

No. 7825

**BRAZIL, CUBA, ECUADOR,
MEXICO, NICARAGUA, etc.**

**Agreement establishing the Latin American Physics Centre.
Done at Rio de Janeiro, on 26 March 1962**

Official texts: Spanish, French and Portuguese.

*Registered by the United Nations Educational, Scientific and Cultural Organization
on 18 June 1965.*

**BRÉSIL, CUBA, ÉQUATEUR,
MEXIQUE, NICARAGUA, etc.**

**Accord instituant le Centre latino-américain de physique.
Fait à Rio de Janeiro, le 26 mars 1962**

Textes officiels espagnol, français et portugais.

*Enregistré par l'Organisation des Nations Unies pour l'éducation, la science et la
culture le 18 juin 1965.*

[TRANSLATION—TRADUCTION]

No. 7825. AGREEMENT¹ ESTABLISHING THE LATIN AMERICAN PHYSICS CENTRE. SIGNED AT RIO DE JANEIRO, ON 26 MARCH 1962

The Contracting Parties,

Having in mind resolution 2.121 of the General Conference of the United Nations Educational, Scientific and Cultural Organization, dated 14 December 1960, and resolution 72 of the Executive Board of that Organization, dated 7 June 1961;

Believing the development of scientific research in the field of physics to be an essential basis for economic and social progress;

Considering :

That there is an urgent need to raise the scientific level and to increase the number of teachers and research scientists in the various branches of physics;

That for that purpose a major co-operative effort at the regional level is required;

That it is therefore highly desirable that a Latin American Physics Centre be established to promote and facilitate in Latin America research in physics and the training of research physicists and university teachers of physics,

Have agreed as follows :

Article I

ESTABLISHMENT

A Latin American Physics Centre, hereinafter referred to as the " Centre ", is hereby established, with its headquarters at the Centro Brasileiro de Pesquisas Físicas.

Article II

FUNCTIONS

1. The main function of the Centre shall be to carry out scientific research and organize specialized instruction in the physical sciences, concentrating

¹ In accordance with the provisions of article XIV, paragraph 4, the Agreement came into force on 10 June 1965, Brazil and the five other States listed below having signed it without reservation as to acceptance* on that date or having signed it subject to acceptance and having deposited their instruments of acceptance with the Director General of the United Nations Educational, Scientific and Cultural Organization on the dates indicated :

Cuba*	26 March	1962
Ecuador	24 January	1964
Mexico	28 July	1964
Brazil	11 August	1964
Peru	25 November	1964
Nicaragua	10 June	1965

primarily on regular and advanced training of research physicists and university teachers in Latin America and on the co-ordination of efforts to implement large-scale programmes in the field of physics. An additional function of the Centre shall be to assist in establishing research groups in the field of physics, particularly in countries where no such groups exist. The Centre shall carry out such special programmes as are required in the various branches of physics, particularly with regard to problems of national interest for one or more member States, and shall provide technical advice upon request.

2. To achieve these purposes, the Centre shall have at its disposal, under agreements which it may conclude :

- (a) The facilities, laboratories and scientific and technical staff of the scientific institutions of the member States participating in the work of the Centre. The object of the above-mentioned agreements shall be to facilitate co-operation between all the physics research institutions and to make it possible for all their research physicists to work in the Latin American laboratory or institution most suited to their special field.
- (b) The services of physicists engaged in research and university teaching in Latin America.
- (c) Additional facilities, laboratories and staff as laid down in the work programmes. These facilities and laboratories may be at the headquarters of the Centre or in any other place chosen by the governing bodies of the Centre.
- (d) Facilities, laboratories and scientific, technical and administrative staff provided by the Centro Brasileiro de Pesquisas Físicas.

Article III

MEMBERSHIP

1. The members of the Centre shall be the Latin American States which become parties to this Agreement.

2. The following States shall be considered Latin American States for the purposes of this Agreement : Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, El Salvador, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

Article IV

ORGANS

The Centre shall include :

- (a) A General Assembly.
- (b) A Governing Council.
- (c) Scientific, technical and administrative staff under a Director.

Article V

GENERAL ASSEMBLY

1. The General Assembly shall consist of one representative, preferably a qualified physicist, of each State member of the Centre and of one representative of the United Nations Educational, Scientific and Cultural Organization; the latter representative shall not have the right to vote. Each representative may have one alternate.

2. Each member State of the Centre shall have one vote in the General Assembly.

3. The Assembly shall be the supreme organ of the Centre. It shall determine, at its regular sessions, the main features of the programme and the budgetary policy of the Centre, and shall consider the biennial report on the work of the Centre submitted by the Director of the Centre, together with the comments of the Governing Council.

4. The General Assembly shall elect the Governing Council.

5. Regular sessions of the General Assembly shall be convened by the Chairman of the Governing Council. At each regular session, a President and two Vice-Presidents shall be elected. At the opening of each regular session of the General Assembly, the representative of the State of which the President of the previous session was a national shall serve as acting President until the General Assembly has elected the President for the current session.

6. The General Assembly shall adopt its own rules of procedure. Its decisions shall be made by a majority of the members present and voting.

7. The General Assembly shall meet in regular session once every two years, and in special session when convened by the Governing Council or at the request of a majority of the member States.

Article VI

GOVERNING COUNCIL

1. The membership of the Governing Council shall consist of five qualified physicists elected by the General Assembly, not necessarily from among its members, one representative of the United Nations Educational, Scientific and Cultural Organization and one representative of the Centro Brasileiro de Pesquisas Físicas; the two latter members shall not have the right to vote.

2. The five members elected by the General Assembly shall not include more than one national of any member State.

3. The General Assembly shall also elect five alternate members of the Governing Council. These alternate members shall be called on by the Chairman of the Governing Council, in the order in which they were elected, to replace any member of the Council who is absent or incapacitated. Whenever

the first alternate is of the same nationality as one of the attending members of the Governing Council, the Chairman shall call on the second alternate, and so on.

4. The term of office of the members and alternates of the Governing Council shall run from the end of the session at which they are elected to the end of the second subsequent regular session. The terms of two, then of three, members of the Governing Council shall successively expire at each regular session of the General Assembly. At each regular session, the General Assembly shall also fill any vacancies which have arisen among the alternates.

5. The members and alternates of the Governing Council shall be immediately eligible for a second term, but shall not serve consecutively for more than two terms.

6. The Governing Council, acting under the authority of the General Assembly, shall have the following functions :

- (a) To consider and approve the annual reports and programmes prepared by the Director of the Centre and such modification of the programmes as the Director may recommend, and to give its views on the biennial report on the work of the Centre, which is to be submitted to the General Assembly.
- (b) It shall make recommendations to the General Assembly concerning the main features of the programme, and budgetary policy of the Centre.
- (c) It shall supervise the activities and control the finances of the Centre and shall establish its annual budget.
- (d) It shall take decisions on scientific co-operation agreements to be concluded by the Centre.
- (e) It shall elect the Director-General.

7. At each regular session, the Governing Council shall elect from among its members a Chairman and a Vice-Chairman, who shall remain in office until the subsequent election. They shall be eligible for re-election.

8. The Governing Council shall adopt its own rules of procedure. Its decisions shall be made by a majority of the members present and voting. Each member elected by the General Assembly shall have one vote.

9. The Governing Council shall meet in regular session once a year, and in special session when convened by the Chairman or at the request of three of its members.

Article VII

DIRECTOR AND STAFF

1. The Director of the Centre shall be elected by the Governing Council, which shall fix the terms of his appointment.

2. The Director shall have the following functions :

- (a) To direct the work of the Centre and carry out the programmes and instructions laid down by the General Assembly, in accordance with the procedures determined by the Governing Council.
- (b) To be the legal representative of the Centre before the courts and in all its transactions.
- (c) To sign scientific co-operation agreements, subject to their approval by the Governing Council.
- (d) To prepare the annual budget, reports and programmes for approval by the Governing Council.
- (e) To appoint the staff of the Centre.

3. The Governing Council and the Director of the Centre shall draw up administrative rules to govern the operation of the Centre.

Article VIII

FINANCIAL PROVISIONS

1. The financial resources of the Centre shall consist of :

- (a) Annual contributions by member States.
- (b) Gifts, bequests and subsidies which it may receive in conformity with paragraph 3 below.
- (c) Any remuneration it may receive for services rendered.

2. The contributions referred to in paragraph 1 (a) above shall be determined by each member State in accordance with its ability to pay.

3. The Director of the Centre may, with the approval of the Governing Council, accept any gifts, bequests or subsidies made to the Centre, on condition that such gifts, bequests or subsidies do not entail any obligations contrary to the purposes of the Centre.

4. The General Assembly shall decide what shall constitute the Centre's financial period.

Article IX

RELATIONS WITH UNESCO

The Centre shall conclude an agreement with the United Nations Educational, Scientific and Cultural Organization with a view to establishing ways and means for close and effective co-operation between the two institutions, particularly with regard to assistance to research, the exchange of scientific and information staff and the granting of reciprocal facilities.

Article X

LEGAL CAPACITY AND IMMUNITIES OF THE CENTRE

1. The Centre shall enjoy in the territory of each of its member States such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

2. The Centre shall conclude an agreement with the Government of Brazil under which the latter shall grant the Centre the rights and privileges of an inter-governmental international organization.

Article XI

WITHDRAWAL OF MEMBER STATES

1. Any member State may give notice of withdrawal from the Centre at any time after the expiry of four years from the date on which it became a Party to this Agreement. Such notice of withdrawal shall take effect one year after the date of its communication to the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform all member States and the Director of the Centre of such notice of withdrawal.

Article XII

AMENDMENTS

This Agreement may be amended by the General Assembly on the proposal of a member State. All proposals for amendment must be communicated to member States at least six months in advance of their consideration by the General Assembly. Amendments shall require for adoption a number of votes equal to at least two thirds of the number of member States.

Article XIII

TRANSITIONAL ARRANGEMENTS

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall convene the first session of the General Assembly of the Centre as soon as possible after the entry into force of this Agreement.

2. At the first session of the General Assembly, five members and five alternates shall be elected to the Governing Council of the Centre in the manner provided in article VI. Immediately after these elections, the General Assembly shall designate, by drawing lots, two members whose terms of office shall expire at the end of its second regular session. Thereafter the General Assembly shall,

at each regular session, hold such elections as are necessary to fill the seats which are to become vacant at the end of that session.

Article XIV

FINAL PROVISIONS

1. This Agreement shall be open for signature and acceptance by all the States referred to in article III above.

2. States may become Parties to this Agreement by :

- (a) Signature not subject to subsequent acceptance.
- (b) Signature subject to acceptance, followed by acceptance.
- (c) Acceptance only.

3. Acceptance shall be effected by the deposit of an instrument of acceptance with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

4. This Agreement shall enter into force when Brazil and five other States mentioned in article III, paragraph 2, have become Parties to it in accordance with the provisions of paragraph 2 of this article.

5. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States Parties to this Agreement and the Organization of American States of the date of entry into force of the Agreement and of the dates on which other States become Parties to it.

6. In conformity with Article 102 of the Charter of the United Nations, this Agreement shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

IN WITNESS WHEREOF the undersigned duly authorized representatives of their respective Governments have signed this Agreement.

DONE at Rio de Janeiro on the twenty-sixth day of March, 1962, in a single copy in the Spanish, French and Portuguese languages, all three texts being equally authentic. The original copy shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization and duly certified copies shall be sent to all the States mentioned in article III, to the United Nations and to the Organization of American States.

For Argentina :

Ad referendum

Ricardo PILLADO SALAS
Paris, 9 April 1964

For Bolivia :

Ad referendum

Germano QUEIROGA GALDO

For Brazil :

Subject to acceptance

Renato Bayma ARCHER DA SILVA

For Colombia :

Ad referendum

Dario BOTERO ISAZA

For Costa Rica :

For Cuba :

Joaquín HERNANDEZ ARMAS

For Chile :

Subject to the appropriate constitutional ratification
Raúl BAZAN DÁVILA

For El Salvador :

For Ecuador :

Subject to constitutional ratification
José Maria PONCE-YÉPEZ

For Guatemala :

For Haiti :

Ad referendum

Edner BRUTUS

For Honduras :

Ad referendum

José R. CASTRO

For Mexico :

Subject to approval by the Senate of the United
Mexican States
Alfonso GARCÍA ROBLES

For Nicaragua :

Subject to approval by the National Congress of
Nicaragua
Justino SANSÓN BALLADARES
Río de Janeiro, 26 March 1962

For Panama :

I sign this Agreement subject to its approval by the
Legislature of Panamá
Gustavo A. MENDEZ V.
Río de Janeiro, 26 March 1962

For Paraguay :

Subject to ratification by Congress
Raul PEÑA

For Peru :

Subject to acceptance
Carlos ECHECOPAR HERCE

For the Dominican Republic :

For Uruguay :

Ad referendum
Salvador M. FERRER SERRA

For Venezuela :

Subject to acceptance
José Luis SALCEDO BASTARDO