlands	12 June	1963
Sweden	5 October	1963
Federal Republic of Germany	5 December	1963
France	24 December	1963

Article II

PURPOSES

1. The purpose of the Organization shall be the construction, equipment and operation of an astronomical observatory situated in the southern hemisphere.

2. The initial programme of the Organization shall comprise the construction, equipment and operation of an observatory in the southern hemisphere, consisting of :

(a) A telescope having an aperture of about 3 metres ;

(b) A Schmidt camera with a plate of about 1.20 metres ;

(c) A maximum of three telescopes with apertures not greater than 1 metre ;

(d) A meridian circle ;

(e) The auxiliary apparatus required for research programmes utilizing the instruments described under (a), (b), (c) and (d) ;

(f) The buildings required for the housing of the equipment described under (a), (b), (c), (d) and (e), for the administration of the observatory and for the accommodation of the staff.

3. All supplementary programmes shall be submitted to the Council set up under article IV of this Convention, and shall be subject to the approval of a two-thirds majority of the States members of the Organization. No State which has not approved such a supplementary programme shall be obliged to contribute towards its execution.

4. The member States shall facilitate the exchange of personnel and of scientific and technical information which is likely to be of use in carrying out the programmes in which they participate.

Article III

MEMBERS

1. The States Parties to this Convention shall be members of the Organization.

2. Other States may be admitted to the Organization in accordance with the procedure laid down in article XIII, paragraph 4.

Article IV

ORGANS

The Organization consists of the Council and the Director.

Article V

COUNCIL

1. The Council shall be composed of two delegates from each member State, of whom at least one shall be an astronomer. The delegates may be assisted by experts.

2. The Council shall :

(a) Determine the Organization's policy in scientific, technical and administrative matters ;

(b) Approve the budget by a two-thirds majority of the member States and determine the financial arrangements of the Organization in accordance with the Financial Protocol¹ annexed to this Convention ;

(c) Supervise expenditures and approve and publish audited annual accounts of the Organization ;

(d) Decide upon the composition of the staff and approve the appointment of high-level officials of the Organization ;

(e) Publish an annual report ;

(f) Approve the internal rules for the observatory proposed by the Director ;

(g) Have full powers to take the measures necessary for the operation of the Organization.

3. The Council shall meet at least once a year at such places as it shall decide.

4. Each member State shall have one vote in the Council. Nevertheless, a member State shall not be entitled to vote on the execution of a programme other than the initial programme referred to in article II, paragraph 2, unless it has agreed to contribute financially to that programme or unless the vote relates to equipment to the cost of which it has agreed to contribute.

5. The decisions of the Council shall not be valid unless the representatives of at least two-thirds of the member States are present.

6. Decisions of the Council shall be taken by an absolute majority of the member States represented and voting, except where otherwise provided in this Convention.

7. Subject to the provisions of this Convention, the Council shall adopt its own rules of procedure.

8. The Council shall elect from its own number a President, who shall hold office for one year and may be re-elected not more than twice consecutively.

9. The President shall convene the meetings of the Council. He shall be bound to convene a meeting of the Council within thirty days of a request to that effect by not less than two member States.

¹ See p. 282 of this volume.

10. The Council may establish such subsidiary bodies as may be necessary for the purposes of the Organization. The Council shall decide the terms of reference of those bodies.

11. The Council shall, by a unanimous decision of the member States, determine the State on whose territory the observatory shall be established and the situation of the observatory.

12. The Council shall conclude such agreements relating to the seat of the Organization as may be necessary for the purposes of this Convention.

Article VI

DIRECTOR AND STAFF

1. (a) The Council shall appoint the Director, for a fixed period, by a two-thirds majority of the member States; the Director shall be responsible only to the Council. He shall be entrusted with the general administration of the Organization. He shall be the legal representative of the Organization. He shall submit an annual report to the Council. He shall attend the Council's meetings in a consultative capacity unless the Council decides otherwise.

(b) The Council may, by a two-thirds majority of the member States, terminate the appointment of the Director.

(c) When the office of Director is vacant, the President of the Council shall be the Organization's legal representative. In that case, the Council may appoint a person to act in the place of the Director and shall decide upon the powers and responsibilities of such a person.

(d) Under conditions laid down by the Council, the President and the Director may delegate their powers of signature.

2. The Director shall be assisted by such scientific, technical and administrative staff as may be authorized by the Council.

3. Subject to article V, paragraph 2 (d), and to budgetary authorizations, the staff shall be appointed and dismissed by the Director. Such appointments and their termination shall be in accordance with staff regulations adopted by the Council.

4. The Director and the staff of the Organization shall exercise their functions in the interests of the Organization. They shall not seek or receive instructions other than from the competent organs of the Organization. They shall refrain from any action inconsistent with the nature of their office. Each member State undertakes not to influence the Director and staff of the Organization in the discharge of their responsibilities.

5. Research workers and their assistants who, not being members of the staff of the Organization, are engaged with the authorization of the Council to undertake

work in the observatory, shall be under the authority of the Director and subject to the general rules determined or approved by the Council.

Article VII

FINANCIAL CONTRIBUTIONS

1. (a) Each member State shall contribute to the capital expenditure and equipment costs as well as to the current operating expenses of the Organization in accordance with a scale to be decided every three years by the Council by a two-thirds majority of the member States ; the said scale shall be based on the average net national income calculated in accordance with the rules laid down in article VII, paragraph 1 (b), of the Convention for the Establishment of a European Organization for Nuclear Research, signed in Paris on 1 July 1953.¹

(b) The above provisions apply only to the initial programme referred to in article II, paragraph 2.

(c) No member State shall be required to pay annual contributions exceeding one third of the total amount of the contributions assessed by the Council. This maximum may be reduced by a unanimous decision of the Council if a State not listed in the annex² to the Financial Protocol becomes a member of the Organization.

2. If a supplementary programme as provided in article II, paragraph 3, should be adopted, the Council shall fix a special scale for contributions to the expenses of that programme to be paid by the member States participating in it. This special scale shall be fixed in accordance with paragraph 1 above, but without taking into account the conditions referred to in sub-paragraph (c).

3. Any State becoming a member of the Organization after the date of the entry into force of this Convention shall be required, in addition to contributing to future capital investment, equipment costs and current operating expenses, to make a special contribution representing its share in the capital expenditure and equipment costs already incurred. The amount of this contribution shall be fixed by the Council by a two-thirds majority of the member States.

4. All special contributions made in accordance with the provisions of paragraph 3 above shall be applied towards reducing the contributions of the other member States, unless the Council unanimously decides otherwise.

5. No State shall have the right to participate in activities to which it has not contributed financially.

6. The Council may accept gifts and legacies to the Organization provided that such gifts or legacies are not subject to any conditions inconsistent with the purposes of the Organization.

¹ United Nations, *Treaty Series*, Vol. 200, p. 149.

² See p. 284 of this volume.

Article VIII

AMENDMENTS

1. The Council may recommend to member States amendments to this Convention and to the annexed Financial Protocol. Any member State wishing to propose an amendment shall notify the Director thereof. The Director shall inform the member States of any amendment so notified at least three months before it is discussed by the Council.

2. Amendments recommended by the Council shall be adopted only with the consent of all member States acting in accordance with the rules of their constitutions. Such amendments shall enter into force thirty days after the last notification of acceptance of the proposal. The Director shall inform member States of the date of the entry into force of the amendment.

Article IX

DISPUTES

Unless the member States concerned agree on some other mode of settlement, any dispute between member States regarding the interpretation or application of this Convention or of the Financial Protocol which is not settled by the good offices of the Council shall be submitted to The Hague Permanent Court of Arbitration, in accordance with the provisions of the Convention of 18 October 1907¹ for the Pacific Settlement of International Disputes.

Article X

WITHDRAWAL

Any member State of the Organization may, not earlier than ten years after having become a member of the Organization, give notice in writing to the President of the Council of its withdrawal from the Organization. Such withdrawal shall take effect at the end of the financial year following that in which it is notified. No member State withdrawing from the Organization shall have any claim to reimbursement out of the assets of the Organization or of contributions which it has already made.

Article XI

NON-FULFILMENT OF OBLIGATIONS

If any member of the Organization ceases to fulfil its obligations under the provisions of this Convention or the Financial Protocol, it shall be called upon by the Council to comply with the provisions in question. If the member concerned should fail to comply with this request within the time-limit fixed therefor, the other mem-

¹ J. B. Scott, *The Hague Peace Conferences of 1899 and 1907*, Vol. 2, Documents, p. 309; League of Nations, *Treaty Series*, Vol. LIV, p. 435, and Vol. CXXXIV, p. 453.

bers may decide, unanimously, to continue their co-operation in the Organization without the participation of the member concerned. In such an event, the State in question shall have no claim to reimbursement out of the assets of the Organization or of contributions which it has already made.

Article XII

DISSOLUTION

The Organization may be dissolved at any time by a resolution adopted by a two-thirds majority of the member States. Unless an agreement is reached unanimously among the member States at the time of dissolution, a liquidator shall be appointed under the same resolution. The surplus shall be distributed among those States which are members of the Organization at the time of the dissolution, in proportion to the contributions actually made by them from the dates of their becoming parties to this Convention. In the event of a deficit this shall be met by the existing member States in proportion to their assessments for the financial year then current.

Article XIII

SIGNATURE—ACCESSION

1. This Convention and the Financial Protocol annexed thereto shall be open for signature by all States which took part in the work preparatory to this Convention.
2. This Convention and the Financial Protocol annexed thereto shall be approved or ratified by each State in accordance with the rules of its constitution.
3. Instruments of approval or ratification shall be deposited with the Ministry of Foreign Affairs of the French Republic.
4. The Council may, by unanimous decision of the member States, admit to the Organization States other than those referred to in paragraph 1 of this article. States thus admitted shall become members of the Organization by depositing an instrument of accession with the Ministry of Foreign Affairs of the French Republic.

Article XIV

ENTRY INTO FORCE

1. This Convention and the Financial Protocol annexed thereto shall enter into force on the date of the deposit of the fourth instrument of approval or ratification, provided that the total amount of the contributions, according to the scale set out in the annex to the Financial Protocol, amounts to at least 70 per cent.
2. In the case of any State that deposits its instrument of approval, ratification or accession after the date of entry into force referred to in paragraph 1 of this article, the Convention and the Financial Protocol shall enter into force on the date of the deposit of the instrument in question.

Article XV

NOTIFICATION

1. The Minister for Foreign Affairs of the French Republic shall notify all signatory and acceding States and the Director of the Organization of the deposit of each instrument of approval, ratification or accession *and of the entry into force* —

2. The President of the Council shall notify all member States when a State withdraws from the Organization or ceases to be a member in virtue of article XI.

Article XVI

REGISTRATION

The Ministry of Foreign Affairs of the French Republic shall, upon the entry into force of this Convention and the Financial Protocol annexed thereto, register them with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned representatives, being duly authorized thereto, have signed this Convention.

DONE in Paris, on 5 October 1962, in a single original in the German, French, Dutch and Swedish languages ; in the event of a discrepancy, the French text shall be considered authoritative. This original shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic.

The said Ministry shall transmit a certified true copy to all signatory and acceding States.

For the Federal Republic of Germany :

K. H. KNOKE

For the Kingdom of Belgium :

JASPAR

For the French Republic :

E. DE CARBONNEL

For the Kingdom of the Netherlands :

J. W. BEYEN

For the Kingdom of Sweden :

R. KUMLIN

FINANCIAL PROTOCOL ANNEXED TO THE CONVENTION¹ FOR THE ESTABLISHMENT OF A EUROPEAN ORGANIZATION FOR ASTRONOMICAL RESEARCH IN THE SOUTHERN HEMISPHERE

The Governments of the States Parties to the Convention for the establishment of a European Organization for Astronomical Research in the Southern Hemisphere,

Desiring to make provision for the financial administration of the said Organization,
Have agreed as follows :

Article 1

BUDGET

1. The financial year of the Organization shall run from 1 January to 31 December.
2. The Director shall, not later than 1 September in each year, submit to the Council for consideration and approval detailed estimates of income and expenditure for the following financial year.
3. Estimates of income and expenditure shall be divided into chapters. Transfers within the budget shall not be permitted except by authority of the Finance Committee established under article 3. The exact form of the estimates shall be determined by the Finance Committee on the advice of the Director.

Article 2

SUPPLEMENTARY BUDGET

The Council may request the Director to submit a supplementary or revised budget if circumstances make it necessary. No resolution involving additional expenditure shall be deemed to be approved by the Council unless the latter has also approved an estimate submitted by the Director of the additional expenditure involved.

Article 3

FINANCE COMMITTEE

A Finance Committee composed of representatives of all the member States shall be set up by the Council, with such functions as shall be laid down in the Financial Rules as provided in article 8 below. The Director shall submit the budget estimates to this Committee for examination, after which they shall be transmitted to the Council with the Committee's report thereon.

Article 4

CONTRIBUTIONS

1. For the period ending on 31 December of the year in which the Convention enters into force, the Council shall make provisional budgetary arrangements, which shall be met by contributions assessed in accordance with the provisions of the annex to this Protocol.

¹ See p. 274 of this volume.

2. From 1 January of the following year, the budget expenditure approved by the Council shall be met by contributions from member States as provided in article VII, paragraph 1, of the Convention.

3. If a State becomes a member of the Organization after 31 December of the year in which the Convention enters into force, the contributions of all member States shall be reassessed and the new scale shall take effect from the beginning of the current financial year. Reimbursements shall be made to the extent necessary to adapt the contributions of all the member States to the new scale.

4. (a) The Finance Committee, in consultation with the Director, shall fix the terms of payment of contributions in order to ensure the proper financing of the Organization.

(b) The Director shall thereafter notify member States of the amount of their contributions and of the dates on which payments shall be made.

Article 5

CURRENCY OF PAYMENT OF CONTRIBUTIONS

1. The Council shall decide upon the currency in which the budget of the Organization shall be drawn up. The contributions of member States shall be made in that currency, in accordance with the payments arrangements in force.

2. The Council may, however, require member States to pay part of their contributions in any other currency which may be needed for the work of the Organization.

Article 6

WORKING CAPITAL FUND

The Council may establish a working capital fund.

Article 7

ACCOUNTS AND AUDITING

1. The Director shall keep an account of all receipts and disbursements, and prepare an annual balance-sheet for the Organization.

2. The Council shall appoint auditors, whose first term of office shall be for three years and who may be reappointed. The auditors shall examine the accounts and balance-sheet of the Organization, in particular with a view to certifying that the expenditure has been kept within the limits specified in the Financial Rules, as provided in the budget. They shall discharge such other functions as may be laid down in the Financial Rules.

3. The Director shall furnish the auditors with such information and help as they may require to carry out their duties.

Article 8

FINANCIAL RULES

The Financial Rules shall contain all further provisions concerning the budgetary system, accounts and finance of the Organization. They shall be approved by a unanimous decision of the Council.

IN WITNESS WHEREOF the undersigned representatives, being duly authorized thereto, have signed this Protocol.

DONE in Paris, on 5 October 1962, in a single original in the German, French, Dutch and Swedish languages ; in the event of a discrepancy, the French text shall be considered authoritative. This original shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic.

The said Ministry shall transmit a certified copy to all signatory and acceding States.

For the Federal Republic of Germany :

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ANNEX

CONTRIBUTIONS FOR THE PERIOD ENDING ON 31 DECEMBER OF THE YEAR IN WHICH
THE CONVENTION ENTERS INTO FORCE

(a) The States which are Parties to the Convention on the date of its entry into force, together with any other States which may become members of the Organization during the period mentioned above, shall between them contribute the whole of the sums required by the provisional budgetary arrangements made by the Council under article 4, paragraph 1, of the Financial Protocol.

(b) The contributions of the States which become members of the Organization during the period mentioned above shall be assessed provisionally in such a manner that the contributions of all member States shall be in the same proportion as the percentage figures set

out in paragraph (d) of this annex. The contributions of these new members shall serve either, as provided in paragraph (c) below, to reimburse subsequently part of the provisional contributions previously paid by the other member States, or to meet additional budgetary appropriations approved by the Council during that period for the execution of the initial programme.

(c) The final amount of the contributions due for the period mentioned above shall be assessed retroactively on the basis of the total budget for the said period, so that it shall amount to the sum to which it would have amounted if all the member States had become Parties to the Convention on the date of its entry into force. Any sum paid by a member State in excess of its contribution thus retroactively assessed shall be placed to the credit of that State.

(d) If all the States mentioned in the scale below have become members of the Organization before the end of the period indicated above, the percentage of their contributions to the total budget for that period shall be as follows :

Federal Republic of Germany	33.33%
Belgium	11.32%
France	33.33%
Netherlands	10.49%
Sweden	11.53%
	TOTAL 100.00%

(e) In the case of a change in the maximum annual contribution as provided in article VII, paragraph 1 (c), of the Convention, the above scale shall be modified accordingly.