MEETING OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

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Consideration of the content, promulgation, and adoption of codes of conduct for scientists

CODES OF CONDUCT FOR SCIENTISTS: CONSIDERATIONS DURING A BWC REGIONAL WORKSHOP AND SUBSEQUENT REFLECTIONS.

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I. Introduction

1. Earlier in this Meeting of Experts, there was a presentation by Australia which discussed some aspects of Codes of Conduct which were considered in the lead-up to, and during, the Biological Weapons Convention Regional Workshop, co-hosted by the governments of Australia and Indonesia at the Asia-Pacific Centre for Military Law, University of Melbourne, 21-25 February 2005.[1] In an intervention by Australia earlier this week, it was suggested that it may be useful to think of various Codes of Conduct as being in different layers which could include: a universal code; codes developed by scientific societies; and codes developed by workplaces (or institutional codes). Further to these interventions, a number of delegations have requested that Australia provide more information on both the BWC Regional Workshop and the 'layers' approach.

II. Consideration of Codes of Conduct during the BWC Regional Workshop

2. The objective of the BWC Regional Workshop was to 'bring Geneva to Melbourne' for a week, to enable the BWC States Parties in our region[2] to work together on the five topics agreed as part of the three year program of work at the reconvened Review Conference in November 2002.[3]

The workshop included visits to Australia's Biodefence Facility and the CSIRO Animal Health Laboratory (PC-4).

3. A half day session was devoted to considering Codes of Conduct for Scientists. This session included presentations on the development and implementation of Codes of Conduct for biological scientists, and the role of Codes of Conduct in preventing the mis-use of pathogens and toxins, without hindering peaceful applications of these pathogens and toxins.[4]

4. These presentations were followed by a panel discussion[5] on Codes of Conduct, including:
   (i) the types and content of Codes of Conduct,
   (ii) the role of Codes of Conduct in assisting the scientific community in supporting the objectives of the BWC, and
   (iii) various outreach and awareness-raising activities among biologists and the broader scientific community to ensure that Codes of Conduct are effective.

5. Possible outcomes for the 2005 BWC meeting were considered. Preliminary discussions suggested a range of possible outcomes from: a new universal Code of Conduct to be agreed by States Parties; through to agreement of States Parties on certain elements or themes that may subsequently be drafted into appropriate language by various biological organisations/ associations / societies / institutions and incorporated into existing Codes of Conduct.

6. It was considered that the various scientific communities are much more likely to accept, and take seriously, the non-proliferation regulations and a Code of Conduct related to BWC issues if they fully understand the reasons for the Code and if they have a sense of ownership of the Code. To win the 'hearts and minds' of the relevant scientific communities, it was considered that the best approach may be for the BWC States Parties to develop a set of elements or themes which the scientific societies and workplaces could then craft into appropriate language to add to their existing codes.

The purpose of Codes of Conduct

7. Suggestions have ranged from a focus on:
   (i) full awareness by the scientific community of national laws related to biological activities and full compliance with all such laws (sometimes referred to as a Code of Practice); to
   (ii) ethical considerations, including scientific responsibility when working on certain research projects that may lead to discoveries that could make BW more effective (sometimes referred to as a Code of Ethics).

8. This raised the question as to whether there should be two separate codes (that is, a Code of Practice and a Code of Ethics) , or a single Code of Conduct containing 'Code of Practice elements' and 'Code of Ethics elements'.

9. It was considered that 'No one size fits all'. Rather, participants considered that the best approach may be a range of regional, national, societal and workplace codes. It was also considered

that it would be useful as a first step to review existing codes of conduct, as it may be better to further develop existing codes rather than create new codes.

Promulgation and adoption of Codes

10. It was considered that, to be effective, there must be a co-operative outreach effort. There are various responsibilities of: governments, scientific societies, workplace managers, and teaching staff at educational institutions. All relevant individuals in the workplace (i.e. not just 'scientists') including senior managers, academics, researchers, technicians, and potentially research funders, must 'own' the codes.

11. It was considered that promulgation of codes could be achieved through a combination of: seminars conducted in workplaces; specific courses at undergraduate and postgraduate level, including the use of case studies; development of problem-based learning; and mentoring by staff. Development and promulgation of codes of conduct is seen as a continuing process. You cannot do outreach once, and 'tick the box'.

III. Layers of Codes

12. Following the various presentations and discussions that have taken place during the earlier part of the 2005 Meeting of Experts, Australia suggested that it may be useful to think of Codes of Conduct as occurring in a number of layers, including: (i) a universal code; (ii) codes developed by scientific societies; and (iii) codes developed by workplaces (or institutional codes). These are discussed in more detail below.

13. ***A Universal Code containing Guiding Principles*** – a short aspirational code, containing general principles and referring to ethical norms, could be the basis of a universal code. Implementation of this would effectively be a 'top-down' approach.[6]

14. ***Codes of Ethics developed by Scientific Societies*** (either national or international societies) – there could be new codes developed by societies, or elements could be added to their existing codes, to include the general principles, as well as awareness of the BWC and the obligations under the BWC, awareness of the dual-use nature of biological sciences, and a commitment not to undertake any activities prohibited by the BWC.

15. ***Codes of Practice (Institutional or Workplace Codes)*** – more detailed codes applicable to a particular workplace. The code could either be a new code, or elements added to an existing workplace code. These elements would include: full awareness by the scientific community of national laws related to biological activities, and full compliance with all such laws; as well as a focus on ethical considerations, including scientific responsibility when working on certain research projects that may lead to discoveries that could make BW more effective.

16. As discussed above, the various scientific institutions and workplaces are much more likely to accept, and take seriously, a Code of Practice related to BWC issues if they fully understand the reasons for the Code and if they have a sense of ownership of the Code. To win the 'hearts and minds' of the relevant scientific communities, the best approach may be for the BWC States Parties to develop a set of elements or themes which the scientific institutes / workplaces can then craft into appropriate language to add to their existing codes. Implementation of this would effectively be through a 'bottom-up' approach. Such a code could become a formal part of a workplace agreement.

17. Australia would see these various codes as complementary and mutually reinforcing, and may be most effective as a package.

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[1] Robert Mathews and John Webb, 'The Biological Weapons Convention Three Year Program of Work: 2005-Codes of Conduct for Scientists', in *Proceedings of the Biological Weapons Convention Regional Workshop, co-hosted by the governments of Australia and Indonesia at the Asia-Pacific Centre for Military Law, University of Melbourne, 21-25 February 2005*.

[2] The States Parties participating in the workshop were Australia, Brunei, Cambodia, Indonesia, Laos, Malaysia, New Zealand, Papua New Guinea, the Philippines, Singapore, Thailand and Vietnam. There were also representatives of the ICRC and WHO at the workshop.

[3] United Nations, Fifth Review Conference of the Parties of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons and on their Destruction, Geneva, 19 November - 7 December 2001 and 11-22 November 2002, Final Document, BWC/CONF.V17, 2002. Available at http://www.opbw.org.

[4] This included a presentation by Dominique Loye from the ICRC on the ICRC Biotechnology, Weapons and Humanity project.

[5] The panel discussion was led by John Webb, Professor of Chemistry at Murdoch University and a member of the Australian National Commission for UNESCO. He is currently on leave from Murdoch University to the Department of Education, Science and Training of the Commonwealth of Australia.

[6] For example, the 'Rigour, Respect and Responsibility' code discussed by Sir David King, UK Chief Scientific Adviser, in his presentation to the 2005 MX on 14 June could be the basis of such a code, which could be developed by BWC States Parties.