

Ninth Review Conference 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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Item 11 of the agenda

**Consideration of issues identified in the review of the operation of the Convention
as provided for in its Article XII and any possible consensus follow-up action**

Military biological activities of the US and Ukraine on the Ukrainian territory in violation of the Biological and Toxin Weapons Convention (BTWC)

Submitted by the Russian Federation

1. The Russian Federation has for a long time been openly expressing criticism and concern over military and biological activities carried out with the direct assistance and participation of the US military in laboratories of the former Soviet Republics, far from the North American continent and close to Russia's borders. Such an activity in neighboring countries and regions directly affects the biological security of the Russian Federation. Such activities are most often conducted indirectly through the Pentagon's Threat Reduction Agency and private companies that are regular contractors of the US military, including Black & Veatch Special Projects Corp., CH2M Hill, Metabiota.
2. During the special military operation, the Russian Federation received a number of documents and proofs which shed light on the true nature of military and biological activities by the United States and Ukraine. During the analysis of the mentioned documents it was reaffirmed that the U.S and Ukrainian sides do not comply with the provisions of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC).
3. In accordance with the Agreement signed between the Department of Defense of the United States of America and the Ministry of Health of Ukraine in 2005 concerning "Cooperation in the Area of Prevention of Proliferation of Technology, Pathogens and Expertise that could be Used in the Development of Biological Weapons" (hereinafter referred to as "the Agreement") Pentagon may "provide assistance to the Ministry of Health of Ukraine" in "cooperative biological research, biological threat agent detection and response with respect to "dangerous pathogens located at the facilities in Ukraine" (Article 3). Article 4 of the Agreement prescribes to store all dangerous pathogens only at the laboratories assisted by the US DoD as well as transfer to the United States the samples of all strains collected in Ukraine and data generated by the infectious disease surveillance in that country. The deliverables under the Agreement as well as the information on its implementation become sensitive or restricted by default under Article 7. At the same time, representatives of the Pentagon or its contractors, in accordance with Article 5, shall have the right to participate in all activities related to the implementation of the Agreement.
4. The direct US DoD involvement in the financing of military and biological activities in Ukraine is reflected in the 2018 Plan for the provision of technical assistance to certain recipients of the Ministry of Defense of Ukraine to the 2005 Agreement. The real recipients of funds are laboratories of the Ukrainian Ministry of Defense located in Kiev, Lvov, Odessa and Kharkov. Black & Veatch Special Projects Corp. was designated as the implementation contractor. By 2020, the number of Ukrainian laboratories involved in the work funded by



the Pentagon through the DTRA and Black & Veatch Special Projects Corp. has reached 30 (located in 14 communities), as set out in the relevant registration card.

5. A Final Report upon Review of the Microorganism Strain Collection at the I. Mechnikov Anti-Plague Scientific and Research Institute in Odessa gives a most vivid insight in the scale and focus of these military and biological activities on the territory of Ukraine. According to this document, the Institute had 422 cholera storage units and 32 anthrax storage units. Notable is a large number of test tubes that contained the same strains of different passages. Absent mass outbreaks of these diseases in Ukraine in recent years, the range and accumulated volumes of bioagents challenge their alleged prophylactic, protective or other peaceful purposes.

6. At the same time, the list of studied pathogens disagrees with the current Ukraine's health issues, as outlined in the World Health Organization documents (measles, poliomyelitis, tuberculosis and other socially significant infections), but includes pathogens of dangerous infectious diseases that are potential agents of biological weapons.

7. The documents obtained contain the descriptions of UP-4, Flu-Flyway and P-781 projects to study the possibility to spread dangerous infections through migratory birds (including highly pathogenic influenza and Newcastle disease) and bats (including pathogens of plague, leptospirosis, brucellosis as well as coronaviruses and filoviruses that are potentially infectious to humans) that can be considered as means of delivery. The geographic scope of both projects affected the Russia-bordering regions of Ukraine as well as the territory of Russia itself.

8. In addition, on March 9, 2022, on the territory of the Kherson region, the Armed Forces of the Russian Federation discovered three unmanned aerial vehicles equipped with 30-liter containers and equipment which can be used to spray bioagents. In late April 2022, 10 more of the same were found in the area of Kakhovka. These facts are of particular importance considering a confirmed request from the Ukrainian side to the Bayraktar UAV manufacturer about the maximum payload of Bayraktar Akinci UAVs (flight range up to 300 km) and the ability to equip it with an aerosol generating system with a 20+ liters capacity.

9. Unanswered remains the question on the U.S. patent No. 8,967,029 B1 as of 3 March 2015 issued by the US Patent and Trademark Office for an unmanned aerial vehicle for the aerial release of the infected mosquitoes, i.e. for a device (unit) designed to be applied as a technical means of delivery and use of a biological weapon – “biological and immunobiological agents, bacteria and viruses” (including highly contagious) “that could wipe out 100 percent of the enemy troops.”

10. According to the Description an unmanned aerial vehicle transports a container housing a huge number of infections transmitting mosquitoes to release them at a designated area. The attacked people get infected with highly contagious diseases via mosquito bites. The description clearly states that an infected military man will not be able to fulfill the assigned mission, therefore “[s]ickness can be a very valuable military tool [...] than the most up-to-date military guns and equipment.” It is indicated that infecting an enemy manpower in such a way would be of a significant military effect.

11. In accordance with the US law a patent cannot be issued in the United States unless a complete description of the actual machine is provided. Therefore, it follows that a container as a bioagent delivery means has been developed and can be manufactured on the fly.

12. Ukraine fails to mention data on the ongoing since 2016 programs and projects (including UP-4, Flu-Flyway and P-781) and funding by a foreign state's military department in its annual reporting under the BTWC confidence-building measures developed by the States Parties “in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions”. This raises the question of a violation of political obligations regarding the submission of data on confidence building measures adopted by the States Parties to the BTWC. The US reports also miss the data on the programs and projects implemented outside the national territory, or on the financing thereof. Our repeated appeals to the American side to provide exhaustive explanation for such activities remain without proper and meaningful response. Such reticence and disregard for Russia's claims on the part of the United States do nothing but support their validity.

13. The above circumstances and the nature of military and biological activities carried out in Ukraine testify to the violations of the BTWC Articles I and IV provisions by the US and Ukraine.

14. Such assessments are additionally confirmed by the analytical reports of the Kherson Department of the Security Service of Ukraine dated 30 June 2016 and 28 February 2017. It is indicated therein that the DTRA programs implemented through Black & Veatch Special Projects Corp. were intended to establish control over the functioning of microbiological laboratories in Ukraine conducting research on pathogens of infectious diseases that can be used to create or modernize biological weapons. It is indicated that the projects being subordinate to the military department of a foreign State created prerequisites for the foreign specialists to penetrate into the regional biolaboratories and familiarize themselves with the strategic developments.

15. In June 2022, guided by these understandings, Russia, through the BTWC Implementation Support Unit (ISU), attempted to obtain exhaustive answers to the questions it had posed in relation to the implementation by the United States and Ukraine of Articles I and IV of the BTWC through a bilateral consultative process with these countries (documents prepared by the Russian Federation containing a detailed description of the said questions and the relevant supporting materials are available on the BTWC Web portal: <https://meetings.unoda.org/section/bwc-fcm-2022-documents> and <https://documents.unoda.org/wp-content/uploads/2022/09/WP2-annexes-for-website.pdf>). However, Washington and Kiev have not provided necessary explanations, nor have they taken immediate measures to remedy the situation.

16. On August 26 and September 5-9, 2022 the Formal Consultative Meeting of the BTWC States Parties under BTWC Article V concerning the questions regarding compliance of the United States and Ukraine with the BTWC in the context of the activities of biological laboratories in Ukrainian territory was convened on the Russian initiative. The Russian Federation assumed that the Consultative Meeting would let the delegations concerned, with the support of their experts, gain a thorough understanding of the situation, exchange assessments, ask professional questions and receive detailed answers. During the consultations, we made all the necessary efforts to provide detailed materials and arguments to enable the Consultative Meeting to achieve its objectives and resolve the situation related to the military and biological activities in the territory of Ukraine.

17. However, based on the results of the exchange of views among participating States, the Russian Federation notes that the overwhelming majority of the claims put forward by Russia have gone unanswered. As stated in the final report of the Consultative Meeting, it was not possible to reach consensus on the questions we raised, they remain open and require resolution.

18. So, in accordance with Article VI of the BTWC, on October 27, 2022 the Russian Federation asked the Security Council to hold an open meeting in New York to consider its draft resolution on establishing a Commission to investigate into the complaints of the Russian Federation to the United States and Ukraine regarding the compliance with their obligations under the BTWC in the context of the activities of biological laboratories in the territory of Ukraine. The Russian Federation hoped that the Commission would manage to clarify all the facts of non-compliance by Washington and Kiev with their obligations under the BTWC in the context of the activities of biological laboratories in the territory of Ukraine as soon as possible in order to encourage them to address the current inadmissible situation. We believed that the Commission would submit to the Security Council the report with recommendations, as well as inform the Parties to the Convention on the results of the investigation during the Ninth Review Conference.

19. Consideration of the draft resolution at the Security Council was accompanied by unsubstantiated accusations of "propaganda and disinformation" and one-sided statements anticipating the conclusions of the UN Security Council. Moreover, some delegations have groundlessly interpreted the fact of convening the consultative meeting as the completion of the consultative process. So, the Russian initiative on establishing an investigative commission has not been put into practice.

20. The Russian Federation reiterates its questions to the United States and Ukraine regarding the compliance with their obligations under the Convention in the context of the activities of biological laboratories in the territory of Ukraine (the list of questions attached). We stand ready to continue applying all the efforts to establish the facts proving that the United States and Ukraine violated their obligations under the Convention in the context of the activities of biological laboratories in the territory of Ukraine. In the interests of national, regional, and global biological security, Russia is determined to further strengthen the Convention regime.

Attachment

Questions of the Russian Federation to the United States and Ukraine regarding the compliance with their obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) in the context of the activities of biological laboratories in the territory of Ukraine

I. Questions to Ukraine regarding compliance with obligations under Part 1 of Article I of the BTWC

1. What activities with pathogenic biomaterials were carried out at the I.Mechnikov Anti-Plague Institute in Odessa in the period from 2017 to 2018, if, according to the report of the commission of the Ministry of Health of Ukraine, there were over two thousand storage units of pathogenic biomaterials at that time, while in 2018 only one research work was officially conducted involving the tularemia strains in the collection of the Institute, and no report on the use of the collection for 2017 was submitted?
2. Why, as of December 28, 2018, there was no documented information at the I.Mechnikov Anti-Plague Institute in Odessa regarding the actual status of strains, and there was not an evidence base regarding the need to maintain a large number of pathogen test tubes with the same strains of different passages presented to the committee?
3. What is the reason for the choice of pathogens studied in Ukraine as part of the Threat Reduction Program? Why in a number of cases the nomenclature of studied pathogens is not related to relevant public health problems and can hardly be explained by preventive or protective purposes (for example the TAP-6 project to study the causative agent of glanders, cases of which have never been recorded by veterinary and sanitary and epidemiological services of Ukraine)? Why, under the conditions of the gravest state of sanitary and epidemiological well-being system, threatened by the spread of infections defeated in most countries of WHO European region and an unsatisfactory level of population immunization, in Ukraine the attention was not paid to actual health problems, but to anthrax, highly pathogenic influenza and other especially dangerous pathogens?
4. How should the accumulation of especially dangerous infection strains and their transfer to other countries help to improve the infectious disease situation?
5. Why is it necessary to store 422 containers with cholera bacteria at the I.Mechnikov Antiplague Institute in Odessa, if the genetic diversity of cholera-causing vibrios is limited to only two serogroups?
6. Why was emphasis placed on the study of naturally occurring and especially dangerous infections, which, according to the U.S. Centers for Disease Control and Prevention lists, are considered to be potential pathogens for biological weapons?
7. Why is the study of pathogens of especially dangerous infections, including those that overcome the protective effect of vaccines and possessing the ability to control them, instead of improving the system of epidemiological surveillance, developing anti-epidemic action plans, conducting public health education, establishing the supply of vaccines and expanding immunization, the collection of information on the infection rate, biological samples of humans and their export, the export of national collections containing pathogenic microorganisms, considered to be a priority?

II. Questions to Ukraine regarding compliance with obligations under Part 2 of Article I of the BTWC

8. What kind of life- and health-threatening research is referred to in the UP-8 project (Circulation of Crimean-Congo hemorrhagic fever virus and hantaviruses in Ukraine and the potential need for differential diagnosis of patients with suspected leptospirosis)?
9. What was the reason for the involvement of specialized U.S. military professionals in the research within the framework of the UP-2 project (Mapping of Especially Dangerous Infectious Diseases in Ukraine)? What tasks were solved by them in the course of the project? Considering that the epidemiological situation with anthrax in Ukraine remains favorable, why was the conducted research necessary and what are its true objectives?
10. What tasks were solved by the specialists of research organizations of the Ministry of Defense of the USA (researches were carried out by the specialists of the Walter Reed Army Institute of Research the Naval Medical Research Institute) within the framework of fulfilled projects UP-1 (Implementation of geoinformation systems, remote detection and laboratory diagnostics while monitoring tularemia and anthrax in sanitary-epidemiological and veterinary practice in Ukraine) and UP-2? What justifies the necessity of their involvement as participants in research aimed at solving, as declared, "purely peaceful" tasks?
11. What is the reason for the interest of the Ukrainian company "Motor Sich" in the supply of an unmanned aerial vehicle "Bayraktar Akinci" (request of December 15, 2021)? How does this request correlate with Ukraine's obligations under Part 2 of Article I of the BTWC?

III. Questions for Ukraine regarding compliance with its obligations under Article IV of the BTWC

12. For what reasons was the proper level of biological protection in organizations and institutions working with pathogens in Ukraine not ensured, and why is there a lack of national legislation regarding the control of particularly dangerous pathogens?
13. Why was the Ukrainian side not taking into account the recommendations of the Ukrainian security service in the context of ensuring the safety of Ukrainian bio-objects?
14. Why, despite the revealed gross violations of biological safety requirements and prerequisites for theft of pathogenic materials, were the activities of Ukrainian biolaboratories continued in the normal mode?

IV. Questions for the United States regarding the compliance with its obligations under Article IV of the BTWC

15. Is it an established practice for the U.S. Patent and Trademark Agency to grant, after peer review, patents for inventions directly related to the delivery and use of biological and toxin weapons?
16. How does the granting of patents on inventions, the technical description of which implies their use as a means of delivery of biological and toxin weapons, relate to the U.S. obligations under Article IV of the BTWC?
17. Does the United States consider the inventions featured in these patents to be tools that could be used to deliver biological and toxin weapons?
18. What explains the necessity of the centralization of collections and transfer to the U.S. of the strains of dangerous pathogens isolated in the territory of Ukraine, as stipulated by Article IV of the 2005 Agreement "On cooperation in the field of prevention of the spread of pathogens, technologies and knowledge that may be used in the development of biological weapons" (Agreement)?
19. What is the reason for giving the results of works, obtained within the framework of the implementation of the Threat Reduction Program in Ukraine, a limited and restricted

nature? How does this requirement under the Agreement contribute to transparency and confidence-building within the BTWC?

20. How was the U.S. assistance, as implemented, intended to ensure a sanitary and epidemiological well-being of the population of Ukraine? What are the objectives and goals of the U.S. assistance in the area of ensuring a sanitary and epidemiological well-being of the population of Ukraine? What are the key indicators of its effectiveness?

21. What public health indicators have improved over the past 10-15 years due to the U.S. assistance in Ukraine? Has the sanitary and epidemiological situation in Ukraine improved as a result of the interaction with the United States: has the incidence of infectious diseases decreased, has the immunization coverage increased, has testing for infections become more accessible, are there more specialists (epidemiologists, microbiologists, sanitary doctors), have there been new developments of tests and vaccines, has the recording of infectious diseases improved?
