

Working Group on the Strengthening of 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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Identifying, examining and developing specific and effective measures, including possible legally-binding measures, and making recommendations to strengthen and institutionalize the Convention in all its aspects within the mandate of the Working Group

Military biological activities of the United States and Ukraine on the Ukrainian territory in violation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

Submitted by Russian Federation

1. Under the guise of providing assistance in the development of national sanitary and epidemiological surveillance systems, countering the threats of biological terrorism and the proliferation of biological weapons, many states in various regions of the world came into the scope of the United States' military interests.
2. The territories of these countries are used by the US Department of Defense as a testing ground for studying infectious pathogens in the climates of their habitat, monitoring their spread and exploring prospects to enhance their casualty-producing properties. Particular importance is attached to identifying mechanisms of pathogen transmission by insects, mammals and wild birds, as well as tracing routes of their migration. The deliverables of such research grant US military biologists the opportunity to model scenarios for the spread of epidemics in a certain region.
3. An analysis of US strategic defense and security documents indicates that the work of its partner biological laboratories is focused on ensuring potential military advantages for the US army. We are referring to such conceptual documents as the National Defense Strategy – 2022, National Biodefense Strategy and Implementation Plan – 2022 and Biodefense Posture Review – 2023.
4. The United States assigns a special role for Ukraine to play in the post-Soviet area. This is explained primarily by the fact that by the time the USSR ceased to exist, anti-plague research institutes were located on the territory of Ukraine, acting as components of the civil system for the prevention of infectious diseases. In the biological laboratories of the cities of Lvov, Kiev and Odessa worked competent specialists and unique collections of strains of especially dangerous pathogens were stored that had been gathered over the past 70-80 years.
5. In addition, the Pentagon's interest in deploying biological research in Ukraine is due to its unique geographical location, in particular, a lengthy land border on Russia and the intersection of transcontinental migration routes of wild birds. In Ukraine, there is a number of natural foci and endemic areas of infectious diseases such as tularemia, plague, tick-borne encephalitis, leptospirosis, highly pathogenic avian influenza, and Crimean-Congo hemorrhagic fever.



6. 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. We have repeatedly emphasized that the creation in the post-Soviet area of a biological laboratory network with a capability to develop and store biological weapons' components on their basis directly threatens the national security of the Russian Federation.

7. 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 US 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).

8. The official goal of biological activities in Ukraine stated by the United States is to strengthen the security of national biological laboratories in the face of terrorist threat and danger of biological weapons proliferation.

9. Meanwhile, the areas of ongoing research indicate that the main tasks of US specialists are: assessment of particularly dangerous pathogens of infectious diseases, monitoring of the sanitary and epidemiological situation, development and testing of medical protective equipment, gathering pathogens of infectious diseases in single collections with their subsequent transportation to the USA. Such activities are most often carried out indirectly through the Pentagon's Defence Threat Reduction Agency (DTRA) and private companies that are regular contractors of the US military, including Black & Veatch Special Projects Corp., CH2M Hill, Metabiota.

10. 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). However, in fact, the United States establishes complete control over dangerous pathogens: it is prescribed 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 (Article 4). Moreover, the deliverables under the Agreement as well as the information on its implementation become sensitive or restricted (Article 7). Representatives of the Pentagon or its contractors shall have the special right to participate in all activities related to the implementation of the Agreement (Article 5).

11. The direct Pentagon 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.

12. A Final Report upon December 2018 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. It was noted that the Institute lacked documented information regarding the actual state of the collection strains, as well as a proof base for the need to maintain a large number of biomaterials with the same strains of different passages.

13. It is noteworthy that in addition to the unreasonable volumes, the very nomenclature of the studied and accumulated pathogens does not meet the main challenges and threats in the field of public health in Ukraine, where an upsurge in the number of cases of rubella, diphtheria, and tuberculosis is recorded. That said, it includes pathogens of dangerous infectious diseases that are potential agents of biological weapons.

14. In accordance with the Biological Threat Reduction program Ukraine implementation report of 27 June 2019, since the early 2008, 19 UP and TAP projects have been implemented to study human and animal pathogens. In some cases, the choice of pathogenic microorganisms is not related to current public health problems and can hardly be explained by preventive or protective purposes. The list of infectious animal diseases studied within the framework of this program includes severe anthroozoonotic diseases, such as highly pathogenic avian influenza, as well as economically significant infections that have a high pandemic potential and can cause damage to the agricultural industry, including African and classical swine fever, Newcastle disease.

15. TAP-2 project to study the causative agent of glanders, cases of which have never been recorded by veterinary and sanitary and epidemiological services of Ukraine, as well as UP-4, Flu-Flyway and P-781 projects to study possible propagation of 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 philoviruses potentially infectious to humans) that can be considered as means of delivery, could be cited as examples. The geographic scope of both projects affected the Russia-bordering regions of Ukraine as well as the territory of Russia itself.

16. 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 request from the Ukrainian side to the Bayraktar company as to a possibility to equip Bayraktar Akinci unmanned aerial vehicles (flight range up to 300 km) with an aerosol generating system.

17. At the same time, unanswered remains the question on the US 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."

18. 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 and people get infected with highly contagious diseases via mosquito bites. The description clearly states that an infected military man will not be able to fulfil 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.

19. 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.

20. Ukraine fails to mention data on the ongoing since 2016 programmes 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 programmes and projects implemented outside the national territory, or on the financing thereof. Our repeated appeals to the

American side to provide exhaustive explanations 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.

21. Within the context of determination of the nature of biological activities in the Ukrainian territory, illustrative is the very fact of the American and Ukrainian military agencies taking part in the implementation of the programme. American specialists from the US DoD relevant institutions: the US Army Medical Research Institute of Infectious Diseases and the Walter Reed Army Institute of Research were involved in the work with pathogens.

22. The above assessments of the nature of military biological activities in the Ukrainian territory 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 programmes 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.

23. The fact of the implementation of military biological programmes in the Ukrainian territory is also recognized by the US officials. In particular, during the hearings in the US Senate Committee on Foreign Relations on 8 March 2022, in her response to the question on the presence of biological or chemical weapons in Ukraine, the Undersecretary of State Victoria Nuland testified the presence of biological research facilities there. She also expressed "great concerns" with their possible falling (including the materials present there) under control of the Armed Forces of the Russian Federation. The fact of implementation of the American military research projects in biolaboratories in Ukraine with the purpose of developing bioweapons was publicly broadcasted (including in his TV interview on 15 August 2023) by the US presidential candidate Robert F. Kennedy Jr.

24. We consider such non-transparent military biological activities with the involvement of especially dangerous and economically significant infections carried out by representatives of military agencies in close proximity to our state borders as a direct threat to the national security of the Russian Federation. The above circumstances and the nature of military biological activities carried out in Ukraine testify to the violations of the BTWC Articles I and IV provisions by the United States and Ukraine.

25. In June 2022, 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.

26. On 26 August and 5-9 September 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 the 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 meeting, the Russian side 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 biological activities in the territory of Ukraine.

27. 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.

28. In accordance with Article VI of the BTWC, on 27 October 2022 and 2 November 2022, the Russian Federation convened the UN Security Council open meetings in New York to consider the Council's draft resolution, it had prepared, 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.

29. Consideration of the draft resolution in the Security Council was accompanied by the unsubstantiated accusations by a number of delegations of "propaganda and disinformation" and their 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.

30. The Russian Federation continued to demonstrate to the world community the feasibility of its claims related to the military biological programmes of Washington in the Ukrainian territory, including during the BTWC Ninth Review Conference (Geneva, 28 November – 16 December 2022) as well as session of the Working Group on the Strengthening of the BTWC (Geneva, 7 – 18 August 2023). In the course of the above events Russia insisted on the continuation of the consultative process and settlement of the questions it had posed to the United States and Ukraine.

31. Since the consultative meeting and BTWC Ninth Review Conference, new circumstances became known concerning the implementation by the US and Ukraine of their obligations under the Convention. In particular, it was confirmed by documents that the relevant US Army R&D institute – the Walter Reed Army Institute of Research – participated in studying the antibiotic resistance of microorganisms secured from the military men of the Ukrainian Armed Forces during combat actions in Donbass in 2014 – 2020. Within the framework of this project, four Ukrainian military hospitals located in various parts of the country studied 813 microorganisms received from 162 patients, and a full genome sequencing of 52 isolates was conducted. Such activities of the US Army Institute testify that in Pentagon, they see the territory of Ukraine as a potential ground for the deployment of military contingents.

32. Moreover, the United States does not abandon its attempts to continue the implementation of dual-use research in the Ukrainian territory. Thus, the official statement of the director of the Kiev office of CH2M Hill dated 6 December 2022 informs about the continuation of the biological programme of the DTRA in Ukraine and lists the main tasks for the current period. These include further consolidation of collections of dangerous pathogens, as well as implementation of biorisk management systems and monitoring of the epidemiological situation.

33. In view of the above-mentioned circumstances, the Russian Federation confirms the remaining questions to the USA and Ukraine regarding compliance with the BTWC obligations in the context of the activities of biological laboratories in the territory of Ukraine (the relevant list of questions is attached). We intend to continue to make the necessary efforts to establish all facts related to the violation by the United States and Ukraine of their obligations under the Convention in the context of the activities of biological laboratories in the territory of Ukraine. In the interests of ensuring national, regional and global biosecurity, Russia will continue to seek further strengthening of the Convention regime.

Annex

Questions of the Russian Federation to Ukraine and the United States 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 its obligations under Part 1 of Article I of the BTWC

1.1. What activities with pathogenic biomaterials were carried out at the I.Mechnikov Anti-Plague Research 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?

1.2. Why, as of December 28, 2018, there was no documented information at the I.Mechnikov Anti-Plague Research 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?

1.3. What is the reason for the choice of pathogens studied in Ukraine as part of the Biological 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-2 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?

1.4. How should the accumulation of especially dangerous infection strains and their transfer to other countries help to improve the infectious disease situation?

1.5. Why is it necessary to store 422 containers with cholera bacteria at the I.Mechnikov Anti-Plague Research Institute in Odessa, if the genetic diversity of cholera-causing vibrios is limited to only two serogroups?

1.6. Why was emphasis placed on the study of naturally occurring and especially dangerous infections, which, according to the US Centers for Disease Control and Prevention lists, are considered to be potential pathogens for biological weapons?

1.7. 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, moving national collections containing strains of pathogenic microorganisms outside Ukraine, considered to be a priority?

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

2.1. 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)?

2.2. What was the reason for the involvement of specialized US 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?

2.3. What tasks were solved by the specialists of research organizations of the US Department of Defence (researches were carried out by the specialists of the Walter Reed Army Institute of Research and 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?

2.4. 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 to Ukraine regarding compliance with its obligations under Article IV of the BTWC

3.1. 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?

3.2. 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?

3.3. 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 to the United States regarding the compliance with its obligations under Article IV of the BTWC

4.1. Is it an established practice for the US Patent and Trademark Agency to grant, after peer review, patents for inventions directly related to the delivery and use of biological and toxin weapons?

4.2. 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 US obligations under Article IV of the BTWC?

4.3. Does the United States consider the inventions featured in these patents to be tools that could be used to deliver biological and toxin weapons?

4.4. What explains the necessity of the centralization of collections and transfer to the US of the strains of dangerous pathogens isolated in the territory of Ukraine, as stipulated in Article 4 of the 2005 Agreement on Cooperation to Prevent the Spread of Technologies,

Pathogens and Information that Could Be Used for the Development of Biological Weapons (the Agreement)?

4.5. What is the reason for giving the results of works, obtained within the framework of the implementation of the Biological Threat Reduction Program in Ukraine, a limited and restrictive nature? How does this requirement under the Agreement contribute to transparency and confidence-building within the BTWC?

4.6. How was the US 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 US 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?

4.7. What public health indicators have improved over the past 10-15 years due to the US 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?

4.8. What are the objectives of the Walter Reed Army Institute's of Research participation in the study of antibiotic resistance of microorganisms secured from the military men of the Ukrainian Armed Forces during combat actions in Donbass in 2014 – 2020?
