

**Third Meeting  
Geneva, 5-9 December 2005**

**Meeting of Experts  
Geneva, 13-24 June 2005**

Item 5 of the agenda

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

## **‘CODES’ IN THE CONTEXT OF THE BTWC**

Prepared by South Africa

### **Definitions**

1. The term code has a number of different uses dependent upon context. Useful definitions for considering ‘codes’ in the context of the Biological and Toxin Weapons Convention include:

- (i) ***Penal Code* - A systematically arranged and comprehensive collection of laws**
- (ii) ***Code of Practice* - Any systematic collection of regulations and rules of procedure or conduct**
- (iii) ***Code of Conduct* - A generally accepted set of principles**

### **South Africa’s Approach**

#### **Principles to be followed in implementing the BTWC**

2. The implementation of the BTWC and prevention of the misuse of biotechnology depend three principles

- (i) National legislation (Penal Codes) as required in Articles III and IV of the BTWC with supporting regulations and guidelines for the implementation of the legal controls in the form of codes of compliance or practice.
- (ii) Ethical Codes of conduct, which are developed by professional groups, industry, academia, etc.
- (iii) **The dissemination of information, education, and guidance for the relevant sectors. including the general public, professional groups, industry, academia, military, etc.**

## **Legal Aspects Being Applied In South Africa**

3. The Biological and Toxin Weapons Convention has been incorporated into national legislation in South Africa through the Non-Proliferation of Weapons of Mass Destruction Act (Act 87 of 93). This Act is supplemented by Regulations, which operationalizes its implementation. Further implementation tools are currently being considered, specifically a Code of Compliance with the Non-proliferation Act. Other legislation that deals with related issues also play a role.

### **A Code of Compliance**

4. **A code of compliance with national non-proliferation legislation, as being considered in South Africa, is to contain prescriptions for the implementation of national legislation. It would be required to be implemented by any institution which is required to register in accordance with non-proliferation legislation.**

5. **Such a code would require a statement from the facility supporting the prohibition of the development, production, acquisition, retention and use of weapons of mass destruction, including Biological and Toxin Weapons.**

6. **The code would require a description of the activities and the procedures to fulfil them as required by the Act. Such activities include:**

- (i) Registration
- (ii) Declarations
- (iii) Export and import controls
- (iv) Security

7. The code will necessitate that all personnel in institutions in which the code is in force, will be informed of, and to comply with, the content of the code of compliance. Furthermore, the code of compliance must to be available at all times for inspection by the relevant national inspectors.

### **Codes of Conduct**

8. This legislative and regulatory approach can be supplemented by encouraging professional groups, industry, academia, etc. to develop or adapt their own accepted set of principles (codes of conduct) against the proliferation of biological and toxin weapons. This may be accomplished through information exchange and education programmes.

**Education and Training**

9. These activities to promote the norm against biological and toxin weapons can take a range of different forms, including:

- (i) Road shows;
  - (ii) Information;
  - (iii) Articles in newspapers, journals, etc.;
  - (iv) Inclusion in educational curriculae;
  - (v) Seminars; and
  - (vi) Presentations.
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