

---

COMMITTEE ON THE PEACEFUL USES OF  
OUTER SPACE  
Scientific and Technical Subcommittee  
Forty-fourth session  
Vienna, 12-23 February 2007

**Request for observer status with the Committee on the Peaceful Uses of the Outer Space: application from the European Organisation for Astronomical Research in the Southern Hemisphere (ESO)**

**Note by the secretariat**

1. At its thirty-third session, in 1990, the Committee considered guidelines for granting observer status with the Committee to international intergovernmental and non-governmental organizations. The possible criteria suggested by the Outer Space Affairs Division to the Committee at the time were the following:
  - (a) As part of its programme, the organization should be concerned with matters falling within the competence of the Committee on the Peaceful Uses of Outer Space;
  - (b) The aims and purposes of the organization should be in conformity with the spirit, purposes and principles of the Charter of the United Nations;
  - (c) The organization should be a recognized international organization and should have an established headquarters, an executive officer, and a constitution, a copy of which is deposited with the Secretary-General of the United Nations. In the case of a non-governmental organization, it should be a non-profit organization.
2. Having considered the matter, the Committee at its thirty-third session, agreed, that in the future non-governmental organizations which request observer status with the Committee should have consultative status with the Economic and Social Council (ECOSOC) and should, as part of their programmes, be concerned with matters falling within the competence of the Committee.
3. While the Committee's decision did not specifically include the elements referred to in 2(c) above, it has been the practice of the Committee, since its decision in 1990, to have before it the constitution or statutes of the organization or entity requesting observer status.



4. On 22 January 2007 the Office for Outer Space Affairs received an application for observer status with the Committee on the Peaceful Uses of Outer Space from the European Organisation for Astronomical Research in the Southern Hemisphere (ESO). The related correspondence and documentation received from ESO is attached in the annex to this document for consideration by the Committee. ESO has indicated its intention to present a request for Consultative Status with ECOSOC.



European Organisation  
for Astronomical  
Research in the  
Southern Hemisphere

Organisation Européenne  
pour des Recherches  
Astronomiques  
dans l'Hémisphère Austral

Europäische Organisation  
für astronomische  
Forschung in der  
südlichen Hemisphäre

Director General

Garching, 22 January 2007  
ODG005-07/isk

Dr Sergio Camacho-Lara  
Director of the  
UN Office for Outer Space Affairs  
Vienna International Centre  
P.O. Box 500  
1400 VIENNA  
ÖSTERREICH

Dear Dr Camacho-Lara,

As the Director General of ESO, European Organisation for Astronomical Research in the Southern Hemisphere, I should like to present a request of obtaining a *permanent observer status* with UNCOPUOS.

I would also like to inform you that in order to comply with the procedural requirements, ESO shall present a request for observer status with the UN Economic and Social Council in due course.

To fulfill the legal procedural requirements, please find attached a copy of the Convention establishing ESO. Should you judge the presentation of any further documents necessary, please do not hesitate to contact me.

At the same time let me thank you for inviting ESO as an observer for the 44<sup>th</sup> session of the Scientific and Technical Subcommittee where we will have the opportunity to present the projects of ESO to the Subcommittee.

Believing that ESO and OOSA will have a fruitful cooperation in the future, I remain.

Best regards,

Catherine Cesarsky

24/01/2007  
02  
SCW  
NH

ESO Headquarters  
Karl-Schwarzschild-Strasse 2  
85748 Garching bei München  
Germany

Phone +49 89 320 06-2 27/2 26  
Fax +49 89 320 06-3 66  
www.eso.org  
ESO is a member of the EPSCforum

V.07-80706 (E)



vi) *English translation*

**CONVENTION ESTABLISHING A EUROPEAN ORGANIZATION  
FOR ASTRONOMICAL RESEARCH IN THE SOUTHERN HEMISPHERE**

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 the data on which the knowledge of the Galaxy is based are accordingly by no means of the same standing in the different parts of the sky and that it is essential to improve and supplement them in all instances where they are inadequate,

That, in particular, it is deeply regrettable that systems with no equivalent in the Northern hemisphere are almost inaccessible to the largest instruments currently in use,

That it is therefore urgent to install instruments in the Southern hemisphere comparable in power to those of the Northern hemisphere but that such a project can only be accomplished through international co-operation,

DESIROUS of jointly creating an observatory equipped with powerful instruments in the Southern hemisphere and accordingly promoting and organizing co-operation in astronomical research,

AGREE TO THE FOLLOWING PROVISIONS:

*Article I*

**Establishment of the Organization**

1. This Convention hereby establishes a European Organization for Astronomical Research in the Southern Hemisphere, hereinafter called the Organization.
2. The headquarters of the Organization shall be provisionally established in Brussels. The final location of the headquarters shall be determined by the Council established in accordance with the provisions of Article IV of this Convention.

*Article II*

**Purposes**

1. The purpose of the Organization shall be to build, fit out and operate an astronomical observatory situated in the Southern hemisphere.

---

CONVENTION (EUROPE)

---

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

- a. a telescope with an aperture of about 3 metres;
- b. a Schmidt telescope with an aperture of about 1,20 metre;
- c. not more than three telescopes with a maximum aperture of 1 metre;
- d. a meridian circle;
- e. the auxiliary equipment needed to carry out research programmes with the instruments listed in sub-paragraphs a, b, c and d above;
- f. the buildings needed to house the equipment listed in sub-paragraphs a, b, c, d and e above, as well as the administration of the observatory and the accommodation of personnel.

3. Any supplementary programme shall be submitted to the Council established under the provisions of Article IV of this Convention, and shall be approved by a two-thirds majority of the Member States of the Organization. States which have not approved the supplementary programme shall not be required to contribute to its execution.

4. The Member States shall facilitate the exchange of staff and of scientific and technical information serving a useful purpose for the implementation of the programmes in which they take part.

*Article III*

**Members**

1. The States parties to this Convention shall be Members of the Organization.
2. Other States shall be admitted to the Organization in accordance with the procedure set forth in Article XIII, paragraph 4 of this Convention.

*Article IV*

**Statutory Bodies**

The Organization shall consist of the Council and the Director.

*Article V*

**The Council**

1. The Council shall be composed of two delegates from each of the Member States, at least one of whom shall be an astronomer. The representatives may be assisted by experts.

CONVENTION (EUROPE)

---

2. The Council shall:
  - a. determine the policy of the Organization with respect to scientific, technical and administrative matters;
  - b. approve the budget by a two-thirds majority of the Member States and shall draw up financial arrangements in conformity with the Financial Protocol attached to this Convention;
  - c. supervise expenditure and approve and publish the audited annual accounts of the Organization;
  - d. decide on the composition of the staff and approve the recruitment of the Organization's senior personnel;
  - e. publish an annual report;
  - f. approve the by-laws of the Observatory submitted by the Director;
  - g. be vested with the authority to take the measures necessary to ensure the day-to-day operation of the Organization.
3. The Council shall meet at least once a year and shall decide on the venue of its meeting.
4. Each Member State shall have one vote in the Council. However, a Member State may vote on the implementation of a programme other than the initial programme set forth in Article II, paragraph 2, only if it has agreed to make a financial contribution to that programme or if the vote is concerned with installations to the purchase of which it has agreed to contribute.
5. The decisions of the Council shall be binding only if the representatives of at least two-thirds of the Member States are present.
6. Unless otherwise provided for in this Convention, decisions of the Council shall be taken by an absolute majority of the Member States represented and voting.
7. The Council shall draw up its own rules of procedure, subject to the provisions of this Convention.
8. The Council shall elect a Chairman from among its members for a term of office of one year. The Chairman may not be re-elected for more than two consecutive terms of office.
9. The Chairman shall convene the meetings of the Council. He shall be required to convene a meeting of the Council within a period of 30 days after at least two of the Member States have requested such a meeting.
10. The Council may set up such auxiliary bodies as may be necessary to accomplish the purposes of the Organization. The Council shall define the terms of reference of such bodies.
11. The Council shall, with the unanimous approval of the Member States, decide on the choice of State on whose territory the Observatory shall be established, together with its location on that territory.
12. The Council shall conclude the Headquarters Agreements needed to implement this Convention.

---

CONVENTION (EUROPE)

---

*Article VI*

**Director and Staff**

1.
  - a. The Council shall appoint the Director for a fixed term of office by a two-thirds majority of the Member States. The Director shall be answerable to the Council alone. He shall be responsible for the general direction of the Organization and shall represent it in civil actions. He shall submit an annual report to the Council and shall attend Council meetings in a consultative capacity unless the Council otherwise decides.
  - b. The Council may, by a two-thirds majority of the Member States, relieve the Director of his duties.
  - c. In the event of the Director's post falling vacant, the Chairman of the Council shall represent the Organization in civil actions. In such an eventuality, the Council may appoint a person whose powers and responsibilities it shall determine, to take the place of the Director.
  - d. On the terms set forth by the Council, the Chairman and the Director may delegate their power of signature.
2. The Director shall be assisted by such scientific, technical and administrative personnel as the Council authorizes.
3. Subject to the provisions of Article V, paragraph 2*d* and to the budget appropriations, staff shall be engaged and dismissed by the Director. Appointments shall be made and terminated in accordance with the staff regulations adopted by the Council.
4. The Director and staff of the Organization shall perform their duties in the interests of the Organization. They may only seek and receive information from the competent bodies of the Organization. They shall refrain from any act incompatible with the nature of their duties. Each Member State shall undertake not to influence the Director and staff of the Organization in the performance of their duties.
5. Research workers and their collaborators who are called upon to work at the observatory with the Council's authorization but who are not members of the Organization's staff shall be placed under the Director's authority and shall be subject to the general rules established or approved by the Council.

*Article VII*

**Financial Contributions**

1.
  - a. Each Member State shall contribute to the Organization's capital investment and fitting-out costs and to its current operating costs in accordance with a schedule which shall be drawn up by the Council once every three years and shall be approved by a two-thirds majority of the Member States on the basis of the average net national income calculated in accordance with the rules laid down in Article VII, paragraph 1*b*, of the

## CONVENTION (EUROPE)

Convention Establishing a European Organization for Nuclear Research signed in Paris on 1 July 1953.<sup>1</sup>

- b. These provisions shall only apply to the initial programme set forth in Article II, paragraph 2, of this Convention.
- c. However, no Member State shall be required to pay annual contributions exceeding one-third of the total amount of the contributions determined by the Council. This maximum contribution may be reduced by unanimous decision of the Council in the event of a State not mentioned in the Annex to the Financial Protocol becoming a Member of the Organization.

2. In the event of a supplementary programme being set up as provided for in Article II, paragraph 3, the Council shall draw up a special schedule in order to determine the contributions to the cost of the supplementary programme which Member States participating in that programme shall be required to make. This special schedule shall be drawn up in accordance with the rules specified in paragraph 1 above without regard to the conditions set forth in sub-paragraph c thereof.

3. States becoming Members of the Organization after the date on which this Convention comes into force shall be required to make a special contribution representing their share in capital investment and fitting-out costs already incurred in addition to their contribution to future capital investment and fitting-out costs and current operating costs. The amount of this special contribution shall be determined 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 have the effect of reducing the contributions of the other Member States accordingly unless the Council shall unanimously decide otherwise.

5. No State shall be entitled to participate in activities to which it has not made a financial contribution.

6. The Council may accept gifts and bequests made to the Organization provided they are not on terms that are incompatible with the purposes of the Organization.

1. The paragraph in question is to be found below:

1. Each Member State shall contribute both to the capital expenditure and to the current operating expenses of the Organization:

- a. for the period ending on the thirty-first of December, 1956, as set out in the Financial Protocol annexed to this Convention; and, thereafter,
- b. in accordance with scales which shall be decided every three years by the Council by a two-thirds majority of all the Member States, and shall be based on the average net national income at factor cost of each Member State for the three latest preceding years for which statistics are available, except that:
  - i. in respect of any programme of activities, the Council may determine, by a two-thirds majority of all the Member States, a percentage as the maximum which any Member State may be required to pay of the total amount of contributions assessed by the Council to meet the annual cost of that programme; once any such maximum percentage has been so determined, the Council may, by the same majority, change it, provided that no Member State participating in that programme votes to the contrary;
  - ii. the Council may decide, by a two-thirds majority of all the Member States, to take into account any special circumstances of a Member State and adjust its contribution accordingly; for the purpose of applying this provision it shall be considered to be a special circumstance, in particular, when the national income "per capita" of a Member State is less than an amount to be decided by the Council by the same majority.



---

CONVENTION (EUROPE)

---

*Article VIII*

**Amendments**

1. The Council may recommend to the Member States that this Convention and the attached Financial Protocol be amended. Any Member State wishing to propose an amendment shall notify the Director of its proposal. The Director shall circulate any such proposals communicated to him at least three months before they are considered by the Council.

2. Amendments recommended by the Council may only be adopted with the agreement of all the Member States in accordance with their own constitutional requirements. Such amendments shall come into force thirty days after the last notification of acceptance of the proposed amendment has been received. The Director shall inform the Member States of the date of entry into force of the amendment.

*Article IX*

**Disputes**

Unless Member States agree to some other manner of settlement, all disputes arising between Member States with respect to the interpretation or application of this Convention or of the Financial Protocol which cannot be settled by the Council's mediation shall be submitted to the Permanent Court of Arbitration of the Hague in accordance with the provisions of the Convention for the peaceful settlement of international disputes dated 18 October 1907.

*Article X*

**Withdrawal**

Any Member State of the Organization may, after a period which shall not be less than ten years from its date of entry into the Organization, notify the Chairman of the Council in writing of its withdrawal from the Organization. Such withdrawal shall take effect at the end of the financial year following that in which notification of withdrawal is given. Any State withdrawing from the Organization shall have no claim on the assets of the Organization or on the amount of the contributions it has already made.

*Article XI*

**Failure to fulfil obligations**

If one of the Members of the Organization ceases to fulfil the obligations arising out of this Convention or of the Financial Protocol, it shall be called upon by the Council to abide by their provisions. If the said Member does not respond to that invitation in the time imparted to it, the other Members may decide unanimously to continue co-operating within the Organization without that Member. In such an eventuality, that State shall have no claim on the assets of the Organization or on the amount of the contributions it has already made.

CONVENTION (EUROPE)

---

*Article XII***Dissolution**

The Organization may be dissolved at any time by a resolution adopted by a two-thirds majority of the Member States. In the event of there not being unanimous agreement among the Member States at the time of dissolution, a liquidator shall be appointed under the terms of the same resolution. Assets shall be distributed among the Member States of the Organization at the time of dissolution *pro rata* in proportion to the contributions they have actually made since they became party to this Convention. In the event of there being any liabilities, they shall be borne by the same Member States *pro rata* in proportion to the contributions laid down for the ongoing financial year.

*Article XIII***Signature — Accession**

1. This Convention and the attached Financial Protocol shall be open for signature by all the States having participated in the preparatory work on this Convention.

2. This Convention and the attached Financial Protocol shall be submitted for approval or ratification by each State in accordance with its constitutional requirements.

3. The instruments of approval or ratification shall be deposited with the Ministry of Foreign Affairs of the French Republic.

4. The Council may, by the unanimous vote of the Member States, approve the admission into the Organization of States other than those covered by paragraph 1 of this Article. The 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 attached Financial Protocol shall enter into force on the date on which the fourth instrument of approval or ratification is deposited provided that the total contributions in accordance with the schedule in the Annex to the Financial Protocol amount to at least 70 per cent.

2. With respect to any State depositing its instrument of approval, ratification or accession after the date of entry into force provided for in paragraph 1 of this Article, the Convention and the Financial Protocol shall enter into force on the date the said instrument is deposited.

*Article XV***Notification**

1. The Ministry of Foreign Affairs of the French Republic shall notify the signatory or 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 of this Convention.

CONVENTION (EUROPE)

---

2. The Chairman of the Council shall notify all Member States whenever a State withdraws from the Organization or ceases to be a party to it by virtue of the provisions of Article XI.

*Article XVI***Registration**

As soon as this Convention and the attached Financial Protocol enter into force, the Ministry of Foreign Affairs of the French Republic shall have them registered with the Secretary-General of the United Nations in accordance with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned, being thereunto duly authorized, have signed this Agreement.

DONE at Paris on 5 October 1962, in a single copy in the German, French, Dutch and Swedish languages, the French text being authoritative in the event of dispute. This copy shall be deposited in the Archives of the Ministry of Foreign Affairs of the French Republic.

This Ministry shall transmit a certified true copy to the signatory or acceding States.

For the Federal Republic of Germany, /s/ Karl Knoke

For the Kingdom of Belgium, /s/ Jaspar

For the French Republic, /s/ E. de Carbonnel

For the Kingdom of the Netherlands, /s/ M. Beyen

For the Kingdom of Sweden, /s/ R. Kumlin

Denmark became a member of the Organization on 24 August 1967, Switzerland on 1 March 1982 and Italy on 24 May 1982.

vi) *English translation*

**FINANCIAL PROTOCOL ANNEXED TO THE CONVENTION  
ESTABLISHING A EUROPEAN ORGANIZATION FOR ASTRONOMICAL  
RESEARCH IN THE SOUTHERN HEMISPHERE**

THE GOVERNMENTS OF THE STATES PARTIES to the Convention Establishing a European Organization for Astronomical Research in the Southern Hemisphere, hereinafter called the Convention,  
DESIROUS of making 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 the first of January to the thirty-first of December.
2. Not later than the first of September of each year, the Director shall submit detailed estimates of income and expenditure for the subsequent financial year for the Council's consideration and approval.
3. Estimates of income and expenditure shall be broken down under chapter headings. Transfers within the budget shall not be permitted except by authorization of the Finance Committee provided for in Article 3 hereinafter. The exact form of the estimates shall be determined by the Finance Committee on the recommendation of the Director.

*Article 2*

**Supplementary Budget**

The Council may require the Director to present a supplementary or revised budget if circumstances so warrant. No resolution involving additional expenditure shall be deemed to have been approved by the Council until it shall have also approved an estimate submitted by the Director in respect of the additional expenditure involved.

*Article 3*

**Finance Committee**

The Council shall set up a Finance Committee composed of representatives of all the Member States and its attributions shall be determined in the Financial rules provided for in Article 8

---

FINANCIAL PROTOCOL

---

hereinafter. The Director shall submit the budget estimates to the Committee and they shall subsequently be forwarded to the Council with the Committee's report thereon.

*Article 4*

**Contributions**

1. With respect to the period terminating on the thirty-first of December of the year in which the Convention shall enter into force, the Council shall draw up provisional budget estimates and the relevant expenditures shall be met by contributions fixed in accordance with the provisions of the Annex to this Protocol.

2. With effect from the first of January of the following year, expenditures in the budget approved by the Council shall be met by the contributions of Member States in accordance with the provisions of Article VII, paragraph 1, of the Convention.

3. If a State becomes a Member of the Organization after the thirty-first of December of the year in which the Convention shall enter into force, the contributions of all the Member States shall be re-assessed and the new scale shall take effect as from the beginning of the current year. If necessary, repayments shall be made to adjust the contributions of all the Member States to the new scale.

4.
  - a. On the Director's recommendation, the Finance Committee shall determine the terms on which payment of contributions shall be made, in order to ensure the sound financial management of the Organization.
  - b. The Director shall thereafter notify the Member States of the amounts of their contributions and the dates on which payment should be made.

*Article 5*

**Currency of Contributions**

1. The Council shall determine the currency in which the budget of the Organization will be drawn up. The contributions of the Member States shall be payable in that currency in accordance with current payment arrangements.

2. However, the Council may require the Member States to pay part of their contributions in any other currency which may be required for the Organization's purposes.

*Article 6*

**Revolving Fund**

The Council may establish a Revolving Fund.

FINANCIAL PROTOCOL

---

*Article 7*

**Accounts and Auditing**

1. The Director shall ensure that an account is kept of all income and expenditure and that an annual balance-sheet is drawn up for the Organization.

2. The Council shall appoint external auditors who shall serve for a period of three years in the first instance and may be re-appointed. The external auditors shall be commissioned to examine the accounts and balance-sheets of the Organization, in particular with a view to certifying that expenditure has conformed, within the limits specified in the Financial Rules, to the budget appropriations. They shall also discharge such other functions as are laid down in the said Financial Regulations.

3. The Director shall provide the external auditors with such information and assistance as they may require in order to perform their duties.

*Article 8*

**Financial Regulations**

The Financial Rules shall lay down all the other terms and conditions relating to the Organization's budget, accounting system and finances.

It shall be subject to the unanimous approval of the Council.

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

DONE at Paris on 5 October 1962 in a single copy in the German, French, Dutch and Swedish languages, the French text being authoritative in the event of dispute. This copy shall be deposited in the Archives of the Ministry of Foreign Affairs of the French Republic.

This Ministry shall transmit a certified true copy to signatory or acceding States.

For the Federal Republic of Germany, *s/* Karl Knoke

For the Kingdom of Belgium, *s/* Jasper

For the French Republic, *s/* E. de Carbonnel

For the Kingdom of the Netherlands, *s/* M. Beyen

For the Kingdom of Sweden, *s/* R. Kumlin

Denmark became a member of the Organization on 24 August 1967. Switzerland on 1 March 1982 and Italy on 24 May 1982.

## FINANCIAL PROTOCOL

*Annex*

**CONTRIBUTIONS FOR THE PERIOD TERMINATING  
ON THE THIRTY-FIRST OF DECEMBER OF THE YEAR  
IN WHICH THE CONVENTION SHALL ENTER INTO FORCE**

a. The States parties to the Convention on the date of its entry into force and States which become Members of the Organization during the above period shall together defray all the expenditures covered by the provisional budget estimates drawn up by the Council in accordance with Article 4, paragraph 4 of the Financial Protocol.

b. Contributions of States becoming Members of the Organization during the above period shall be provisionally determined in such a way that the contributions of all the Member States shall be proportional to the percentages given in paragraph *d* of this Annex. As provided for in paragraph *c* hereinafter, the contributions of these new Members shall be used either for the subsequent repayment of part of the provisional contributions already made by the other Member States or to cover the additional budget appropriations entailed in the implementation of the initial programme approved by the Council during that period.

c. The final amount of contributions outstanding for the above period shall be determined with retroactive effect on the basis of the overall budget for the said period in such a way that that amount shall be equivalent to what it would have been if all the Member States had been parties to the Convention at the time it entered into force. Any amount which a Member State may have paid over and above that determined retroactively shall be credited to that State.

d. If all the States mentioned in the schedule given below have become Members of the Organization before the above period, their contributions for the overall budget for that period shall be at the following rates:

Federal Republic of Germany	33.33 %
Belgium	11.32 %
France	33.33 %
Netherlands	10.49 %
Sweden	11.53 %
	<hr/>
Total	100.00 %

e. In the event of any change in the maximum contributions as provided for in Article VII, paragraph 1c, of the Convention, the above schedule shall be amended accordingly.

*i) Authoritative original French text*

**CONVENTION  
PORTANT CRÉATION D'UNE ORGANISATION EUROPÉENNE  
POUR DES RECHERCHES ASTRONOMIQUES DANS L'HÉMISPHERE AUSTRAL**

LES GOUVERNEMENTS DES ÉTATS parties à la présente Convention

CONSIDÉRANT:

Que l'étude de l'hémisphère céleste austral est beaucoup moins avancée que celle de l'hémisphère boréal,

Que, par suite, les données sur lesquelles repose la connaissance de la galaxie sont loin d'avoir la même valeur dans les diverses parties du ciel et qu'il est indispensable de les améliorer et de les compléter là où elles sont insuffisantes,

Que, notamment, il est hautement regrettable que des systèmes, qui n'ont pas d'équivalent dans l'hémisphère boréal, soient presque inaccessibles aux plus grands instruments actuellement en service,

Qu'il est, dès lors, urgent d'installer dans l'hémisphère austral de puissants instruments, comparables à ceux de l'hémisphère boréal, mais que, d'autre part, une coopération internationale permettrait seule de mener à bonne fin ce projet,

DÉSIREUX de créer en commun un observatoire situé dans l'hémisphère austral et doté de puissants instruments, et, par là, d'encourager et d'organiser la coopération dans la recherche astronomique,

SONT CONVENUS DES DISPOSITIONS QUI SUIVENT:

*Article premier*

**Création de l'Organisation**

1. Il est créé par la présente Convention une Organisation européenne pour des recherches astronomiques dans l'hémisphère austral, ci-dessous dénommée l'Organisation.

2. Le siège de l'Organisation est fixé provisoirement à Bruxelles. Il sera fixé définitivement par le Conseil institué par l'article IV.

*Article II*

**Buts**

1. L'Organisation a pour but la construction, l'équipement et le fonctionnement d'un observatoire astronomique, situé dans l'hémisphère austral.



---

 CONVENTION (EUROPE)
 

---

2. Le programme initial de l'Organisation comporte la construction, l'installation et le fonctionnement d'un observatoire dans l'hémisphère austral, comprenant:

- a. un télescope d'environ 3 mètres d'ouverture;
- b. une chambre de Schmidt d'environ 1,20 m de lame;
- c. trois télescopes au plus, de 1 mètre d'ouverture au maximum;
- d. un cercle méridien;
- e. l'appareillage auxiliaire nécessaire pour effectuer des programmes de recherches au moyen des instruments définis ci-dessus sous a, b, c. et d.;
- f. les bâtiments nécessaires pour abriter l'équipement défini ci-dessus sous a, b, c, d et e, ainsi que pour l'administration de l'observatoire et le logement du personnel.

3. Tout programme supplémentaire doit être soumis au Conseil, institué par l'article IV de la présente Convention, et approuvé par celui-ci à la majorité des deux tiers des États membres de l'Organisation. Les États qui n'auraient pas approuvé le programme supplémentaire ne sont pas tenus de contribuer à son exécution.

4. Les États membres facilitent l'échange des personnes ainsi que des informations scientifiques et techniques utiles à la réalisation des programmes auxquels ils participent.

### *Article III*

#### **Membres**

- 1. Sont membres de l'Organisation les États parties à la présente Convention.
- 2. L'admission d'autres États dans l'Organisation se fait selon la procédure prévue à l'article XIII, paragraphe 4.

### *Article IV*

#### **Organes**

L'Organisation comprend le Conseil et le Directeur.

### *Article V*

#### **Conseil**

- 1. Le Conseil est composé de deux délégués de chacun des États membres, dont un au moins est un astronome. Les délégués peuvent être assistés d'experts.
- 2. Le Conseil:
  - a. détermine la ligne de conduite de l'Organisation en matière scientifique, technique et administrative;

CONVENTION (EUROPE)

---

- b. approuve le budget à la majorité des deux tiers de États membres et arrête les dispositions financières conformément au Protocole financier annexé à la présente Convention;
  - c. contrôle les dépenses, approuve et publie les comptes annuels vérifiés de l'Organisation;
  - d. décide de la composition du personnel et approuve le recrutement du personnel supérieur de l'Organisation;
  - e. publie un rapport annuel;
  - f. approuve le règlement intérieur de l'observatoire proposé par le Directeur;
  - g. a tout pouvoir pour prendre les mesures nécessaires au fonctionnement de l'Organisation.
3. Le Conseil se réunit au moins une fois par an. Il décide du lieu de ses réunions.
4. Chaque État membre dispose d'une voix au Conseil. Toutefois, un État membre ne peut voter sur l'exécution d'un programme autre que le programme initial prévu à l'article II, paragraphe 2, que s'il a accepté de contribuer financièrement à ce programme ou si ce vote concerne des installations pour l'acquisition desquelles il a accepté de verser des contributions.
5. Les décisions du Conseil ne sont valables que si les représentants des deux-tiers des États membres au moins sont présents.
6. Sauf disposition contraire de la présente Convention, les décisions du Conseil sont prises à la majorité absolue des États membres représentés et votants.
7. Le Conseil arrête son propre règlement intérieur sous réserve des dispositions de la présente Convention.
8. Le Conseil élit en son sein un Président, dont le mandat est d'un an, et qui ne peut être réélu plus de deux fois consécutivement.
9. Le Président convoque les réunions du Conseil. Il est tenu de convoquer une réunion du Conseil moins de trente jours après que deux des États membres au moins en aient exprimé le désir.
10. Le Conseil peut créer les organes auxiliaires nécessaires à l'accomplissement des buts de l'Organisation. Le Conseil définit le mandat de tels organes.
11. Le Conseil détermine, à l'unanimité des États membres, le choix de l'État sur le territoire duquel sera établi l'observatoire, ainsi que l'emplacement de celui-ci.
12. Le Conseil conclut les accords de siège nécessaires à l'exécution de la présente Convention.

*Article VI*

**Directeur et personnel**

- 1. a. Le Conseil, statuant à la majorité des deux tiers des États membres, nomme, pour une période déterminée, le Directeur qui n'est responsable que devant le Conseil. Il est chargé de la direction générale de l'Organisation. Il la représente dans les actes de la vie

CONVENTION (EUROPE)

---

civile. Il soumet un rapport annuel au Conseil. Il assiste à titre consultatif aux réunions du Conseil, sauf si celui-ci en décide autrement.

- b. Le Conseil peut, à la majorité des deux tiers des États membres, mettre fin aux fonctions du Directeur.
- c. En cas de vacance de la direction, le Président du Conseil représente l'Organisation dans les actes de la vie civile. Le Conseil peut, alors, désigner, à la place du Directeur, une personne dont il détermine les pouvoirs et responsabilités.
- d. Dans les conditions prévues par le Conseil, le Président et le Directeur peuvent déléguer leur signature.

2. Le Directeur est assisté du personnel scientifique, technique et administratif autorisé par le Conseil.

3. Sous réserve de l'article V, paragraphe 2*d*, et des autorisations budgétaires, le personnel est engagé et licencié par le Directeur. Les engagements sont effectués et prennent fin conformément au règlement du personnel adopté par le Conseil.

4. Le Directeur et le personnel de l'Organisation exercent leurs fonctions dans l'intérêt de celle-ci. Ils ne peuvent solliciter ni recevoir d'instructions que des organes compétents de l'Organisation. Ils s'abstiennent de tout acte incompatible avec le caractère de leurs fonctions. Chaque État membre s'engage à ne pas influencer le Directeur et le personnel de l'Organisation dans l'exécution de leur tâche.

5. Les chercheurs et leurs collaborateurs qui, sur l'autorisation du Conseil, sont appelés, à effectuer des travaux dans l'observatoire, sans faire partie du personnel de l'Organisation, sont placés sous l'autorité du Directeur et soumis aux règles générales arrêtées ou approuvées par le Conseil.

*Article VII*

**Contributions financières**

- A. a. Chaque État membre contribue aux dépenses d'investissement et d'équipement ainsi qu'aux dépenses courantes de fonctionnement de l'Organisation conformément à un barème établi tous les trois ans par le Conseil à la majorité des deux-tiers des États membres, sur la base de la moyenne du revenu national net, calculée selon les règles établies dans l'Article VII, paragraphe 1*b* de la Convention pour l'établissement d'une organisation européenne pour la recherche nucléaire, signée à Paris le 1<sup>er</sup> juillet 1953.<sup>1</sup>

1. Le paragraphe en question est reproduit ci-dessous:

1. Chaque État Membre contribue aux dépenses d'immobilisation ainsi qu'aux dépenses courantes de fonctionnement de l'Organisation:

- a. pour la période se terminant le 31 décembre 1956, conformément au Protocole financier annexé à la présente Convention; puis
- b. conformément à des barèmes établis tous les trois ans par le Conseil, à la majorité des deux tiers de tous les États Membres, sur la base de la moyenne du revenu national net, au coût des facteurs, de chaque État Membre pendant les trois plus récentes années pour lesquelles il existe des statistiques. Toutefois,
- i. pour tout programme d'activités, le Conseil peut déterminer, à la majorité des deux tiers de tous les États Membres, le pourcentage maximal que tout État Membre peut être tenu de payer en ce qui concerne le

*(Suite de la note p. 15.)*

---

 CONVENTION (EUROPE)
 

---

- b. Ces dispositions ne s'appliquent qu'au programme initial désigné au paragraphe 2 de l'Article II.
- c. Toutefois, aucun État membre n'est tenu de payer des contributions annuelles dépassant un tiers du montant total des contributions fixées par le Conseil. Ce maximum peut être réduit par décision du Conseil prise à l'unanimité au cas où un État non mentionné à l'Annexe au protocole financier devient membre de l'Organisation.

2. Au cas où un programme supplémentaire prévu au paragraphe 3 de l'article II est établi, le Conseil arrête un barème spécial pour fixer les contributions aux dépenses du programme supplémentaire des États membres participant à ce programme. Ce barème spécial est fixé suivant les règles indiquées au paragraphe 1 ci-dessus, mais sans tenir compte des conditions visées à l'alinéa c.

3. Les États devenant membres de l'Organisation après la date d'entrée en vigueur de la présente Convention seront tenus de verser, outre leur contribution aux dépenses futures d'investissement et d'équipement et aux dépenses courantes de fonctionnement, une contribution spéciale représentant leur part dans les dépenses d'investissement et d'équipement déjà effectuées. Le montant de cette contribution sera fixé par le Conseil à la majorité des deux-tiers des États membres.

4. Toutes les contributions spéciales versées conformément aux dispositions du paragraphe 3 ci-dessus seront portées en déduction des contributions des autres États membres, sauf décision contraire prise à l'unanimité par le Conseil.

5. Un État n'a pas le droit de participer aux activités auxquelles il n'a pas contribué financièrement.

6. Le Conseil peut accepter des dons et legs faits à l'Organisation s'ils ne sont pas l'objet de conditions incompatibles avec les buts de l'Organisation.

#### *Article VIII*

#### **Amendements**

1. Le Conseil peut recommander aux États membres des amendements à la présente Convention et au Protocole financier annexe. Tout État membre, désireux de proposer un amendement, le notifie au Directeur. Celui-ci communique aux États membres les amendements ainsi notifiés au moins trois mois avant leur examen par le Conseil.

2. Les amendements recommandés par le Conseil ne peuvent être adoptés que du consentement de tous les États membres procédant conformément à leurs règles constitutionnelles propres. Ils entrent en vigueur trente jours après la dernière notification d'acceptation de la proposition. Le Directeur communique aux États membres la date d'entrée en vigueur de l'amendement.

*(Suite de la note de la p. 14.)*

montant total des contributions fixées par le Conseil pour couvrir les coûts annuels de ce programme; lorsque ce pourcentage maximal a été fixé, le Conseil peut le modifier à la même majorité, à condition qu'aucun État Membre participant à ce programme ne vote contre cette modification;

- ii. le Conseil peut décider, à la majorité des deux tiers de tous les États Membres, de tenir compte des circonstances spéciales à un État Membre et modifier sa contribution en conséquence; pour l'application de la présente disposition, on considère notamment qu'il y a «circonstances spéciales» lorsque le revenu national par habitant dans un État Membre est inférieur à un montant qui sera déterminé par le Conseil à la même majorité.

---

CONVENTION (EUROPE)

---

*Article IX*

**Différends**

A moins que les États membres intéressés n'acceptent un autre mode de règlement, tout différend entre des États membres au sujet de l'interprétation ou de l'application de la présente Convention ou du Protocole financier, qui ne peut être réglé par l'entremise du Conseil, est soumis à la Cour permanente d'arbitrage de La Haye, selon les dispositions de la Convention du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

*Article X*

**Retrait**

Tout État membre de l'Organisation peut, après un délai qui ne doit pas être inférieur à dix ans à compter de son entrée dans l'Organisation, notifier par écrit au Président du Conseil qu'il se retire de l'Organisation. Un tel retrait prend effet à la fin de l'exercice financier qui suit celui au cours duquel il a été notifié. Tout État membre qui se retire de l'Organisation ne peut exercer aucun droit de reprise sur l'actif de l'Organisation, non plus que sur le montant de ses contributions déjà versées.

*Article XI*

**Inexécution des obligations**

Si l'un des membres de l'Organisation cesse de remplir les obligations qui découlent de la présente Convention, ou du Protocole financier, il est invité par le Conseil à se conformer à leurs dispositions. Si ledit membre ne se conformait pas à cette invitation dans le délai qui lui serait imparti, les autres membres, se prononçant à l'unanimité, peuvent décider de poursuivre sans lui leur coopération au sein de l'Organisation. Dans ce cas, cet État ne peut exercer aucun droit de reprise sur l'actif de l'Organisation, non plus que sur le montant des contributions déjà versées.

*Article XII*

**Dissolution**

L'Organisation peut être dissoute à tout moment par résolution prise à la majorité des deux-tiers des États membres. A défaut d'un accord conclu à l'unanimité entre les États membres au moment de la dissolution, il est procédé, par la même résolution, à la nomination d'un liquidateur. L'actif est réparti entre les États membres de l'Organisation au moment de la dissolution, au prorata des contributions effectivement versées par eux depuis qu'ils sont parties à la présente Convention. En cas de passif, celui-ci sera pris en charge par ces mêmes États membres, au prorata des contributions fixées pour l'exercice financier en cours.

CONVENTION (EUROPE)

---

*Article XIII***Signature — Adhésion**

1. La présente Convention et le Protocole financier annexe sont ouverts à la signature de tous les États qui ont participé aux travaux préliminaires à cette Convention.
2. La présente Convention et le Protocole financier annexe sont soumis à l'approbation ou à la ratification de chaque État conformément à ses règles constitutionnelles.
3. Les instruments d'approbation ou de ratification seront déposés au Ministère des Affaires Étrangères de la République française.
4. Le Conseil, statuant à l'unanimité des États membres, peut prononcer l'admission dans l'Organisation d'États autres que ceux visés au paragraphe 1 du présent article. Les États, ainsi admis, deviennent membres de l'Organisation en déposant un instrument d'adhésion auprès du Ministère des Affaires Étrangères de la République française.

*Article XIV***Entrée en vigueur**

1. La présente Convention et le Protocole financier annexe entreront en vigueur à la date du dépôt du quatrième instrument d'approbation ou de ratification, à condition que le total des contributions, selon le barème figurant dans l'annexe du protocole financier, atteigne au moins 70 %.
2. Pour tout État déposant son instrument d'approbation, de ratification ou d'adhésion après la date d'entrée en vigueur mentionnée au paragraphe 1 du présent article, la Convention et le Protocole financier entrent en vigueur à la date du dépôt de cet instrument.

*Article XV***Notifications**

1. Le dépôt de chaque instrument d'approbation, de ratification ou d'adhésion et l'entrée en vigueur de la présente Convention et du Protocole financier annexe sont notifiés par le Ministre des Affaires Étrangères de la République française aux États signataires et adhérents, ainsi qu'au Directeur de l'Organisation.
2. Le Président du Conseil adressera une notification à tous les États membres lorsqu'un État se retire de l'Organisation, ou cesse d'en faire partie en vertu de l'article XI.

*Article XVI***Enregistrement**

Dès l'entrée en vigueur de la présente Convention et du Protocole financier annexe, le Ministère des Affaires Étrangères de la République française les fera enregistrer auprès du Secrétaire général des Nations Unies, conformément à l'article 102 de la Charte des Nations Unies.

CONVENTION (EUROPE)

---

EN FOI DE QUOI les représentants soussignés, dûment autorisés à cet effet, ont signé la présente Convention.

FAIT à Paris, le 5 octobre 1962 en un seul exemplaire, en langue allemande, française, néerlandaise et suédoise, le texte français faisant foi en cas de contestation. Cet exemplaire sera déposé dans les archives du Ministère des Affaires Étrangères de la République française.

Ce Ministère délivrera une copie certifiée conforme aux États signataires ou adhérents.

Pour la République Fédérale d'Allemagne: Signé, Karl Knoke

Pour le Royaume de Belgique: Signé, Jaspar

Pour la République Française: Signé, E. de Carbonnel

Pour le Royaume des Pays-Bas: Signé, M. Beyen

Pour le Royaume de Suède: Signé, R. Kumlin

Le Danemark est devenu membre de l'organisation le 24 août 1967, la Suisse le 1<sup>er</sup> mars 1982 et l'Italie le 24 mai 1982.