

DEEPSEA MINING,
TRANSFER OF TECHNOLOGY
AND
THE NEW INTERNATIONAL ECONOMIC ORDER
IN THE CONTEXT OF SOUTH-ASIA

The Thesis Presented to
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By

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ABSTRACT

The underlying theme of the thesis is justice. Justice links up the different aspects in the manner shown below.

The first part of the thesis attempts to establish normative jurisprudential criteria of international social justice. Thomistic treatise on justice and law forms the basis of this inquiry.

The normative criteria of international social justice so derived shall be used to ascertain whether the New International Economic Order (NIEO) principles accord with the normative criteria of justice.

The findings from the above parts should help establish a frame-work, giving indicia for regimes governing New International Economic Order (NIEO), deepsea mining and transfer of technology regime based on international social justice norms. A comprehensive treatment of the provisions in UNCLOS III, part XI and annexure III governing deep sea mining in the Area (i.e. the seabed and the ocean floor beyond the national jurisdiction), shall be made in this thesis. The notion of Common Heritage of Mankind defying any claims by individuals or individual states' sovereignty on the Area resources merit a detailed analysis. After an examination of the scientific aspects of exploration and exploitation of the resources of the Area and their economic advantages/ disadvantages, this part shall attempt to discuss the feasibility of sharing profits based on standards of international social justice, as enunciated in the doctrine of common heritage of mankind (CHM).

A comparative analysis will be made on the mechanisms of transfer of technology according to Paris and Berne Conventions under the aegis of World Intellectual Property Organization (WIPO), and the marine technology provisions under the UNCLOS III.

These global considerations of the NIEO, transfer of technology and the deep sea mining provisions will be applied in the context of South Asia. The concluding notes of the thesis is a recapitulation of the previous chapters, highlighting the need for cooperation, friendliness and building up of trust as required by the UN Charter, which are essential for realistic development and procuring social and distributive justice.