

The Biological and Toxin Weapons Convention Meeting of Experts Codes of Conduct for Scientists

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From 13-24 June 2005 the States Parties to the Biological and Toxin Weapons Convention (BTWC) held a meeting of experts to consider the issues surrounding codes of conduct for scientists. This was a topic States Parties to the BTWC had previously not considered in any great detail. It therefore presented some interesting challenges in how to consider the topic of codes of conduct, the extent of activities related to codes of conduct in other areas and by different types of organisations, the relevance of such codes to the prohibitions on biological and toxin weapons, and how to balance the concerns of different actors such as industry, professional associations, non-governmental and other advocacy organisations, and, not least, the views of Government departments and agencies.

These issues were particularly challenging for the UK as Chair for the Meeting of Experts and, later in the year, for the formal meeting of the States Parties (to be held later on 5-9 December).

BTWC Background

The BTWC prohibits the development, production, stockpiling, acquisition, and

transfer of biological and toxin weapons. It complements the 1925 Geneva Protocol, which prohibits the use of chemical and biological weapons in war. Negotiations on the BTWC were completed in the early 1970s and it has been 30 years since it entered into force in 1975. Along with the United States (US) and the Russian Federation, the UK is one of the Depositary Governments of the Convention. In addition, as the UK was one of the leading proponents of biological disarmament in the late 1960s, the Convention has a particularly important place in terms of its status and commitment to it both of the UK Government and in the academic and non-governmental arms control community.

At the Fifth Review Conference of the BTWC in 2002 the States Parties to the Convention adopted a programme of work between 2003 and 2005 intended to examine ways in which States could enhance implementation of the BTWC. The programme of work focused on discrete obligations under the Convention. For 2005 it was decided that States Parties would focus on “the content, promulgation, and adoption of codes of conduct for

scientists.” Under the 2002 agreement it was determined that the Western Group would hold the Chairmanship of the 2005 meetings (the Eastern Group having held the 2003 Chair, and the Non-Aligned Movement holding the Chair in 2004). It was later decided that the UK would act as Chair in 2005 for these meetings.

The Meetings of Experts and States Parties

The Meeting of Experts and Meeting of States Parties are designed to complement each other. Experts meet for two weeks to consider in detail each issue. This generally involves a wide-ranging discussion among States Parties about the different views on a particular issue, how it relates to recent developments, the advantages and disadvantages of various courses of action, the most appropriate locus for any action, and the sharing of information and details on actual practice.

The focus on discrete topics, such as national implementation legislation in 2003, has required each State Party to examine in detail their existing practices, the rationale for such activity in a given area, and the

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implementation and effectiveness of such measures. For the UK, which takes its international commitments very seriously, such meetings have been beneficial in themselves by requiring those involved in the implementation of the BTWC to consider how and why the UK does certain things in particular ways. Other States, including many of our key European partners, undertook similar preparatory work for each Meeting of Experts. To date the outcomes from the intersessional work programme have been able to identify good practice, where specific issues require further and more specialised consideration, and where co-operation with other partners might be required in the future. The results included a significant degree of information sharing, awareness raising, and identification of good practice among the States Parties. The outcome of each Meeting of Experts is a report for consideration at the later Meeting of States Parties. It is not the aim or the expectation of States Parties that Codes of Conduct for Scientists be devised, negotiated, or adopted in 2005.

Codes of Conduct for Scientists

At the national level the Foreign & Commonwealth Office took the lead in preparing for discussions on codes of conduct for scientists relating to the issue of biological and toxin weapons. Two seminars hosted by the FCO in December 2003 and June 2004 with representatives of academia, industry, and non-governmental organisations assisted in identifying key themes requiring consideration including the purpose, utility and scope of any codes of conduct, the need for awareness raising and education among the wider scientific community, the role of any

existing codes, and the most appropriate initiator of any code of conduct, eg professional body, industry, government, or other organisation.

It was widely acknowledged that the requisite expertise and knowledge on this subject would not necessarily reside in experts attached only to governments. States Parties and experts also had to be aware that codes of conduct were being considered by other bodies and organisations, and in different contexts than that related to the BTWC. For example, in the UK the Royal Society had released its own report and recommendations on the issue of Codes of Conduct prior to the meeting.¹ Participation at the Meeting of Experts could not, therefore, be limited to official representatives of each State Party.

In preparation for the Meeting of States Parties I wrote to each State Party in my role as Chair, prompting them to attend the Meeting prepared for a broad discussion on this topic. Seven questions were identified to provide a framework for the discussions. To provide a single example, States Parties were asked to consider how to encourage universities, industry, research bodies and government to reflect BTWC issues in their own in-house codes of practice and operational frameworks and whether or not there might be a need to consider the introduction of guidance or instructions into existing structures that deal with the safety and ethics of individual experiments and research. The questions were indicative of the kinds of issues on which the Meeting of Experts would need to engage.

The outcome of the Meeting of Experts

At the June meeting 82 of the 155 States Parties to the BTWC were

represented. In addition, eight Inter-governmental Organisations, 23 scientific, professional, academic, and industry organisations, and 16 other non-governmental organisations were also present at the meeting. The work of the meeting was organised to ensure adequate time was spent on each of the three areas under consideration (content, promulgation, and adoption) for codes of conduct. After initial statements from States Parties and inter-governmental organisations, the work of the meeting was divided into presentations from relevant scientific, professional, academic, and industry organisations which either I as Chair or interested States Party had encouraged to attend the meeting. These "Guests of the Meeting" brought external perspectives to the issues under discussion and made an extremely valuable input. It included organisations such as the American Society for Microbiology, Association of British Pharmaceutical Industry, the Islamic World Academy of Sciences, and the World Medical Association. To provide one example, the Chief Scientific Adviser to the UK Government, Sir David King, in a very well received address to the Meeting of Experts outlined the Office of Science and Technology's efforts at developing an overall code on scientific conduct.

At the end of the meeting all the proposals, perspectives, and other points made by those organisations and individuals, and States which addressed the meeting were collated in an Annex to the procedural report. This data will then be considered in the period between the Meeting of Experts and the Meeting of States Parties with a view to States Parties discussing them further.

¹The Royal Society, 'Issues for discussion at the 2005 Meeting of Experts of the Biological and Toxin Weapons Convention' 9 June 2005. Available at: <http://www.royalsoc.ac.uk/displaypagedoc.asp?id=12986>