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INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of UNESCO)

**DRAFT IOC PRINCIPLES ON
TRANSFER OF MARINE TECHNOLOGY**

The present principles, drafted by the IOC Secretariat as a first response to the related discussions under the Agenda Item on IOC and UNCLOS of the 29th session of the IOC Executive Council, is presented to the 19th session of the IOC Assembly for review, in order to stimulate discussion, inputs and advice from Member States with respect to this important issue. Consultations were held with the Intersessional Working Group on IOC's Possible Role In Relation to UNCLOS and TEMA Group of Experts for Capacity Building. The Assembly is invited to provide guidance on further actions to be taken in this regard.

TABLE OF CONTENTS

	Page
BACKGROUND	1
A. GENERAL PROVISIONS	1
Scope of Application	1
Principles	1
Conditions	2
Mechanisms	2
Measures	2
B. IMPLEMENTATION	3
Guidelines	3
Catalogue	3
Application	4
Processing	4
Expert Mission	4
Technical Training	5
Assessment	5

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BACKGROUND

The IOC Executive Council at its Twenty-ninth session, Paris, 24 September - 2 October 1996, recognizing IOC's particular role within the framework of Part XIV of the United Nations Convention on the Law of the Sea (UNCLOS) on Development and Transfer of Marine Technology, decided that certain principles could be prepared with regard to the transfer of marine science and technology within the IOC fields of competence.

This note aims at laying out the basic principles, mechanisms and procedures whereby the transfer of marine technology will be fostered through the IOC.

A. GENERAL PROVISIONS

SCOPE OF APPLICATION

For the sake of these principles, marine technology refers to knowledge of all forms that would be useful to improve the study and understanding of marine environment. It does not refer to the type of knowledge to be used for the actual exploration and exploitation of marine resources. Hence, the transfer of marine technology include, specifically and among others, the following:

- marine scientific information and data;
- manuals, guidelines, criteria, standards, reference materials;
- sampling equipment (e.g. for water, geological, biological, chemical samples)
- observation facilities and equipment(e.g. remote sensing equipment, buoys, tide gauges, and other means of ocean observation)
- equipment for in-situ and lab analysis
- computer and computer software, including models and modelling techniques;
- expertise, skills and technical know-how related to marine research and observation

PRINCIPLES

The following principles should be taken into account:

a. Favourable economic and legal conditions for the transfer of marine technology should be fostered for the benefit of all parties concerned on an equitable basis.

b. When conducting the transfer of marine technology, due regard should be given to the protection of the legitimate interests including, inter alia, the rights and duties of holders, suppliers and recipients of marine technology.

c. Special account should be given to the interests of developing countries, including the land-locked and geographically disadvantaged developing countries.

d. The transfer of marine technology is part and parcel of the IOC overall efforts in capacity building, and shall be done within the IOC fields of competence.

e. The transfer of marine technology should be associated with the on-going and new programmes/projects of the IOC, and fits into national and regional needs and priorities.

CONDITIONS

The transfer of marine technology should be conducted on fair and reasonable terms and conditions. Wherever possible, such transfer should be done free of charge, or at a reduced rate in favour of the recipient country.

MECHANISMS

The Governing Bodies of the IOC decide upon these principles and the overall policy in this context. The existing secretariat functions of the IOC, i.e. the IOC Secretariat and the IOC regional secretariats provide for the basic mechanisms for handling the transfer of marine technology on the global and regional basis. They serve as facilitator between donors and recipient countries.

The IOC scientific and technical subsidiary bodies should help in providing the scientific advice with regard to the transfer of marine technology.

The IOC regional subsidiary bodies have a special role to play since their programmes are based on national and regional needs and priority requirements. This helps define the required technology transfer.

MEASURES

Certain measures could be taken to promote the transfer of marine technology. The transfer of marine technology could be fostered through:

- establishing programmes of technical co-operation for the effective transfer of all kinds of marine technology to States which may need and request technical assistance in this field, including the developing land-locked and geographically disadvantaged States, as well as other developing States which have not been able to establish or develop their own technological capacity in marine sciences or to develop the infrastructure of such technology;
- promoting favourable conditions for the conclusion of agreements, contracts and other similar arrangements, under equitable and reasonable conditions;
- holding conferences, seminars and symposia on scientific and technological subjects, in particular on policies and methods for the transfer of marine technology;
- promoting exchange of scientists and of technological and other experts;
- undertaking projects and promote joint ventures and other forms of bilateral and multilateral co-operation.
- encouraging States to contribute funds to the IOC Trust Fund or Voluntary Co-operation Fund for the purpose of promoting and facilitating the arrangement of marine technology transfer.

Establishment and/or strengthening of national centres and regional and sub-regional centres can be encouraged to stimulate and advance the conduct of marine scientific research by developing countries and foster transfer of marine technology. Co-operation between IOC and other international organizations should also be encouraged to facilitate such transfer.

B. IMPLEMENTATION

GUIDELINES

Specific guidelines on qualification for receiving transfer of marine technology may be established as required.

CATALOGUE

To facilitate transfer of marine technology, a catalogue or catalogues could be drafted and updated, using the most efficient means of communication, on the following:

- national and international donors, with information on the contact points, addresses, fields of competence, items to be transferred, and cost and conditions for transfer;

- sources, availability and cost of marine scientific information and data for transfer in different disciplines of marine sciences;
- directory of marine research institutes which offers laboratory facilities, equipment and opportunities for research and training;
- offers of cruise studies at the global, regional, sub-regional levels
- availability of experts/specialists who can provide scientific and technical assistance
- universities offering study grants in marine science
- workshops, seminars and training courses at global, regional, and sub-regional levels offering financial support

Member States are encouraged to contact the donors directly taking advantage of the above catalogues.

APPLICATION

An application for assistance may be formulated and submitted to the IOC Secretariat or the IOC regional secretariats as the case may be. The application should be accompanied by a standard format as shown in the Annex (to be drafted).

PROCESSING

The IOC Secretariat, or the IOC regional secretariats as the case may be, upon receipt of the application, should inform the chairpersons of TEMA and of the IOC scientific and technical subsidiary bodies for comments and advice. Specialists may be consulted. The decision to forward the application to potential donors shall be made after this consultation and in accordance with the established rules.

The application shall then be forwarded to a potential national or international donor, or other aid-giving agencies, directly in case of international donors and through the IOC national focal point in case of national donors.

EXPERT MISSION

Expert missions may be arranged in order to implement a project of marine technology transfer. The cost of the expert mission should be shared between the donor and the recipient, country, or totally or partially provided by the IOC.

TECHNICAL TRAINING

As necessary, technical training shall be arranged as a follow-up to the transfer of marine technology. The cost thus incurred shall be borne by the donor and the recipient country, or totally or partially provided by the IOC.

ASSESSMENT

An assessment shall be conducted with regard to result of the transfer of the marine technology, two years after a particular technology is transferred.