

# 2003 IOC CRITERIA AND GUIDELINES ON THE TRANSFER OF MARINE TECHNOLOGY

*Adopted in Paris, France in 2003*

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## A. SCOPE OF APPLICATION

1. The following criteria and guidelines aim at applying the provisions of Part XIV (Development and transfer of marine technology) of the United Nations Convention on the Law of the Sea (UNCLOS), providing a critical tool to promote capacity-building in ocean and coastal related matters through international cooperation.
2. For the purposes of these criteria and guidelines, marine technology refers to instruments, equipment, vessels, processes and methodologies required to produce and use knowledge to improve the study and understanding of the nature and resources of the ocean and coastal areas. In this sense, marine technology includes:
  - (a) Information and data, in a user-friendly format, on marine sciences and related marine operations and services;
  - (b) Manuals, guidelines, criteria, standards, reference materials;
  - (c) Sampling and methodology equipment (e.g. for water, geological, biological, chemical samples);
  - (d) Observation facilities and equipment (e.g. remote sensing equipment, buoys, tide gauges, shipboard and other means of ocean observation);
  - (e) Equipment for in situ and laboratory observations, analysis and experimentation;
  - (f) Computer and computer software, including models and modeling techniques; and
  - (g) Expertise, knowledge, skills, technical/scientific/legal know-how and analytical methods related to marine scientific research and observation

## B. CRITERIA

Transfer of marine technology should enable all parties concerned to benefit on an equitable basis from developments in marine science related activities in particular, those aiming at stimulating the social and economic contexts in developing States taking into account the following criteria:

- (a) Specific legal, institutional financial and scientific schemes should be developed in order to facilitate and foster transfer of marine technology at national, regional or sub-regional levels;
- (b) Transfer of marine technology should be conducted on fair and reasonable terms and conditions. As a general rule, such transfer should be done free of charge, or at a reduced rate for the benefit of the recipient country;
- (c) In conducting a transfer of marine technology, due regard should be given to:

- (i) The needs and interests of developing States, particularly landlocked and geographically disadvantaged States as well as other developing States which have not been able to establish or develop their own capabilities in marine sciences, scientific research, observations of the oceans and coastal areas, and related technology, or to develop the infrastructure needed to achieve such ends;
  - (ii) Other legitimate interests including, inter alia, the rights and duties of holders, suppliers and recipients of marine technology; and
  - (iii) The importance of the transfer of environmentally sound technologies.
- (d) Transfer of marine technology should take full advantage of new, existing or expected co-operation schemes, including joint ventures and partnerships, among Member States, appropriate international organizations, governmental and non-governmental organizations and/or private entities. In this regard, the Intergovernmental Oceanographic Commission of UNESCO (IOC), as a competent international organization recognized by UNCLOS for the promotion of international co-operation and the co-ordination of programmes in the field of ocean and coastal scientific research, related services and capacity-building, bears a specific responsibility.

## **C. GUIDELINES FOR IMPLEMENTATION**

1. As a competent international organization for promoting and facilitating transfer of marine technology, IOC, in consultation with relevant international, governmental and non-governmental organizations, and other partners should:
  - (a) Establish and co-ordinate a clearinghouse mechanism for the transfer of marine technology, in order to provide interested users in Member States with direct and rapid access to relevant sources of information, practical experience and scientific and technical expertise in the transfer of marine technology, as well as to facilitate effective scientific, technical and financial co-operation to that end, Such mechanism should include the following components, to which access should be ensured by using the most efficient means of communication.:
    - (i) A list of governmental, non-governmental or private entities interested in participating as donors in the transfer of marine technology. Such list should include information on the contact focal points, addresses, fields of competence, items to be transferred, and, eventually, cost and conditions for transfer;
    - (ii) Opportunities for projects or initiatives related to the transfer of marine technology;
    - (iii) Sources, availability and, eventually, cost of marine scientific and technological information and data for transfer in different disciplines of marine sciences;
    - (iv) A directory of marine research institutes which offer laboratory facilities, equipment and opportunities for research and training;
    - (v) Offers of cruise studies at the global, regional and sub-regional levels;
    - (vi) A list of available experts/specialists who can provide scientific and technical assistance;

- (vii) Universities and other organizations offering study grants and facilities in marine science;
  - (viii) Workshops, seminars and training courses at global, regional, and sub-regional level, in particular those offering financial support;
  - (ix) Study on national, sub-regional and/or regional rules and regulations, and case law studies concerning the transfer of marine technology and marine scientific research;
  - (x) Links with national, sub-regional and/or regional agreements, institutions and centres holding information, experience and technical expertise of scientific relevance to the region concerned.
- (b) Encourage national representatives of IOC Member States to include in their strategic planning specific components on the transfer of marine technology;
- (c) Actively promote the establishment of regional and/or sub-regional focal points for the transfer of marine technology preferably, within the existing regional or sub-regional structures of the Commission;
- (d) Organize, as appropriate, within the framework of each session of its Assembly or meetings of its regional or sub-regional structures, conferences, seminars, symposia or similar events on particular issues related to the transfer of marine technology; and
- (e) Seek contributions to the IOC Trust Fund or Voluntary Co-operation Fund for the purpose of promoting and facilitating transfer of marine technology.
2. Notwithstanding existing channels for the transfer of technology at the bilateral, multilateral, sub-regional or regional levels, any Member State may submit to the IOC Secretariat a Transfer of Marine Technology Application (TMTA), based on the standard format presented in the Annex.
3. Upon receipt of the TMTA, the IOC Secretariat will examine it, in consultation with the IOC officers, the IOC scientific and technical subsidiary bodies and, as appropriate, other selected specialists. Such examination will aim at:
- (a) Identifying, within a reasonable timeframe, adequate donor or donors from the list referred to in Section C.1 (a)(i), above; and
  - (b) Devising possible co-operation schemes, including joint ventures and partnerships, which may optimize the benefits of the expected transfer of technology.
4. Following the examination of the TMTA, the IOC Secretariat should:
- (a) Forward the TMTA to the identified donor or donors;
  - (b) Facilitate contacts between the identified donor or donors and the recipient Member State, with the ultimate goal that, in a timely manner, both parties conclude an agreement, contract or other similar arrangements, under equitable similar arrangements, under equitable and reasonable conditions, for the implementation of a Transfer of Marine Technology Project on the basis of the TMTA.

5. Additionally, the IOC Secretariat will:
- (a) Provide, at the request of the donor/donors or the recipient, technical assistance for the implementation of the Transfer of Marine Technology Project. Such assistance may include as appropriate:
    - (i) Expert missions, the funding of such missions should be discussed among the donor/donors, the recipient country and the IOC;
    - (ii) Technical training, as a follow-up to the transfer of marine technology. The funding of such technical training should be discussed among the donor/donors, the recipient country and the IOC; and
    - (iii) An assessment of the results of the Project, within two years after its completion; and
  - (b) Promote and facilitate, as appropriate, the participation of scientists and/or experts from the recipient country in the scientific institutions of the donor/donors associated with the development of marine technology and/or technological research. The funding of such participation should be discussed among the donor/donors, the recipient country, and the IOC.

## **D. FINAL PROVISIONS**

1. The Executive Secretary of IOC should report regularly in written form to the Governing Bodies of the Commission on the implementation of these Criteria and Guidelines.
2. These Criteria and Guidelines may be revised at the request of the IOC Assembly.