

LEGAL ASPECTS OF NORTH/SOUTH TRANSFER OF MARINE TECHNOLOGY

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I. SCOPE OF THE TERM 'TECHNOLOGY'

The term technology has, we are told, Sanskrit, Greek and Latin origins, the most important of which might be the Greek word *tekhne* meaning a craft, a manual skill, an art, which is related to the Sanskrit *tāksan* meaning "he forms, constructs". The modern English term is taken generally to mean the *application* of the discoveries of science, or the scientific method, to the problems of man and his environment. It is, in a word, science commercially applied.

The scope of the term technology includes both the element of *knowledge* of how science might, in particular situations, be applied in the service of man (sometimes contracted to "know-how") and demonstration of such applications ("show-how"), as well as, the *material objects* in which that knowledge is incorporated such as designs, plant and equipment. It comprises (1) human skills and labour, (2) information, and (3) capital goods. Thus, the *UN Convention on the Law of the Sea* describes sea-bed mining technology as

"the specialized equipment and technical know-how including manuals, designs, operating instructions, training and technical advice and assistance necessary to assemble, maintain and operate a viable system and the legal right to use these items for that purpose on a non-exclusive basis" (Annex III, art. 5, para. 8).

The draft *International Code of Conduct on the Transfer of Technology* being negotiated within UNCTAD (1976 to the present) defines technology as "systematic knowledge for the manufacture of a product, for the application of

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