



## Statement by Permanent Representative Vassily Nebenzia at UNSC meeting considering the complaint by the Russian Federation under Article 6 of the Biological and Toxin Weapons Convention

27 October 2022

Mr. President,

We note the remarks of Deputy High representative for Disarmament Affairs Mr. Adedeji Ebo.

Russia requested to convene this meeting of the Security Council on the basis of Article 6 of the Biological and Toxin Weapons Convention (BTWC) in order for the Council to consider a complaint lodged on 24 October 2022 that contains evidence of violations of the BTWC by Ukraine and the United States in the context of activities of biological laboratories in Ukraine. The complaint is contained in the letter that was circulated on 25 October 2022 as official document of the Security Council S/2022/796.

Over a long time, the Russian Federation has repeatedly expressed concern over military biological activities carried out with the most direct assistance and participation of the US Department of Defense (DoD) in laboratories in the territories of the former Soviet republics away from the North American continent and close to the Russian borders. Such activities are conducted inter alia indirectly through the Pentagon's Defense Threat Reduction Agency (DTRA) and private companies that are permanent contractors of the US DoD, including "Black & Veatch Special Projects Corp", "CH2M Hill", and "Metabiota". This poses a direct threat to biological security of the Russian Federation.

In the course of the special military operation in Ukraine, the Russian Federation obtained a variety of documents and evidence that disclosed the true nature of military biological activities of the US DoD and its contractors with Ukraine in the military biological area. This was presented in detail at numerous briefings of the Russian Ministry of Defense and meetings of the UN Security Council. Analysis of those materials gives evidence of non-compliance by the American and Ukrainian sides with the provisions of the BTWC.

When making this decision to lodge a complaint and call a UNSC meeting, Russia acted in accordance with the understandings of BTWC states-parties that were anchored in the concluding documents of the Second and the Third BTWC Review Conferences. Before employing the mechanism of Article 6, we made every effort to have the situation regulated in bilateral and multilateral formats. In mid-June this year, we addressed aide-memoires to the United States and Ukraine where we articulated concrete questions regarding their observance of Articles 1 and 4 of the Convention and asked to give us detailed answers to those. However neither Washington nor Kiev provided any clarification, and none of them took urgent measures to remedy the situation.

In light of the outstanding unacceptable situation in the area of biological security, at the end of June 2022 we sent an address to two depositaries of the BTWC requesting to initiate a procedure for calling a consultative meeting under Article 5 of the BTWC, and attached thereto a considerable bulk of documents to elaborate on our concerns. At the end of July, informal consultations were held to host a preliminary discussion of organizational issues of the pending meeting. The consultative meeting itself convened on 26 August and 5-9 September 2022. The very fact of this meeting and the meaningful discussions that it generated confirm the relevance of the problem that we raised, which affects not only with Russia but with the entire global community.

We proceeded from the assumption 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. We counted on representatives of the US and Ukraine to provide all required clarifications as to the essence of our concerns, and wanted to encourage both Washington and Kiev to adopt comprehensive and exhaustive measures to improve the current situation.

However, based on the results of the exchange of views among participating states, 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.

We reiterate that we still have questions to the United States and Ukraine regarding observance of the obligations under the BTWC in the context of biological laboratories operating in Ukraine. We circulated the list of those questions together with our formal complaint, so all participants of this meeting had an opportunity to study it.

In accordance with Article 6 of the BTWC, any state-party to this Convention which finds that any other state-party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Each state-party must cooperate in carrying out any investigation, which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council.

In this connection, Russia has lodged a complaint with the Security Council under Article 6 of the BTWC, where we state that the United States and Ukraine have committed acts violating their obligations under the BTWC and request to convene a Security Council meeting to consider this complaint.

In accordance with Article 6 of the Convention, the complaint includes all possible evidence confirming its validity. Under the 2005 Agreement between the US Department of Defense 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 in the Development of Biological Weapons (hereinafter “the Agreement”) the Pentagon may “provide the Ministry of Health of Ukraine with assistance” in the area of “cooperative biological research, biological threat agent detection and response” with regard to “dangerous pathogens located at the facilities in Ukraine” (Article 3). Article 4 of the Agreement prescribes to store all 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.

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.

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 preventive, protective or other peaceful purposes.

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.

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 included the Russia- bordering regions of Ukraine as well as the territory of Russia itself.

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 drones of the same type 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.

Unanswered remains the question on 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 per cent of the enemy troops."

According to the description, such a UAV 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 will not be

able to fulfill the assigned mission, therefore “sickness can be a more valuable military tool, than the most up-to-date military guns and equipment.” It is indicated that “infecting enemy’s manpower in such a way would be of a significant military effect”.

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

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 stated-parties to the BTWC. The US reports also miss the data on the programs and projects implemented outside the US national territory, or on the financing thereof. Our repeated appeals to the American side to provide exhaustive explanations with respect to such activities remain without due feedback in essence. Such secrecy and neglect of Russian claims by the United States but confirm their validity.

The above circumstances and the nature of military and biological activities carried out in Ukraine testify to the violations of provisions of BTWC Articles 1 and 4 by the US and Ukraine.

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 fact that projects were 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 strategic developments.

Mr.President,

We put forward to the Security Council a draft resolution. In accordance with Article 6 of the BTWC, the draft is aimed to set up and dispatch a commission to investigate into the claims against the US and Ukraine contained in the complaint of the Russian Federation regarding compliance with their obligations under the BTWC in the context of the activities of biological laboratories in the territory of Ukraine. At the moment, the draft is under discussion at the expert level, and we count on its prompt endorsement and adoption.

We expect that the commission would manage to clarify all circumstances of Washington and Kiev’s possible non-compliance with their obligations under the BTWC in the context of biolaboratories’ activities in the Ukrainian territory with a view to stimulate the American and Ukrainian sides to remedy the outstanding intolerable situation. We also expect that the commission would present a relevant report on the issue containing recommendations to the Council no later than November 30, 2022 and inform the BTWC states-parties of the results of the investigation at the Ninth Review Conference to be held in Geneva on November 28 - December 16, 2022.

Russia will articulate its further approach to ensuring national, regional, and global biological security depending on the results of the consideration of our complaint and the draft UNSC resolution. The outcomes of this work will also define our position with regard to the strengthening of the BTWC and

resolving the situation with violations of the BTWC by the US and Ukraine in the context of the activity of US biolabs on the Ukrainian territory.

Thank you.

### **Right of reply:**

Mr. President,

The propaganda toolkit of our Western colleagues has what they believe to be a hard-hitting argument: “Russia is raising a false alarm”, “spreading disinformation”, “misleading the Security Council members”, “distracting the Council from discussing more important matters”. At the same time, we heard nothing of essence today. Actually, our Western colleagues had nothing to say save that in their high peremptory opinion, all this was not worth even the tiniest bit of attention. Funny enough, some of you still cannot tell the difference between biological and chemical weapons, mixing the two together.

We were told today, i.a. by the representative of the UK that all the issues had been considered and Russian allegations dismissed. By whom? By you? Of course, what the United Kingdom believes to be true is always the ultimate undisputable truth. If the UK rejected the allegations, then we can call it a day.

There are attempts to convince us that the cooperation of the United States and Ukraine in the biological area is purely peaceful in nature. But will you please answer one simple question? Why is it that from the US side this cooperation is managed by a military authority (the Pentagon) and its numerous contractors? If you had really studied the documents that we circulated, which I doubt, you would have seen copies of agreements and work acceptance sheets signed by military representatives on both sides. What sort of humanitarian cooperation a defense ministry can engage in? We heard no answer even to that simple question, to say nothing of the others that as you might imagine, are quite numerous in our 300-page-long compilation that we shared. From all that was said today, we were particularly touched by the remark of our American colleague. She referred to the UN Office for Disarmament Affairs saying that there was no military biological activity of the US in Ukraine and asserted that this statement by ODA was a proof in itself. Do you think we are that naïve to believe that the Pentagon would have informed the UN ODA and its High Representative about its secret military biological programs in Ukraine?

We are invoking the mechanism that is envisaged by the BTWC. We turned to Article 5 of the Convention, but received no meaningful response. In this case, we were compelled to turn to the provisions of Article 6 of the BTWC. The fact that you do not like it does not make our request illegitimate. I repeat: we are acting within the legal field of the Biological Convention. As I said, even if you do not like our arguments and the facts we cite, you have no right to ignore them and shift the focus to your political assessments. Maybe this is how you would want to act within the “rules-based order” that you promote, where you set the rules and others have to follow them. But here, at the United Nations, we all are equal before the international law, and we all proceed from it. Like it or not, but there will be accountability for violations of the BTWC, if those are proven.

Colleagues, your synchronized attempts to present our arguments as some sort of a propaganda are too unconvincing and indicative of your block discipline or rather – your “frank pledge”.

Let me stress again. Neither the US nor Ukraine responded to our question either in Geneva or (in the case of the US) – here today. I think that the representative of Ukraine who will speak later in this meeting is not going to do this as well. That is why we keep taking steps within the BTWC framework. We lodged a

complaint with this Council, and we put forward a draft resolution requesting an investigation. We have the right to do this, whether you like it or not. So let us remain in the legal field and save our political assessments for other meetings.

Thank you.