

# **Third United Nations Conference on the Law of the Sea**

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## **Iraq: revised draft articles on transfer of technology**

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# DOCUMENTS OF THE THIRD COMMITTEE

## DOCUMENT A/CONF.62/C.3/L.12/REV.1

### Iraq: revised draft articles on transfer of technology<sup>4 5</sup>

[Original: English]  
[24 April 1975]

#### Article 1

1. States either directly or through appropriate international organizations shall actively promote the development of the marine scientific and technological capacity of developing States, including land-locked and geographically disadvantaged States,<sup>4 6</sup> in consonance with their economy and needs, with regard to the exploration, exploitation, conservation and management of marine resources, the preservation of the marine environment and the equitable and legitimate uses of ocean space compatible with this Convention, with a view to accelerating their social and economic development.

2. To this end, States, either directly or through appropriate international organizations, shall, *inter alia*:

(a) Promote the acquisition, evaluation and dissemination of marine scientific and technological knowledge and development of appropriate marine technology;

(b) Facilitate the transfer of marine scientific technology and the development of the necessary technological infrastructure in consonance with the economy and needs of the recipient country;

(c) Promote the development of human resources through training and education and especially the training of national personnel of a lesser developed State;

(d) Facilitate access to scientific and technological information and data;

(e) Promote the development of human resources particularly at the regional, subregional and bilateral levels.

3. In order to achieve the above-mentioned objectives, States, either directly or through the appropriate international organizations shall, *inter alia*:

(a) Establish programmes of technical co-operation for the effective transfer of all kinds of marine technology to developing States, particularly the developing land-locked States which, due to their geographically disadvantaged

situation, have not been able to either establish or develop their own technological capacity in marine science and in the exploration and exploitation of the marine resources, and to develop the infrastructure of their technology;

(b) Conclude agreements, contracts and other similar arrangements, under equitable and reasonable conditions.

(c) Hold conferences, meetings and seminars on appropriate scientific and technological subjects;

(d) Promote the exchange of scientists, technologists and other experts;

(e) Undertake projects, including joint ventures, mixed enterprises (including State enterprises) and other forms of bilateral and multilateral co-operation.

4. When appropriate, international organizations competent in the field of the transfer of technology shall endeavour to co-ordinate their activities in this field, including any regional or international programmes, taking into account the interests and needs of the developing States, including land-locked and geographically disadvantaged States.

#### Article 2

All States are under a duty to co-operate actively with the International Authority to encourage and facilitate the transfer of skills in marine scientific activities and related technology to developing States and their nationals.

#### Article 3

The International Authority shall, within its competence, ensure:

(a) That adequate provisions are made in its legal arrangements with juridical and natural persons engaged in marine scientific activities, the exploration of the international area, the exploitation of its resources and related activities to take on under training as members of the managerial, scientific and technical staff constituted for these purposes, nationals of developing States whether coastal, land-locked or otherwise geographically disadvantaged, on an equitable geographical distribution, taking into account that this Authority exercises its functions in ocean space which is the common heritage of mankind;

(b) That all blueprints and patents of the equipment, machinery, devices and processes used in the exploration

<sup>4 5</sup> The representative of Iraq, as the Chairman of the Group of 77 of the Third Committee, is presenting this document on behalf of the Group of 77.

<sup>4 6</sup> The question of the definition of the words "geographically disadvantaged States" needs to be considered further in the appropriate forum of the Conference.

of the international area, the exploitation of its resources and related activities be made available to all developing States upon request;

(c) That adequate provisions are made by it to facilitate the acquisition by any developing State, or its nationals, of the necessary skills and know-how including professional training in any undertaking by the Authority for exploration of the international area, exploitation of its resources and related activities;

(d) That a Special Fund be established to enable developing States, including land-locked and geographically disadvantaged States, in the acquisition of necessary equipment, processes, plant and other technical know-how required for the exploration and exploitation of their marine resources.

#### Article 4

1. The International Authority shall ensure the establishment in developing States of regional marine scientific and technological research centres, in co-ordination with States, international organizations and national marine scientific and technological institutions.

2. The functions of such regional scientific and technological research centres shall include, *inter alia*:

(a) Training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geology, sea-bed mining and desalination technologies;

(b) Management studies;

(c) Study programmes related to the preservation of the marine environment and the control of pollution;

(d) Organization of regional seminars, conferences and symposia;

(e) Acquisition and processing of marine scientific and technological data and information, in order to serve as regional data centres;

(f) Prompt dissemination of results of marine scientific and technological research in readily available publications;

(g) Serving as a repository of marine technologies for the States of the region covering both patented and non-patented technologies and know-how; and

(h) Technical co-operation with the countries of the region.

3. When a regional approach is adopted regarding the transfer of technology, particular attention shall be paid to the special interests, needs and scientific and technological priorities of each of the countries which form a part of such a region.

#### Article 5

The transfer of technology shall be made to the developing countries at a concessional rate of payment taking into account their economic capacity and needs for development.

### DOCUMENT A/CONF.62/C.3/L.13/REV.2

Iraq: revised draft articles on scientific research<sup>47</sup>

[Original: English]  
[21 April 1975]

#### Item 2 (a) — Right to undertake scientific research activities

1. Coastal States have the exclusive right to conduct and regulate scientific research activities in their (. . .)<sup>48</sup> and to authorize and regulate such research as provided for in article. . . .

2. Scientific research activities in the international area<sup>49</sup> shall be conducted directly by the International Authority and, if appropriate, by persons, juridical or

physical, through service contracts or associations or through any other such means as the International Authority may determine, which shall ensure its direct and effective control at all times over such research.

#### Item 2 (b) — Consent, participation and obligations of the coastal State

1. Scientific research activities in the (. . .)<sup>48</sup> of a coastal State shall not be conducted without the explicit consent of that State.

2. States and appropriate international and regional organizations, as well as persons, juridical and physical, seeking consent of the coastal State to conduct scientific research in the area referred to in paragraph 1 shall, *inter alia*:

- (i) Undertake to conduct the research exclusively for peaceful purposes;
- (ii) Disclose the nature and objective of the research, as well as the means to be used, including Oceanic Data Acquisition Systems (ODAS);
- (iii) Indicate the precise geographical area in which the activities concerning such research are to be conducted;

<sup>47</sup> The representative of Iraq, as the Chairman of the Group of 77 of the Third Committee, while presenting this document, would like to point out that it has been agreed upon by consensus by the Group of 77 of the Third Committee without committing the final position of members of the Group.

<sup>48</sup> A decision on the precise terms to be used here, such as economic zone, patrimonial sea, national sea or area under national jurisdiction and/or sovereignty, and continental shelf, and which do not refer to the international area, shall be adopted in the light of the decisions on the definition and nature of those terms in the Second Committee.

<sup>49</sup> The international area referred to in this paragraph is the area with which the First Committee is concerned. With regard to the remaining international area, the matter will be discussed at a later stage.