

**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 compliance with
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**

Submitted by the Russian Federation

1. Over a long time, the Russian Federation has openly made claims and expressed concern over military biological activities carried out in laboratories in the territories of the former Soviet republics near Russian borders, including with the most direct assistance and participation of third countries' military departments and related organizations. Such activity in neighboring countries and regions has a direct impact on the biological safety of the Russian Federation.
2. Information from various sources prove the leading role of the Pentagon's Defense Threat Reduction Agency (DTRA), as well as that of US private companies continuously contracted by the US Department of Defense (DoD), including Black & Veatch Special Projects Corp., CH2M Hill, Metabiota, in financing and conducting military biological research on the territory of Ukraine.
3. In the course of the special military operation in Ukraine, the Russian Federation obtained a variety of documents and evidence that shed light on the true nature of military biological activities on the territory of Ukraine. The mentioned materials give evidence of Ukrainian side's non-compliance with the BTWC provisions.
4. 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 the military 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.
5. 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.

6. The documents obtained contain descriptions of international projects (UP-4, Flu-Flyway and P-781) with the participation of Ukrainian specialists to study potential spread of dangerous infections through migratory birds and bats as means of delivery. Both projects affected the territory of Russia or regions lying in close proximity to it.

7. The UP-4 project (timed for the period of up to 2020) involved laboratories in Kiev, Odessa and Kharkov. It aimed at exploring the possible spread of especially dangerous infections through migratory birds, including highly pathogenic influenza A (H5N1), whose lethality for humans reaches 50 percent, as well as Newcastle disease. Due to Ukraine's unique geographical position at the intersection of transcontinental bird migration routes, 145 biological species have been studied within this project, identifying at least two species of migratory birds whose migration routes pass mainly through the territory of Russia.

8. Within the Flu-Flyway project, the Kharkov Institute of Veterinary Medicine studied wild birds as vectors for carrying of "avian flu" (the virus has a high epidemic potential and is able to overcome the interspecies barrier). Simultaneously, the conditions under which transfer processes could become uncontrollable, cause economic damage, create food security risks were assessed, and strains of "avian influenza" viruses with a high epidemic potential and able to overcome the interspecies barrier were collected.

9. The P-781 project considered bats as carriers of potential biological weapons agents. Studying bacterial and viral pathogens that can be transmitted from them to humans – the causative agents of plague, leptospirosis, brucellosis, as well as coronaviruses and filoviruses – was designated among the priorities. The studies were carried out in the immediate vicinity of Russian borders – in the Black Sea coast areas and in the Caucasus.

10. 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.

11. The direct US DoD involvement in the financing of military 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 between the Department of Defense of the United States of America and the Ministry of Health of Ukraine concerning Cooperation in the Area of Prevention of Proliferation of Technology, Pathogens and Expertise that could be used during the Development of Biological Weapons (hereinafter referred to as the 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.

12. The above circumstances and the nature of the military biological activities carried out in Ukraine testify to violations of the provisions of BTWC Article I.

13. 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.

14. Article 4 of the 2005 Agreement, requires to store pathogens only in laboratories assisted by the US DoD, and transfer samples of all strains collected in Ukraine to the United States. The deliverables of work under the Agreement, as well as information on its implementation, become by default “sensitive” or “restricted” in accordance with 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.

15. The implementation of this document, taking into account the above circumstances and the nature of the military biological activities carried out in Ukraine, questions the fulfillment by Ukraine of the requirements of BTWC Article IV.

16. Ukraine fails to mention data on the ongoing since 2016 programs and projects (including UP-4, Flu-Flyway and P-781) and funding of Ukrainian laboratories 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.

17. For Ukraine, the BTWC entered into force in 1975. Article I of the Convention imposes on Ukraine a ban on development, production, stockpiling or acquisition in any other way or retention of microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, as well as bacteriological (biological) and toxin weapons, equipment or means of their delivery. Article IV provides for the need for Ukraine to take any necessary measures to prevent the prohibited activities within its territory, under its jurisdiction or under its control anywhere and by anyone, including individuals and legal entities.

18. In our assessment, the above facts clearly challenge Ukraine's obligations arising from the provisions of BTWC Articles I and IV. We believe that immediate action is required to remedy the situation.

The annexed documents are available through the following link:

<https://documents.unoda.org/wp-content/uploads/2022/09/WP3-annexes-for-website.pdf>
