

**Formal Consultative 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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Item 6 of the agenda

**Respective outstanding questions by the Russian Federation
to the United States and to Ukraine concerning the fulfilment
of their respective obligations under the Convention in the context
of the operation of biological laboratories in Ukraine**

**Questions to Ukraine regarding the compliance with
obligations under Article IV of the Convention on the
Prohibition of the Development, Production and
Stockpiling of Bacteriological (Biological) and Toxin
Weapons and on Their Destruction (BWC) in the
context of activities of biological laboratories in the
Ukrainian territory**

Submitted by the Russian Federation

1. The Russian Federation, as a responsible party to the Biological and Toxin Weapons Convention (BTWC), is fully aware of the full range of threats associated with the possible consequences of violating it if the necessary measures are not taken to prohibit and prevent the development, production and stockpiling of biological weapons. We note the facts of conducting military-biological research in conditions, which do not allow to provide the appropriate level of biological protection.
2. The Science and Technology Center of Ukraine (STCU) was the coordinator of military and biological projects in Ukraine. This is an international intergovernmental organization formally established to prevent the dissemination of knowledge and expertise related to weapons of mass destruction.
3. The legal status of the STCU is defined by the October 25, 1993 Agreement between the Governments of Ukraine, Canada, the United States and Sweden, and the Protocol amending the Agreement of July 7, 1997. The STCU headquarters is located in Kiev and has offices in Baku, Chisinau and Tbilisi as well as in Kharkiv and Lviv.
4. In recent years alone, Washington has spent over \$350 million on STCU projects. The US Department of State and the Pentagon are the customers and sponsors of the STCU. Funding has also been arranged through the Environmental Protection Agency and the U.S. Departments of Agriculture, Health, and Energy.
5. Between 2014 and 2022, the STCU has been funded through the U.S. Department of State. The STCU has implemented more than 500 R&D projects in post-Soviet countries. U.S. customers were primarily interested in dual-use research.
6. Many of the ongoing projects are aimed at studying potential components of biological weapons formulations (plague and tularemia pathogens) and pathogens of



economically significant infections (pathogenic avian influenza, African swine fever). For example, project 9601 "Transfer of Ukrainian technologies for production of complex dual-use materials to the European Union".

7. Projects R-364, R-444 and R-781, aimed at studying the spread of dangerous pathogens through insect vectors, wild birds and bats, were financed directly in the interests of the military department.

8. The document prepared by the STCU on March 11 this year draws our attention. It is noted in the document that "...there is an outflow of scientific experts in the field of development of delivery systems and modern armament, who used to work in Ukrainian institutions, as well as experts in the field of biological, radiological, chemical and nuclear weapons. The most qualified specialists having experience in work with dual purpose materials and technologies (they number from 1000 to 4000 people) found themselves in unfavorable professional and financial circumstances. This makes them vulnerable to being involved in other states' programs to develop weapons of mass destruction, means of delivery and other weapons...".

9. Using such wording, the STCU supervisors actually acknowledge the work of Ukrainian experts on the creation of means of delivery and use of biological weapons, as well as recommend the continuation of further financing of this work. We consider this to be a direct violation by Ukraine of Article IV of the BTWC.

10. The military-biological nature of the activities of the Pentagon and affiliated organizations is confirmed by the Analytical Report of the Kherson Department of the Security Service of Ukraine dated June 30, 2016. It notes that the programs of the Defense Threat Reduction Agency of the US military department, carried out through the "Black and Veatch" company, were aimed at establishing control over the functioning of microbiological laboratories in Ukraine. The work conducted on research of pathogens could have been used to create or modernize biological weapons. It is noted that subordination of the projects to the military department of a foreign state creates prerequisites for penetration to the laboratories of foreign specialists and their familiarization with strategic developments.

11. Specialists of SSU repeatedly noted potential risks of biolaboratories' operation. In the analysis prepared by the SSU in spring 2013 it was noted: "...certain steps of foreign representatives can be regarded as actions to undermine the relevant scientific and technical potential... The demands of the American side to create a single storage facility for pathogens contradict the principles of the veterinary control system existing in Ukraine, which provides for permanent work with pathogens in the field... Implementation of these proposals carries risks for the relevant research potential".

12. In April 2013, an interdepartmental commission consisting of representatives of the SSU, Ministry of Health, Ministry of Foreign Affairs, National Academy of Medical Sciences, National Academy of Agrarian Sciences, State Epidemic Service and State Veterinary Service, established under the instruction of the Prime Minister of Ukraine dated December 4, 2012 № 763t, decided on the need to amend the Agreement of 2005 and to communicate the Ukrainian position to the American side.

13. The document of the SSU states the following: "... Based on the findings of the Commission, the above initiatives of the American side have a negative impact on the implementation of the Agreement and are unacceptable for Ukraine in the context of its own vision of an effective system of epidemiological and epizootological surveillance, adopted on 01.04.2013 by the Cabinet of Ministers of Ukraine № 620 "On approval of the State Target Biosafety Program 2015-2020."

14. It is noted that SSU shares the state position of the Ministry of Agrarian Policy and the State Veterinary and Phytosanitary Service of Ukraine on the inexpediency of continuing the project to reduce the biological threat in Ukraine".

15. In addition, it is stated that the continuation of interaction in these programs poses a threat to the national interests in the biological sphere.

16. At the same time, despite the warnings of the SSU, the cooperation in the biological sphere was continued, including the cooperation between the defense agencies of Ukraine and the United States, which is also documented.

17. Of particular interest is the above-mentioned Report on the results of the inspection of the collection of microbial strains at the I. Mechnikov Institute in Odessa. During this inspection the fact of the inoperative system of access control to the collections of pathogens was established. Potentially dangerous biological (field) material was stored in the stairwell.

18. Based on the results of the inspection, the working group recommended that the issue of moving the freezing equipment for storing hazardous biological material to the laboratory premises be resolved. The experts drew attention to the lack of documentation, which confirms the evaluation of the effectiveness and proper regulation of the supply and exhaust ventilation system in the virology laboratory premises.

19. According to the available documents, in April 2017 an accident occurred in the laboratory while working with the museum strain of tick-borne encephalitis virus, which led to the infection of an employee. This indicates an insufficient level of biological safety requirements when working with biological material in the laboratories of the institute. There is no doubt that conditions were created for an unauthorized access to pathogenic biomaterials in the course of work on their accumulation.

20. There is a risk of theft of biomaterials and their subsequent use, including in military and subversive purposes, which is a violation of Article IV of the BTWC. Such disregard of key safety requirements for the biolaboratory creates risks to the life and health of the personnel, as well as the threat of uncontrolled leakage of pathogens outside the laboratory.

21. This problem is systemic in nature, as evidenced by the 2016 Defense Threat Reduction Agency (DTRA) Report on Health, Veterinary and Biosecurity Systems Performance in Ukraine, prepared by a team of experts for the Pentagon's Defense Threat Reduction Agency (DTRA) leadership. According to the Report, gross violations in restricting access to biohazard facilities are common in most of them. Typical violations include unlocked perimeter fences, unlatched windows, and broken or inactive access control and alarm systems.

22. Although many institutions have bars on windows on the first and even second floors, there are windows without security, allowing intruders to enter. The electronic access control system in some institutions does not work, and there are no mechanical locks, which poses a serious threat to laboratories and the integrity of microbial strain collections.

23. Several institutions maintain extensive collections of highly dangerous pathogens, but records of these collections are limited. Strains are recorded on paper, and inventory records are not always kept accurately. At least one institution lacked equipment for long-term storage of pathogens. Frequent culturing of pathogens increases the risk of incidents or theft.

24. Thus, DRTA experts conclude that the country has no legislation for the control of especially dangerous pathogens, there are significant deficiencies in biosafety, and the current state of resources makes it impossible for laboratories to respond effectively to emergency situations in the public health system.

25. In view of the above, we would like to hear explanations from the Ukrainian side on the following questions:

- For what reasons has Ukraine failed to ensure an adequate level of biological protection in organizations and institutions that work with pathogens, as well as the lack of national legislation regarding the control of particularly dangerous pathogens?
- Why didn't the Ukrainian side take into account the recommendations of the Security Service of Ukraine in the context of ensuring the safety of Ukrainian bio-objects?
- Why, despite the revealed gross violations of biological safety requirements and preconditions for the theft of pathogenic materials, did the activities of the laboratories continue as normal?