



## General Assembly

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Thirty-eighth session  
Agenda item 78 (b)DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION:  
TRADE AND DEVELOPMENTUnited Nations Conference on an International Code of Conduct  
on the Transfer of TechnologyReport of the Secretary-General of UNCTAD

1. Pursuant to General Assembly resolution 37/210 of 20 December 1982, the fifth session of the United Nations Conference on an International Code of Conduct on the Transfer of Technology was held at Geneva from 17 October to 4 November 1983.
2. Prior to the fifth session, and in accordance with paragraph 3 of General Assembly resolution 37/210, the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD) and the President of the Conference carried out intensive consultations with regional groups, Governments and individual experts with a view to preparing appropriate recommendations on the issues outstanding in the draft code. The Conference at its fifth session accordingly had before it, among other relevant documents, the report of its Interim Committee, which held three sessions in 1982 in order to accelerate the finalization of the code. 1/ It also had before it the recommendations and negotiating parameters presented by the Secretary-General of UNCTAD and the President of the Conference on all issues outstanding in the draft code. 2/
3. Intensive negotiations were held during the fifth session on all issues outstanding, as identified by the Interim Committee. 3/ Particular attention was, however, focused throughout the three-week session on paragraph 1.4 and chapters 4, 5 and 9 of the draft code, dealing, respectively, with scope of application of the code, restrictive practices, responsibilities and obligations of parties to transfer of technology transactions and applicable law and dispute settlement, which were considered by all regional groups to be the most difficult issues to be resolved.

4. The Conference was able to finalize the formulation of chapter 5, except for the provision on confidentiality (para. 5.4 (ii) of the code), thus adding an important chapter to the agreed text of the code. A number of outstanding provisions on the preamble, chapter 1 and chapter 2 were also resolved during the session. Attempts to find consensus on chapters 4 and 9 did not, however, prove fully successful, although various texts were considered during the negotiations. These texts advanced the understanding of the problems and represented a serious attempt towards reaching balanced compromises on the complex issues involved. The Secretary-General of UNCTAD believes that this could serve as a useful basis for seeking solutions to these issues at the next phase of the negotiations.

5. In view of the fact that negotiations on all outstanding issues, particularly those pertaining to chapters 4 and 9 of the draft code, could not be concluded during the fifth session, the Conference adopted a decision requesting the General Assembly to authorize the convening of a sixth session of the Conference, under the auspices of UNCTAD, not later than the first half of 1985. The text of the decision is reproduced in annex I to the present report. The financial implications of the resolution are set out in annex II.

#### Notes

1/ TD/CODE TOT/35.

2/ TD/CODE TOT/38.

3/ TD/CODE TOT/35, para. 4.

ANNEX I

Decision adopted by the United Nations Conference on an International  
Code of Conduct on the Transfer of Technology at its fifth session

The United Nations Conference on an International Code of Conduct on the  
Transfer of Technology

1. Requests the General Assembly to authorize the convening of a sixth session of the Conference, under the auspices of the United Nations Conference on Trade and Development, in order to complete successfully the negotiations on the code of conduct not later than the first half of 1985;
2. Invites the Secretary-General of the United Nations Conference on Trade and Development, after consultations with regional groups, to determine the precise dates of the sixth session of the Conference;
3. Invites further the Secretary-General of the United Nations Conference on Trade and Development to prepare for the next session of the Conference the text of the draft international code of conduct as at the end of the fifth session of the Conference, as well as appropriate documentation.

19th plenary meeting  
4 November 1983

ANNEX II

Financial implications of the decision adopted by the Conference a/

1. The draft decision contained in document TD/CODE TOT/L.11, which requests the General Assembly to authorize the convening of a sixth session of the United Nations Conference on an International Code of Conduct on the Transfer of Technology not later than the first half of 1985 has financial implications.
2. Assuming that the sixth session of the Conference will be convened in 1985 at Geneva for a period not exceeding three weeks, would be serviced by three six-language teams and one caucus team of interpreters, would require six conference rooms and would be provided with a total of 150 pages of documentation and summary records for up to six plenary meetings, the direct conference servicing costs are estimated to amount to about \$555,000.

Notes

a/ Originally issued as TD/CODE TOT/L.11/Add.1.

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