

Treaties are like Roses

Article V of the 1972 Biological and Toxin Weapons Convention (BTWC) foresees consultation and cooperation among states parties as the means to address any problem concerning the implementation of the treaty. The first BTWC review conference (1980) agreed on the concept of a consultative meeting at expert level, and the second and third review conferences (1986 and 1991) developed and consolidated procedures to concretely implement Article V. Under them, a state party can request clarification on an issue of concern in relation to the objective or application of one or more treaty provisions. States parties should address such requests to the BTWC co-depositaries, namely the Russian Federation (successor to the USSR), UK and US. States parties have repeatedly reaffirmed at review conferences - most recently at the eighth conference (2016) - that any allegation of a breach of a BTWC obligation should receive a specific and timely response from the state concerned.

On 29 June 2022 the Russian Federation's permanent mission to the UN and other international organisations in Geneva sent a *Note verbale* to its UK counterpart reiterating its outstanding questions to the US and Ukraine concerning the fulfilment of their obligations under the BTWC as regards biological laboratories operating in Ukraine.¹ Having received no replies from those countries in bilateral consultations, it sought a formal meeting in Geneva, in July. This consultative meeting opened formally on 26 August and continued in early September, chaired by Ambassador György Molnár of Hungary.²

This is only the second call for such a meeting since the BTWC came into force. In 1997 Cuba requested a meeting, alleging that the US had released insect pests from a plane crossing the island, resulting in serious economic damage. While the US is the

subject of the current accusation, the situation is very different. First, one depositary state is accusing another of a significant treaty breach. Second, both countries are permanent members of the UN security council (UNSC). And finally, how might Russia proceed if the meeting fails to allay its concerns? Moscow has already brought the matter to the UNSC three times this year. In each instance, the UN Office for Disarmament Affairs (UNODA) affirmed it has no indications to support Russia's allegations of BTWC violations by the US or Ukraine.

The Article V formal consultative process

Article V is the first in a trio of provisions addressing non-compliance concerns. It anticipates a consultative procedure whenever problems arise over the objective of the BTWC terms or their application. Parties, equally, undertake to cooperate in resolving such problems. While allowing for direct consultations and cooperation, states parties can also draw on appropriate international procedures within the UN framework and in accordance with its charter. Article VI gives states parties recourse to the UNSC if another state party is breaching its treaty obligations. Under Article VII parties undertake to provide or support assistance to a requesting state party if the UNSC decides that it has been exposed to danger because of a treaty violation. The latter article is discussed mainly in relation to biological weapon (BW) use by states, whether or not these are party to the BTWC, or non-state actors. Assistance is humanitarian.

In five-yearly review conferences states parties have elucidated or expanded on key parts of Article V.³ The first review conference (1980) considered that the consultative procedure should include the right to request a formal consultative meeting open to all states parties at expert level.

Subsequent review conferences confirmed this right and elaborated on the formal procedure. The second and third review conferences determined specifically that states parties shall cooperate with the consultative meeting considering any problems and in clarifying ambiguous and unresolved matters. This agreement thus introduced a state party's right to request clarification from another state party and the latter's obligation to respond. The concept of 'clarification' does not feature in the treaty text. The third review conference also created the option of consultations - bilateral or involving by agreement all parties concerned by the problems raised - before a formal consultative meeting, the wording does not specifically refer to 'clarification' or an obligation to 'clarify'.

The second and third review conferences also enabled the consultative meeting or any state party to request specialised assistance in solving any problems relating to the objective or implementation of the BTWC through, *inter alia*, appropriate procedures foreseen in the UN framework and in accordance with its charter.

Only the procedure of a formal consultative process (including its 'clarification' element) is subject to specific timeframes. Once a request for a consultative meeting is submitted to the depositaries, the latter shall immediately inform all states parties and 'convene within 30 days an informal meeting of the interested states parties to discuss the arrangements for the formal consultative meeting, which shall be convened within 60 days of receipt of the request'.

States parties at the third review conference also accepted that in the context of appropriate international procedures within the UN framework mentioned in BTWC Article V, that the consultative meeting or any state party could lodge a complaint with the UNSC under BTWC Article VI.

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Insights from the Cuban allegation

While preparations for Russia's formal consultative meeting are underway, only one such meeting has been convened previously. In April 1997, Cuba formally accused the US of biological warfare in violation of the BTWC in a *Note verbale* addressed to the secretary-general of the United Nations (UNSG). Five months earlier, the country had noticed the onset of an infestation with *Thrips palmi Karny*, which quickly spread around the island. It associated the outbreak with an authorised overflight by a US anti-narcotics fumigation plane travelling from Florida to Grand Cayman on 21 October 1996. Unsatisfied with US explanations, at the end of June Cuba asked Russia to convene a formal consultative meeting under Article V.

The Cuban allegation raised the important legal question of whether entomological warfare, using insects to harm humans and their environment, falls within the scope of the BTWC. While nobody doubts that the treaty covers microbial agents and toxins that harm humans, animals, and plants, it stays silent on infestation as a source of deliberate injury or damage. Article I in the UK's draft treaty of 10 July 1969 prohibited BW use and referred to "death and disease by infection or infestation in man, other animals, or crops". As negotiators dropped BW use from the proposed prohibition, the later BTWC no longer specified the routes by which biological warfare could be waged.⁴ With advances in the life sciences and biotechnology, states parties, experts and scientists have concentrated on possible misuse of sub-cellular particles and biochemical processes to the detriment of possible direct damage resulting from the deliberate release of larger biological organisms, such as insects. This focus has influenced opinion on the scope of the BTWC prohibition. In 1997, however, the countries with reservations as to whether infestation allegations should be considered under Article V, agreed to listen to the Cuban complaints without prejudice rather than block the convening of the formal consultative meeting. This included the US, which

pointed out that the event was 'a consultative meeting, it is not a gathering to define the convention'⁵. In this view, addressing the specific Cuban allegation would not affect the treaty's scope of application.

Before its formal request for the meeting to Moscow, Cuba took several steps:

- On 18 December 1996 regional authorities first noted *Thrips palmi* in Matanzas province. Soon thereafter, the government alleged that a US aircraft had deliberately released the insects on 21 October while passing through Cuban airspace on an authorised flight en route to Colombia to participate in a drugs production eradication programme. On 26 December, the Cuban ministry of foreign affairs addressed a note of complaint to the US interest section in Havana, urging the US to clarify the plane's actions.⁶ The US replied in a note dated 2 February 1997 that the pilot in the overflying aircraft observed a Cuban commercial aircraft flying below him and "marked his spot by using [his] aircraft's smoke generator. The pilot followed prudent and safe aviation procedures by marking his aircraft's location with smoke."⁷
- At the end of March 1997, Cuba informed UNSG and the UN centre for disarmament of the presence of *Thrips palmi Karny* in its territory. It also notified the Food and Agriculture Organisation (FAO) and requested technical and financial assistance to combat the infestation.⁸
- On 28 April 1997, Cuba's permanent mission addressed a *Note verbale* to the UNSG describing in the annex the Thrips infestation and the role of the US plane in the origin of the outbreak.⁹ The US state department responded on 6 May, dismissing the Cuban accusations as "deliberate disinformation". It reiterated the explanations offered in February.¹⁰
- On 13 May 1997, Cuba addressed the UN disarmament commission. This body was created in 1952 to consider arms control and disarmament proposals, but after the creation of negotiation bodies in Geneva from the 1960s onwards, its role concentrated on the formulation of consensus principles, guidelines, and

recommendations for endorsement by the UN general assembly.¹¹ The Cuban representative restated the allegations and summed up steps taken and US responses. His presentation reflected the contents of the *Note verbale*. The disarmament commission undertook no concrete actions.¹²

- On 27 June 1997, Cuba sent a second letter to the UNSG, in which it rejected the US explanations for the presence and use of a smoke generator on the US airplane.¹³ Three days later it formally invoked Article V.

The alleged incident with the US aircraft occurred before the fourth BTWC review conference (25 November - 6 December 1996); Cuba detected the first signs of the infestation almost three weeks after the meeting. The fourth review conference was the first to affirm that BW use, which is not explicitly mentioned in the treaty title or Article I, in any way and under any circumstances violates the core prohibition on BW in Article I. Cuba, in line with possible courses of action foreseen under Article V and elaborated during the first four review conferences, pursued bilateral consultations with the US and engaged the UN via the UNSG, and through the disarmament commission, the general assembly as well as the FAO for assistance. Dissatisfied with the US response and with no recorded responses from the UN, Cuba then proceeded with its request for a formal consultative meeting.

Following that request on 30 June, Moscow first consulted with the other two depositaries in the margins of a session of the BTWC ad hoc group in mid July, and then formally notified them. Russia, the UK and US then formally informed the states parties that had deposited instruments of ratification or accession in their respective capitals. An informal meeting of states parties took place on 31 July and the consultative meeting was scheduled for 25-27 August. The UK was selected to chair the gathering.¹⁴

Cuba and the US received limited timeframes to argue the contention and rebut the accusations. Other

participating states parties were able to express their views. The first day meeting report noted that various delegations had expressed concerns about the difficulties in reaching a conclusion immediately because of the technical issues involved. In consequence, the bureau (comprising six elected vice chairpersons) would meet on the second day and report to the reconvened formal consultative meeting on the final day.¹⁵

During the first day, Cuba also requested the creation of a mechanism to investigate its suspicions, which the US opposed because of the facts and clarifications it had offered to dispel those allegations.¹⁶ The formal consultative meeting took no further action on this request, and Cuba did not pursue it through alternative UN procedures.

From the available documentation, it seems that Cuba, the US and other states parties had only the first of the three planned days to present their arguments and observations. The bureau meeting occupied the afternoon of day two. In the afternoon of the final day, the bureau briefed the consultative meeting on its deliberations. While informal consultations might still have taken place, the bureau would likely have spent much of the final two days drafting the meeting report and devising an appropriate response to the concern about insufficient time expressed by several states parties. An administrative memorandum dated 26 August 1997 noted that costs for the consultative meeting had only been incurred on 31 July (informal meeting) and on 25 and 27 August. No meetings requiring UN resources had been held on 26 August.¹⁷

The final report, dated 29 August, provided no overview of the schedule of activities. It stated that "states parties noted that the consultation was fully in conformity with the conclusions of the final document of the third review conference relevant to the application of Article V of the convention". And added, "a number of other states parties considered that the obligation to consult and cooperate in relation to any problems which might arise in relation to the objective of, or in the application of the provisions of, the convention had

been fulfilled by the holding of the formal consultative meeting".¹⁸

The document presented no conclusions on the substance of the formal consultative meeting, only noting that "a number of states parties considered that in the time available the meeting had not fully been able to resolve all matters considered ambiguous or unresolved arising from the request of the government of Cuba". The bureau had, however, allowed a supplementary procedure whereby states parties could submit observations, including ones by national technical experts, on the information Cuba and the US provided, by 27 September 1997. The chairman, UK permanent representative Ian Soutar, would report on these consultations to all states parties by 31 December. The bureau would consult further based on these observations and therefore continue to hold office until the end of the year. It eventually met three times, on 7 October, 27 November, and 15 December.¹⁹

On 15 December, Soutar wrote to all states parties, including submissions by 12 states and the responses by the US and Cuba in the annex. Based on these, he reported that "due *inter alia* to the technical complexity of the subject and to the passage of time, it has not proved possible to reach a definitive conclusion with regard to the concerns raised by the Government of Cuba". He further noted that "the requirements of Article V of the convention and the consultative process established by the third review conference have been fulfilled in an impartial and transparent manner." His conclusion was that experience underscored the importance of having an effective protocol (then under negotiation in the ad hoc group) as soon as possible.²⁰

One route the formal consultative meeting did not take was requesting specialised assistance in solving the problem before it.

Russian allegations and the Article V process

While states parties expressed satisfaction with the process as

developed in successive review conferences, the formal consultative meeting did not resolve the core matter of alleged BW use. Still, it functioned well as a conflict management process. Cuba and the US sort of accepted to disagree and let the matter rest.

The unfolding of the consultative meeting was also remarkable for steps the antagonists did not take. Cuba sought an investigative mechanism but does not appear to have disputed the US objection. It could have called for an investigation of alleged BW use under the auspices of the UNSG (since nobody opposed consideration of an insect release under the BTWC) but forwent the option. It also did not seem to have challenged the US to prove that the plane's aerosol spraying system could not disperse insects or their eggs. And the US did not address the matter in its presentations and rebuttals.

Washington did not request an international investigation in Cuba of the *Thrips palmi* allegation or independent genetic analysis of the insects found to determine their provenance or presence in the broader Caribbean region.²¹ The contention thus centred the causal link between the outbreak and the US plane crossing the island two months earlier. Cuba did not pursue options under BTWC Articles VI or VII, either.

These elements clearly make for several fundamental differences with Russia's request for addressing its allegations of material breaches of the BTWC by Ukraine and the US. First, there is a war following Russia's unprovoked invasion of Ukraine on 24 February 2022, in which the US, Nato the EU and other allies are actively supporting Ukraine.

Second, Russia's allegations do not concern BW use, but the conduct of US funded biological research in high-containment laboratories in Ukraine, in violation of BTWC Article I. The allegations are not new: Russia has been making accusations against US and other western assistance programmes to prevent proliferation after the Soviet breakup and migration of weapon scientists, engineers and technicians to countries interested in

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acquiring non-conventional weaponry since at least the early 2000s.

Third, BTWC Article I does not mention research activities, but development and production connected with life sciences and biotechnology are not prohibited if they can be justified as serving peaceful purposes. Moreover, Article X encourages “the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes”. Further, states parties that are able shall “cooperate in contributing individually or together with other states or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes”.

Fourth, states parties report on such activities under the annual confidence-building measure (CBMs) submissions and often describe them during the annual inter-sessional meetings between review conferences. In 2004, for example Ukraine detailed scientific investigations and medical and sanitary measures “aimed at preventing contamination and spread of human diseases within the country”. Its working paper provided much information on the different diseases being monitored and constrained.²² The US circulates an annual Article X implementation report, which lists its cooperation activities. Russia, too, reports on assistance and capacity-building activities on other continents.²³

Fifth, whereas Cuba’s charge centred on a specific incident and its relationship to the infestation, Russia’s accusations are all over the place. The specifics vary with time, and some claims are simply outlandish. Russia has widely circulated documents in support of its allegations, claiming they are classified. In fact, many of them have been available for years, from websites including that of the US embassy in Ukraine and the international science and technology centre in Kyiv. Projects were discussed during US Congressional hearings. Researchers published scientific papers

based on their investigations. The US has also listed these projects in its CBMs and Article X reports, and Ukraine has detailed its work on highly contagious pathogens.

Soon after the invasion, Russia claimed that Ukraine was destroying pathogens in its laboratories and presented this as evidence of hiding illicit biological activities. In reality, Ukrainian scientists had been acting on World Health Organisation advice to avoid a major biological incident.²⁴ Russia has also asserted those activities pose it a real threat. On 13 May Russian permanent representative to the UN, Vasily Nebenzya stated: “Only our special military operation is able to prevent that dangerous activity.”²⁵

Sixth, some states parties have organised transparency exercises focussing on high-containment laboratories, and known as peer review exercises. They are voluntary and at the discretion of the host. Over the past 15 years Russia has accused the Richard Lugar Centre for Public Health Research of the National Centre for Disease Control and Public Health in Tbilisi of BTWC violations.

Georgia organised a transparency exercise in 2018 and later that year briefed the states parties on the meeting and its outcomes.²⁶ Russia had dismissed the invitation because peer review has no formal status under the BTWC. In 1992, Ken Alibek, a former Soviet bio-weaponeer, defected to the US having visited installations there and recognised that Russia’s narrative of a secret BW programme was untrue.²⁷

Finally, this time one BTWC co-depositary is accusing another of a major treaty violation. Both countries are also permanent members of the UNSC.

The formal consultative meeting process

There are no specific procedural rules for a consultative meeting. The third review conference, especially, adopted some modalities on how to convene such a meeting, the role of the depositary states in organising it, and the timeframes for holding it. A state party also retains its right to lodge a complaint with the UNSC under BTWC

Article VI. Meeting costs are to be covered by participating states parties under the UN assessment scale, prorated to take into account differences between UN membership and the number of participants. As regards running the meeting, the review conference only addressed decision-making in case of a lack of consensus, referring to the review conferences’ rules of procedure.²⁸ All subsequent review conferences (except for the failed fifth conference in 2001) reaffirmed these elements.

Having addressed the Cuban allegation, states parties did not revisit the rules of procedures.

Notwithstanding, in his letter to states parties and signatory states of 28 July, the UK permanent representative, Aidan Liddle writing as chair of the informal meeting, held that participants had agreed the day before that the “rules of procedure of the eighth review conference (BWC/CONF.VIII/2) will apply *mutatis mutandis* to the formal consultative meeting”. The provisional agenda foresees in the adoption of the rules of procedure. This is a significant update that will either set a precedent for future meetings (rules of procedure of the most recent review conference) or may be formally recognised by the ninth review conference at the end of 2022.

One as yet unchanged aspect is financing the meeting. Despite recent UN budget rules that financial resources for meetings must be fully available before the meeting takes place, this second consultative meeting will be financed under the format adopted by the third review conference: only participating states will be charged. At time of writing, invoices have been issued for the informal meeting. A formal consultative meeting is an *ad hoc* event convened at short notice. The question is whether the ninth review conference will update the 1991 decision, and foresee the eventuality, e.g. via a special contingency fund to which all states parties would contribute.

In 1997, the UK’s permanent representative, Ian Soutar chaired the consultative meeting. This time,

Ambassador György Molnár of Hungary, a highly regarded diplomat, takes on that role, assisted by six vice chairs. Given that the non-aligned movement could not agree on a president for the ninth review conference, the presidency has fallen to the western group. This might explain why a state from the eastern European group has the responsibility. Alternatively, the country that presided over a preceding review conference might be designated chair of a formal consultative meeting. The UK chaired the fourth review conference (1996), held six months before the Cuban request. Hungary presided over the most recent review conference in 2016. Whatever the reason, Russia may not have wanted to challenge the outcome. While Hungary is a member of the EU, its president remains close to Moscow despite the invasion of Ukraine.

Prospects for the second formal consultative meeting

Given the war in Ukraine, it is difficult to envisage a consultative meeting outcome that can satisfy all parties. The more important question is whether the exercise can end the barrage of disinformation before it triggers further violence or destroys the BTWC.

In the *Thrips palmis* case Cuba engaged the US directly through diplomatic channels, with two rounds of consultations before seeking the formal consultative meeting. Russia is presenting an amalgam of accusations using official statements, press releases and media commentaries, many of which go back years. It escalated the rhetoric through the second half of 2021 and after invading Ukraine, started circulating dossiers of 200+ pages with supposedly secret information.

Despite Russia's claim it received no answers from the US and Ukraine in bilateral consultations, to all appearances it has not initiated a formal diplomatic process like Cuba. Instead, Russia took its accusations to the UNSC three times, on 11 and 18 March, and 13 May. Each time, it introduced some reportedly new information. At the end of his intervention, the Russian representative demanded US answers to the questions

raised or decried the lack of US replies. If these interventions represented bilateral consultations, then Ukraine, not being a UNSC member, did not participate in the sessions.²⁹ Bilateral consultations, however, are not a precondition for requesting a formal consultative meeting under Article V.

Undersecretary general Izumi Nakamitsu or her deputy, Thomas Markram, affirmed at each session that the UN was unaware of any BW programmes in Ukraine. They added that the UN has neither the mandate nor technical or operational capacity to investigate the claims, and pointed to Article V procedure as the way forward. Russia dismissed their claims positing that UNODA draws its information from the annual US and Ukrainian CBM submissions, which it cannot verify.

There lies a challenge in Russia's accusations. What level of factual or scientific evidence will satisfy Moscow that biological research activities in Ukraine do not violate the BTWC? In the case of chemical weapon (CW) use in Syria, it rejected any findings by the Organisation for the Prohibition of Chemical Weapons (OPCW) investigators, analyses by OPCW-certified laboratories, and reviews by expert bodies like the OPCW-UN joint investigative mechanism (JIM). Russia vetoed the continuation of the JIM in the UNSC, after confirmation of Syria's responsibility for a sarin attack in 2017, and the subsequent OPCW investigation and identification team (IIT). As in Ukraine, it has alleged or announced many incidents by insurgents that never happened and the OPCW has refuted the one Russian claim it investigated in 2018. Things appear to have quieted down after that, at least in the public domain, as no serious reports with new allegations of CW use by the Syrian government have since emerged.

Both UNODA and Russia have indicated that the formal consultative meeting is a step towards additional actions within the BTWC context. While laboratory activities do not fall under the UNSG investigative mechanism (legally founded on the 1925 Geneva protocol banning CW and BW), a state

party or the formal consultative meeting could ask the UN to look into the allegations. The three countries directly involved in the matter are unlikely to accept any on site activity as part of expert assistance, however. A UN expert team cannot enter a facility on Ukrainian territory under Russian control without explicit, but unlikely, authorisation from Kyiv. Whether Russia would accept feedback from an independent investigation also remains an open question.

This places a heavy burden on the formal consultative meeting. The provisional agenda anticipates four full days of meetings. The first two will focus on the allegations and responses to them, day three is for statements by other states parties and responses to them, to be followed by report preparation and presentation on day four. In adopting the rules of procedure (based on the eighth review conference), the chair, Ambassador Molnár, will obtain important instruments to manage the presentations and discussions. Under Rule 16, he will be able to intercede if an intervening delegate's remarks are irrelevant to the subject under discussion. The formal consultative meeting may limit the time allowed to speakers and the number of times each state's representative may speak on a question following voting a motion. Under Rule 28, it is possible to decide by special majority voting if no consensus is achieved after a 48 hour deferral following the request for a vote.³⁰

The outcome of the consultative meeting will be important for the disinformation engulfing the war in Ukraine, and could define the nature of assistance and cooperation states parties may provide under Article X in future. It may affect the ninth review conference later in 2022. Key will be whether:

- Consensus language can be found for the final report.
- The formal consultative meeting decides on follow-on actions with a view to clarifying the issues.
- The final report merely expresses satisfaction with the formal aspects of

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the consultative meeting, or

- Lacking a clear resolution of the allegations, the parties involved can let the matter lie.

Syria's CW use led to the closing of the 2018 fourth review conference of the Chemical Weapons Convention

without the adoption of a final report.

Given the existence of the OPCW, whose budget is voted in annual conferences of states parties, the impact on ongoing operations was minimal. A similar outcome for the BTWC could have much more serious ramifications,

as the review conference decides on the budget for meetings and the functioning of the implementation support unit for the next five years - a situation encountered with the eighth conference in 2016 and barely salvaged in a special meeting the next year.

¹ Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva, Note Verbale to the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and Other International Organizations in Geneva, 29 June 2022.

² UK Mission Geneva, Letter to States Parties and States Signatories to the Biological and Toxin Weapons Convention, 28 July 2022, URL <<https://documents.unoda.org/wp-content/uploads/2022/08/20220728-ArtV-informal-meeting-outcome-2.pdf>>.

³ For a full overview: 'Additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention', Preparatory Committee of the 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, document BWC/CONF.IX/PC/5, 10 January 2022, 10-11.

⁴ Sims, N. A. (2009). *The Future of Biological Disarmament*. London, Routledge, 41.

⁵ Mahley, D. A., US presentation on Cuban allegations, BTWC Consultative Meeting, 25 August 1997, 1.

⁶ Note verbale dated 28 April 1997 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General, UN General Assembly, document A/52/128, 29 April 1997, Annex, paras. 5 and 6.

⁷ US Department of State, 'Cuba: No Use of Biological Weapons', Press Statement by John Dinger, Acting Spokesman, 6 May 1997, URL <<https://1997-2001.state.gov/briefings/statements/970506c.html>>, accessed 10 August 2022.

⁸ Note verbale, 28 April 1997, Annex, para. 13.

⁹ Note verbale, 28 April 1997.

¹⁰ US Department of State, 6 May 1997.

¹¹ UN Office for Disarmament Affairs, 'United Nations Disarmament Commission', URL <<https://www.un.org/disarmament/institutions/disarmament-commission/>>, accessed 10 August 2022.

¹² UN General Assembly, Disarmament Commission, document A/CN.10/PV.216, 216th Meeting, 13 May 1997, 10-13.

¹³ Letter dated 26 June 1997 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General, UN General Assembly, document A/52/213, 27 June 1997, Annex.

¹⁴ For a detailed discussion of the consultative meeting and its procedures: Sims, N. A. (2001). *The Evolution of Biological Disarmament*. (Oxford: Oxford University Press), 36-58.

¹⁵ Ogunbanwo, S., Report on Formal Consultative Meeting of States Parties to the Biological Weapons Convention, UN Office at Geneva, 25 August 1997, 2.

¹⁶ Ogunbanwo, 25 August 1997, 2.

¹⁷ Ogunbanwo, S., Costs estimates for both the Formal and Informal Consultative Meetings of States Parties to the Biological Weapons Convention, Memorandum to the Meeting Service Section, Conference Services Division, UN Office at Geneva, 26 August 1997, p. 1.

¹⁸ Report of the Formal Consultative Meeting of States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, document BWC/CONS/1, 29 August 1997, para. 4.

¹⁹ Soutar, S. I., Letter to All States Parties to the Biological and Toxin Weapons Convention, United Kingdom Permanent Representation, 15 December 1997, paras. 4, 6 and 10.

²⁰ Soutar, 15 December 1997, paras. 7-9.

²¹ Harris, E. (2008). 'U.S. Efforts to Investigate and Attribute the Use of Biological Weapons'. In: Clunan, A. L., Lavoy, P. R. and Martin, S. B. *Terrorism, War, or Disease?* Stanford, Stanford University Press, 225.

²² Ukraine, National system of epidemiological surveillance in Ukraine, Meeting of Experts, Geneva, 19-30 July 2004, Working Paper BWC/MSP/2004/MX/WP.47, 22 July 2004, para. 5 ff.

²³ Russian Federation, Report on Implementation of Article X of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 2020 Meeting of States Parties, Geneva, 22-25 November 2021, Working Paper BWC/MSP/2020/WP.9, 22 November 2021, para. 13 ff.

²⁴ Zanders, J. P., 'Biological weapons are banned; biological research is not', EUvsDisinfo, 8 April 2022, URL <<https://euvsdisinfo.eu/biological-weapons-are-banned-biological-research-is-not/>>, accessed 18 August 2022. For updates on Russian allegations, see also: Pandora report, 'Combatting Disinformation', URL <<https://pandorareport.org/publications/combating-disinformation/>>.

²⁵ UN Security Council, 9033rd Meeting, 13 May 2022, document S/PV.9033, 2.

²⁶ Georgia, Transparency visit to the Lugar Center, Georgia: An Independent Report, Meeting of States Parties, Geneva, 4-7 December 2018, Working Paper BWC/MSP/2018/WP.11, 7 December 2018. This working paper is based on a report by Dr Filippa Lentzos, who participated in the peer review exercise as an independent consultant. See also: Lentzos, F., 'The Russian disinformation attack that poses a biological danger', Bulletin of the Atomic Scientists, 19 November 2018, URL <<https://thebulletin.org/2018/11/the-russian-disinformation-attack-that-poses-a-biological-danger/>>, accessed 18 August 2022.

²⁷ Alibek, K. With Handelman, S. (1999). *Biohazard*. New York: Random House, 237-38.

²⁸ Final Document of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Geneva, 9-27 September 1991), BWC/CONF.III/23, Part II Final Declaration, Article V, 14-15.

²⁹ UN Security Council, 8991st Meeting, 11 March 2022, document S/PV.8991; UN Security Council, 8999th Meeting, 18 March 2022, document S/PV.8999; and UN Security Council, 3 May 2022.

³⁰ 'Draft rules of procedure of the Eighth Review Conference', Eighth 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, Geneva, 7-25 November 2016, document BWC/CONF.VIII/2, 19 August 2016.