



MUNLAWS 2023

FACULTY OF LAW, UNIVERSITY OF LJUBLJANA

STUDY GUIDE

NATO

CHAIRS: ALEKSANDAR VUKOVIĆ, MAJA KALIN



This project
is sponsored by
the North Atlantic
Treaty Organisation



Pravna fakulteta
Univerza v Ljubljani



MUNLAWS 2023

FACULTY OF LAW, UNIVERSITY OF LJUBLJANA

STUDY GUIDE

NATO

It is prohibited to (re)upload or (re)use this document elsewhere without
priorly consulting the MUNLawS 2023 Organising Team.

MUNLawS 2023
NATO

Table of Contents

1 TOPIC ONE: NATO Enlargement on the East	3
1.1 General Introduction	3
1.2 Historical background	3
1.2.1 The end of the Cold War	3
1.2.2 Visegrád Group	3
1.2.3 16th NATO summit	4
1.2.4 Vilnius Group	4
1.2.5 Adriatic Charter and the sixth NATO enlargement	4
1.2.6 Seventh and eighth NATO enlargements	5
1.2.7 Ninth NATO enlargement	5
1.2.8 Russian claims regarding NATO's eastward expansion	5
1.3 Georgia	6
1.4 Bosnia and Herzegovina	7
1.5 Ukraine	8
1.6 Others	10
1.7 Conclusion	10
1.8 Further reading	10
1.9 Issues to consider	11
1.10 Bibliography	12
2 TOPIC TWO: ADDRESSING THREATS OF BIOTERRORISM	14
2.1 GENERAL INTRODUCTION	14
2.2 HISTORICAL BACKGROUND	15
2.2.1 PRE-20 TH CENTURY	16
2.2.2 THE FIRST AND SECOND WORLD WAR	17
2.2.3 COLD WAR & DECOLONIZATION	18
2.2.4 TERRORIST ATTACK OF 9/11 AND ITS CONSEQUENCES AND THE COVID-19 PANDEMIC	19
2.3 INTERNATIONAL LEGAL REGIME AFFECTING BIOTERRORISM PREVENTION	20
2.3.1 The Geneva Protocol	20
2.3.2 Biological Weapons Convention (BWC), 1972	21
2.3.3 UN Security Council Resolution 1540 (2004)	22
2.3.4 NATO's policy and campaigns against bioterrorism	23
2.3.5 NATO's response mechanism (on the example of the Covid-19 pandemic)	25
2.4 CONCLUSION	27
2.5 FURTHER READING	28
2.6 ISSUES TO CONSIDER	28
2.7 BIBLIOGRAPHY	28

1 TOPIC ONE: NATO Enlargement on the East

1.1 General Introduction

1. Article 10 of the North Atlantic Treaty Organization states that NATO membership is available to any European country that can uphold the principles of the Treaty and make substantial contributions to the security of the North Atlantic area. The article also clearly states that the process of inviting a country to join the Alliance rests with the North Atlantic Council, where consensus among all member states is required and that no third-party countries have any say in these deliberations.¹
2. At the moment, four partner countries have officially expressed their aspirations to become members of NATO. These countries are Bosnia and Herzegovina, Georgia, Sweden, and Ukraine. Each of these nations has shown keen interest in strengthening their ties with the Alliance and pursuing the path of potential NATO membership. In December this year, our committee will specifically focus on potential members coming from the East of Europe, namely Georgia, Bosnia and Herzegovina, and Ukraine. Throughout this guide, we will analyze the historical events and security concerns that prompted aspiring Eastern European countries to seek membership, as well as the stance of the NATO member states and Secretariat regarding this topic.

1.2 Historical background

1.2.1 The end of the Cold War

3. The end of the Cold War in the late 1980s and the collapse of the Soviet Union brought about a tectonic shift in the geopolitical landscape of Europe. With the dissolution of the Eastern Bloc, a newfound spirit of democracy, and aspirations for integration with Western institutions, several Eastern European countries sought closer ties with NATO. The fall of the Berlin Wall in 1989 symbolized the dismantling of the Iron Curtain and created momentum for unity and cooperation among European nations. The most notable result of these events was the formation of the Visegrád Group.²

1.2.2 Visegrád Group

4. The historic gathering in the Hungarian town of Visegrád in 1991 brought together three leaders of the former Warsaw Pact countries: Václav Havel, the President of the Czech and Slovak Federative Republics; Lech Wasa, the President of the Republic of Poland; and József Antall, the Prime Minister of the Republic of Hungary. The framework of the group was clear: shifting away from communism, democratizing institutions, and implementing internal reforms that would lead to membership in NATO and the European Union. Between 1992 and 1996, there were debates within the United States (H.W. Bush and Clinton administrations) on

¹ NATO, "Enlargement and Article 10" *North Atlantic Treaty Organization*, https://www.nato.int/cps/en/natohq/topics_49212.htm (accessed 27 July 2023).

² TVP WORLD, Warsaw Pact was dissolved 30 years ago, *TVP World*, <https://tvpworld.com/54629532/warsaw-pact-was-dissolved-30-years-ago> (accessed 27 July 2023).

how to approach potential enlargement of NATO, which resulted in the official invitation to post-Warsaw Pact countries to join NATO by the 42nd president of the United States, Bill Clinton.³

5. Russian government officials, including at that time the president, Boris Yeltsin, and the Minister of Foreign Affairs, Andrei Kozryev, called the enlargement "unacceptable" and "the direct threat to the Russian Federation" Despite Russian opposition and criticism by some policy experts of NATO members, especially in the United States, the Czech Republic, Hungary, and Poland officially became NATO members in 1999.

1.2.3 16th NATO summit

6. The 16th NATO summit was held in Washington, DC, in 1999. Significant not only because it was the first NATO summit in which three new member states (the Czech Republic, Hungary, and Poland) were admitted but also because the Membership Action Plan was adopted.
7. The NATO Membership Action Plan (abbreviated as MAP), is a program designed to assist aspiring countries in their path towards possible NATO membership. The MAP offers a framework for candidate countries to engage in a structured and comprehensive process of political, military, and economic reforms, as well as the alignment of their defense capabilities and foreign policies with NATO standards. Through the MAP, NATO provides guidance, support, and assessments to help candidate countries meet the criteria and obligations necessary for joining the Alliance.⁴

1.2.4 Vilnius Group

8. The Vilnius Group, established in May 2000, was a coalition of countries aspiring to join NATO. Its primary objectives were to foster practical collaboration, information exchange, and lobbying for their NATO candidacy among NATO member states. Members of the Vilnius group included Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, North Macedonia, Romania, Slovakia, and Slovenia. Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia received NATO membership in 2004.

1.2.5 Adriatic Charter and the sixth NATO enlargement

9. An association, similar to the Vilnius group, was formed in May 2003 to aid the attempts of Albania, Croatia, and North Macedonia to join the NATO alliance. In 2008, the association expanded as Bosnia and Herzegovina and Montenegro were invited to join while Serbia accepted observer status. The enlargement of the charter happened once again, with Kosovo getting observer status in 2012 while also applying for Adriatic Charter membership.⁵
10. The sixth NATO enlargement consisted of Albania and Croatia receiving their membership statuses. Although both countries started MAP in 1999 and 2002, due to internal political

³ Visegrad Group, *History of the Visegrad Group*, 2009, Visegrad Group, <https://www.visegradgroup.eu/history/history-of-the-visegrad> (accessed 27 July 2023).

⁴ NATO, "Membership Action Plan (MAP)", *North Atlantic Treaty Organization*, https://www.nato.int/cps/en/natohq/topics_37356.htm (accessed 27 July 2023).

⁵ Ministry of Defence of Albania, *Adriatic Charter (A-5)*, *Ministry Of Defence of Albania* <https://www.mod.gov.al/eng/security-policies/relations-with/international-and-regional-organization/90-adriatic-charter-a-5> (accessed 27 July 2023).

disagreements and other reasons, they were not included in the 2004 NATO enlargement. Heads of state of both countries attended the 2009 Strasbourg-Kehl summit after receiving formal invitations at the 2008 Bucharest summit.⁶

1.2.6 Seventh and eighth NATO enlargements

11. Following in the footsteps of their neighbours, Montenegro and North Macedonia continued to pursue NATO membership. After concluding negotiations, Montenegro joined NATO in 2017.
12. North Macedonia's path to membership was met with obstacles, such as opposition from Greece because of the Macedonia naming dispute at the time. The Prespa Agreement in 2018 lifted the blockade from Greece, under which the country adopted its current name, North Macedonia, and got it a seat in the North Atlantic Council in 2020.⁷

1.2.7 Ninth NATO enlargement

13. The ninth NATO election is, by far, the last one. Even though it was neutral for most of its history as a sovereign country, Finland applied for NATO membership on May 18, 2022. Before its applications applied had a long history of cooperation with NATO, most significantly as part of the Partnership for Peace program. The move by Finland was met with severe opposition from the high-ranking Russian officials, with threats of countermeasures and an escalation of the wider conflict. Finland officially joined the alliance on April 4, 2023.⁸

1.2.8 Russian claims regarding NATO's eastward expansion

14. As mentioned throughout this section of the study guide, NATO's post-Cold War expansion was met with opposition from the Russian Federation. The base of the Russian opposition is the claim that during 1990 negotiations, an oral agreement between the Soviet Union and NATO leaders was made that, according to Russian officials, implied a guarantee of the non-expansion of NATO to the east. These claims were denied by NATO allies, who claimed that such agreements could only be made in written form. This controversy was repeatedly used throughout history in NATO-Russian conflicts and has gained the spotlight amid Russian aggression in Ukraine in 2022.^{9,10}

⁶ Walter Zaryckyj, "Why the Bucharest Summit Still Matters Ten Years On", *Atlantic Council*, <https://www.atlanticcouncil.org/blogs/ukrainealert/why-the-bucharest-summit-still-matters-ten-years-on/> (accessed 28 July 2023).

⁷ NATO, "Remarks by NATO Secretary General Jens Stoltenberg at the ceremony marking the accession of North Macedonia to NATO", *North Atlantic Treaty Organization*, https://www.nato.int/cps/en/natohq/opinions_174650.htm (accessed 28 July 2023).

⁸ Van Brugen, Isabel, "Russia Reacts to Sweden and Finland Nearing NATO Membership", *Newsweek*, <https://www.newsweek.com/russia-reacts-sweden-finland-nato-membership-peskov-1721711> (accessed 28 July 2023).

⁹ Joshua R. Itzkowitz Shifrinson, "Put It in Writing", *Foreign Affairs*, <https://www.foreignaffairs.com/articles/usa/2014-10-29/put-it-writing> (accessed 28 July 2023).

¹⁰ Dr. Barbara Zanchetta, "Did Putin invade Ukraine because of NATO's broken promise?", *King's College London*, <https://www.kcl.ac.uk/did-putin-invade-ukraine-because-of-natos-broken-promise> (accessed 28 July 2023).

1.3 Georgia

15. As a country positioned on the very border of Europe and Asia, the Republic of Georgia's geopolitical position is of high importance for the NATO Alliance. Relations between NATO and Georgia date back to 1994, when Georgia joined the Partnership for Peace program. The Rose Revolution, which shook Georgian soil in 2003, brought a new administration that pursued even closer ties and accelerated NATO's integration process.
16. At the 2008 Bucharest Summit, NATO members, on the initiative of the American and Polish delegations, called for Georgian participation in MAP, which was met by the opposition of numerous member states, including Germany and France, which feared a Russian response. Instead of accepting Georgia into MAP, member states agreed to guarantee Georgia NATO membership once all requirements were met.
17. Only seven days after the meeting in Bucharest, Yuri Baluyevsky, the Russian military general, stated that the Russian Federation would take all measures, including military ones, needed to protect its borders. The Russian response did not stop there, as Vladimir Putin, at that time Prime Minister, sought deeper diplomatic cooperation with the disputed territories of Abkhazia and South Ossetia.
18. Deteriorated relations were only a prelude to the Russo-Georgian War, which completely shaped Georgia's position towards NATO. The five-day-long war resulted in Russian victory and Georgia's loss of control of the territories of the former Soviet autonomous oblasts of Abkhazia and South Ossetia. Post-war Georgia finds itself in a unique position where Russian aggression can be seen as a clear and rational reason to join the alliance while also being apprehensive of what consequence the membership would have, following the fact that around 20% of Georgian territory is under the control of pro-Russian separatist forces.
19. NATO's response to the crisis was reflected in the alliance's support for the sovereignty of the Republic of Georgia while rejecting to recognize or establish relations with breakaway states and calling on the Kremlin to reverse its recognition of them. The Alliance also provided Georgia with aid in terms of assessing damage to civil and transport infrastructure and other areas.
20. Russian threats influenced member states' positions towards Georgian integration within the alliance, which led to, at the time, Secretary General Anders Fogh Rasmussen's announcement that NATO would not be offering any new countries membership in 2014.
21. It is speculated that the position shifted in a positive direction under Soltenberg's secretariat. During 2020, Soltenberg called for swifter reforms in the Georgian armed forces and other institutions and recognized Georgia's undeniable aspirations towards NATO membership.
22. Following the Russian aggression on Ukraine, the Georgian government condemned Russian actions but did not align with the alliance's economic sanctions. The internal situation in Georgia at this moment has been described as unstable, with constant disagreements between the country's Prime Minister and pro-Western President.
23. Special attention shall be directed towards the 2019 and 2023 Georgian protests and developments between the Russian Federation and Georgia since 2019. As mentioned previously, Georgia did not join the international community and did not impose economic sanctions on Russia. In May 2023, on Vladimir Putin's initiative, Russia abolished the visa regime for Georgian citizens and lifted the ban on airline flights with the Caucasian country. Analysts believe that this was a clear sign of the pro-Kremlin stance of the current Garibashvili cabinet.

24. During the 2022 Madrid Summit, NATO Allies unanimously endorsed a customized package of support measures specifically tailored for Georgia. Allies also recognized Georgia as one of NATO's partners facing the most direct impact from external threats and interference in the prevailing security landscape, coming from Russia's aggression against Ukraine.
25. The most recent NATO summit held in Vilnius in 2023, critics believe, brought no progress for Georgia regarding its path to membership. With a lack of interest by the current government as well as President Salome Zourabichvili, who described Georgia's priority as membership in the European Union and not NATO, the future of Georgia in the alliance seems uncertain.¹¹¹²¹³

1.4 Bosnia and Herzegovina

26. NATO's involvement in Bosnia and Herzegovina through Operation Deny Flight and Operation Deliberate Force during the Bosnian War laid the foundation for further cooperation between the alliance and the country. Since the early 1990s, the Alliance has been dedicated to fostering peace and stability in Bosnia and Herzegovina and has led peacekeeping missions like the Implementation Force (IFOR) and Stabilization Force (SFOR) since the signing of the Dayton Agreement until 2004, when the responsibility for military aspects was handed over to the European Union (EUFOR Operation Althea).
27. Bosnia and Herzegovina joined the Partnership for Peace program in 2006, signed an agreement on security cooperation in 2007, and began further cooperation through the Individual Partnership Action Plan in 2008. The same year, at the NATO summit in Bucharest, Bosnia and Herzegovina joined the previously mentioned Adriatic Charter and, by 2009, expressed its interest in starting a MAP.
28. Bosnia and Herzegovina submitted its application for MAP in 2010, with the biggest support coming from the delegations of the United States and Turkey. Approval of the activation of MAP from NATO came 8 years later, in 2018, with constant difficulties that are the consequence of internal disagreements between political subjects.
29. The ethnic composition and government system of Bosnia and Herzegovina shall be considered before analyzing the country's potential future in the alliance. According to the poll, which was conducted in 2021, 90% of Bosnians in Bosnia and Herzegovina supported NATO accession, while among Croats that number is even higher, standing firmly at 92%. The main opposition comes from the Serbian population, which is mostly concentrated in the entity of Republika Srpska. According to the same research, around 82% of Bosnian Serbs oppose NATO accession.
30. Another aspect is the division of powers in Bosnia and Herzegovina and its federalism. Republika Srpska, as well as the current political position of ethnic Serbs in the highest positions in the federal government, present the biggest obstacle on the Bosnian path to NATO membership. A clear example of that is the blockade of the submission of the MAP Annual National Program to NATO by Milorad Dodik in 2019. Milorad Dodik, current president of Republika Srpska and former member of the three-member presidency of Bosnia and

¹¹ NATO, "Relations with Georgia", *North Atlantic Treaty Organization*, https://www.nato.int/cps/en/natohq/topics_38988.htm (accessed 28 July 2023).

¹² Nini Gabritchidze, "No progress for Georgia at NATO summit in Vilnius", *eurasianet* <https://eurasianet.org/no-progress-for-georgia-at-nato-summit-in-vilnius> (accessed 28 July 2023).

¹³ Stephen Jones, Natalie Sabanadze, "Georgia needs a new model of democracy", *eurasianet*, <https://eurasianet.org/perspectives-elections-are-not-enough-georgia-needs-a-new-model-of-democracy> (accessed 28 July 2023).

Herzegovina, who has been accused of authoritarian leadership, pro-Kremlin and ultranationalistic views, has on multiple occasions announced that he would block any attempts by Bosnia to join NATO. His political party, the Alliance of Independent Social Democrats, which previously prided itself on pro-Western and reformist values, has been in control of the Republika Srpska for over a decade with no change in sight.

31. Bosnia and Herzegovina's geographical position is of crucial importance as their 30-kilometre-long coast is the only non-NATO territory on the Adriatic Sea and is seen as a Russian sphere of interest. With the rising popularity of pro-Russian actors in the country and the constant hostile relations among ethnic groups, members of the North Atlantic Council shall discuss and adopt a resolution that could prevent a new military conflict from happening in this unstable corner of Europe.¹⁴¹⁵¹⁶¹⁷

1.5 Ukraine

32. The spotlight on Ukraine has intensified in recent years, drawing global attention to its complex geopolitical situation and the ongoing aggression on its soil. After gaining independence, Ukraine began its dialogue and cooperation with NATO through the North Atlantic Cooperation Council in 1991 and the Partnership for Peace program in 1994. Relations were further reinforced with the 1997 Charter on a Distinctive Partnership, and in 2009, they were strengthened even more with the Declaration to Complement the Charter. This declaration reaffirmed NATO Leaders' decision, made at the 2008 Bucharest Summit, that Ukraine would eventually become a member of the alliance. The NATO-Ukraine Commission was established in 1997 and became the NATO-Ukraine Council.¹⁸
33. Expectations from the Ukrainian administration were immense before the 2008 Bucharest summit, whatsoever with the resistance from Germany and France and decreasing support from the Bush administration, Ukraine was not granted a MAP.
34. After the 2010 presidential election, Ukraine decided to put its plans for NATO membership on hold. The election saw the victory of Viktor Yanukovich, who favoured maintaining closer ties with the Russian Federation. During his mandate, on multiple occasions, the Ukrainian government distanced itself from NATO and claimed that there was no need for partnership at a higher level. In 2014, amid the Euromaidan uprising, Yanukovich fled Ukraine. Following the tectonic changes in the country's politics, NATO officials expressed their support for Ukraine and despite Russia's refusal to recognize the impeachment of Yanukovich and the

¹⁴ NATO, "Relations with Bosnia and Herzegovina", *North Atlantic Treaty Organization*, https://www.nato.int/cps/en/natolive/topics_49127.htm (accessed 28 July 2023).

¹⁵ Danas Dodik, "Nema ništa od ulaska BiH u NATO, jer je RS protiv toga," *Danas RS* <https://www.danas.rs/vesti/drustvo/dodik-nema-nista-od-ulaska-bih-u-nato-je-rs-protiv-toga/> (accessed 28 July 2023).

¹⁶ U.S. Embassy in Bosnia and Herzegovina, "U.S. Embassy Statement on Milorad Dodik's Secessionist Threats", U.S. Embassy in Bosnia and Herzegovina, <https://ba.usembassy.gov/u-s-embassy-statement-on-milorad-dodiks-secessionist-threats/> (accessed 28 July 2023).

¹⁷ NDI, "Bosnia and Herzegovina Poll", NDI, <https://www.ndi.org/publications/bosnia-and-herzegovina-poll> (accessed 28 July 2023).

¹⁸ NATO, "NATO-Ukraine Council", *North Atlantic Treaty Organization*, https://www.nato.int/cps/en/natohq/topics_217652.htm (accessed 28 July 2023).

Yatsenyuk Government, Anders Fogh Rasmussen stated that NATO membership remained a possible option for Ukraine.¹⁹

35. The newly established interim Yatsenyuk government signalled its clear intentions of becoming a NATO member and having major non-ally status with the United States. After the Yatsenyuk government was confirmed in the 2014 parliamentary elections, it made joining NATO a priority. By the end of 2014, Petro Poroshenko announced that the referendum on NATO membership would be held, with Ukraine overturning its non-bloc status amid a crisis in the country caused by the Russian invasion and annexation of Crimea. During Poroshenko's presidency, significant progress was achieved in bringing Ukraine closer to NATO, with Ukraine being added to the list of NATO-aspiring countries as well as the Ukrainian parliament voting with an absolute majority to enshrine the path to the European Union and NATO in the constitution.²⁰
36. As President of Ukraine, Volodymyr Zelensky has maintained a firm commitment to Ukraine's aspirations towards NATO membership. After the start of the buildup of Russian troops near the Ukrainian border in 2021, the Baltic States stressed the importance of providing Ukraine with MAP. Before the invasion, Zelensky called on member states for urgent MAP as the Russian buildup was becoming a serious threat to European stability. While allies failed to agree with Ukraine's progress towards membership, Secretary-General Stoltenberg was clear that NATO has no plans to abandon its open-door policy, therefore rejecting Russian demands.
37. Following the Russian invasion of Ukraine, NATO's response was clear: condemnation in the strongest possible terms and a demand that Russia stop the war immediately, cease its use of force against Ukraine, and completely and unconditionally withdraw all its forces. Alliance continues to provide Ukraine with practical aid through CAP (Comprehensive Assistance Package). NATO has rejected imposing a no-fly zone over Ukraine, which has caused anger among the Ukrainian leadership. Ukraine officially applied to join NATO by the end of 2022.
38. At the recent Vilnius summit, Jens Stoltenberg made it clear that Ukraine will not become a NATO member while the Russo-Ukrainian war remains ongoing. It shall be noted that during the Vilnius summit leaders agreed to expedite Ukraine's membership in NATO by agreeing to remove the requirement for a MAP. The future of Ukraine in NATO remains uncertain even after the war ends, following the division between the member states.²¹²²²³

¹⁹ Kyiv Post, "Ukraine makes it official: Nation will abandon plans to join NATO", *Kyiv Post*, <https://www.kyivpost.com/post/7777> (accessed 28 July 2023).

²⁰ Radio Free Europe, "Ukraine President Signs Constitutional Amendment On NATO", EU Membership, *Radio Free Europe*, <https://www.rferl.org/a/ukraine-president-signs-constitutional-amendment-on-nato-eu-membership/29779430.html> (accessed 28 July 2023).

²¹ NATO, "Relations with Ukraine", *North Atlantic Treaty Organization*, https://www.nato.int/cps/en/natohq/topics_37750.htm (accessed 28 July 2023).

²² U.S. Department of Defense, "Leaders Agree to Expedite Ukraine's NATO Membership", *U.S. Department of Defense*, <https://www.defense.gov/News/News-Stories/Article/Article/3455199/leaders-agree-to-expedite-ukraines-nato-membership/> (accessed 28 July 2023).

²³ CSIS, "What Happened at NATO's Vilnius Summit?" *CSIS*, <https://www.csis.org/analysis/what-happened-natos-vilnius-summit> (accessed 28 July 2023).

1.6 Others

39. In the aftermath of the 2022 Russian invasion of Ukraine, the debate on NATO membership was reignited in several countries. Notably, Austria, Ireland, Switzerland, and Malta, which had maintained Cold War-era neutrality, are now members of the Partnership for Peace, with all except Switzerland also being part of the European Union. Switzerland's defense ministry initiated a report in May 2022 exploring military options, including increased cooperation and joint military exercises with NATO, and a poll showed growing public support for NATO membership and increased ties in Switzerland. Meanwhile, Cyprus, a member of the European Union, faces challenges in participating in NATO due to the Cyprus dispute, with any potential treaty likely to be blocked by Turkey. Delegates are advised to be informed about recent developments in NATO relations with Moldova, Serbia and Kosovo as well.

1.7 Conclusion

40. As NATO has reinvigorated its open-door policy, it is evident that certain member states are showing restraint, leading to visible divisions and disagreements within the alliance. The pressing concern now is how these member states will address these divisions and reach common ground amidst the ongoing war of aggression on their doorstep and the emergence of potential new conflict areas in Europe. This is a question we expect our delegates to grapple with this December.

1.8 Further reading

- NATO: Enlargement and Article 10: https://www.nato.int/cps/en/natohq/topics_49212.htm
- EURASIAN: No progress for Georgia at NATO summit in Vilnius: <https://eurasianet.org/no-progress-for-georgia-at-nato-summit-in-vilnius>
- Just Security: NATO Must Fast Track Bosnia's Membership: <https://www.justsecurity.org/85938/nato-must-fast-track-bosnias-membership/>
- Andrew T. Wolff, The future of NATO enlargement after the Ukraine crisis: <https://www.jstor.org/stable/24539021?seq=10>
- CSIS: What Happened at NATO's Vilnius Summit?: <https://www.csis.org/analysis/what-happened-natos-vilnius-summit>

1.9 Issues to consider

1. How is the current geopolitical situation affecting member states and their cooperation?
 2. What should be the alliance's stance on the incumbent government in Georgia and their foreign policy?
 3. What are the consequences of the promises issued during the 2008 NATO summit in Bucharest?
 4. What measures shall the alliance take to prevent the rise of ethnic violence and ultranationalism in Bosnia and Herzegovina?
 5. How shall NATO approach the ethnic Serbs in Bosnia and Herzegovina?
- What are the consequences of post-war Ukraine becoming a NATO member?

1.10 Bibliography

1. NATO. "Enlargement and Article 10". https://www.nato.int/cps/en/natohq/topics_49212.htm. (accessed on July 25, 2023).
2. TVP WORLD. "Warsaw Pact was dissolved 30 years ago". <https://tvpworld.com/54629532/warsaw-pact-was-dissolved-30-years-ago>. (accessed on July 27, 2023).
3. Visegrad Group. "History of the Visegrad Group". <https://www.visegradgroup.eu/history/history-of-the-visegrad>. (accessed on July 28, 2023).
4. NATO. "Membership Action Plan (MAP)". https://www.nato.int/cps/en/natohq/topics_37356.htm. (accessed on July 28, 2023).
5. Ministry of Defence of Albania. "Adriatic Charter (A-5)". <https://www.mod.gov.al/eng/security-policies/relations-with/international-and-regional-organization/90-adriatic-charter-a-5>. (accessed on July 28, 2023).
6. Walter Zaryckyj. "Why the Bucharest Summit Still Matters Ten Years On", <https://www.atlanticcouncil.org/blogs/ukrainealert/why-the-bucharest-summit-still-matters-ten-years-on/>. (accessed on July 28, 2023).
7. NATO. "Remarks by NATO Secretary General Jens Stoltenberg at the ceremony marking the accession of North Macedonia to NATO". https://www.nato.int/cps/en/natohq/opinions_174650.htm. (accessed on July 28, 2023).
8. Van Brugen, Isabel. "Russia Reacts to Sweden and Finland Nearing NATO Membership". <https://www.newsweek.com/russia-reacts-sweden-finland-nato-membership-peskov-1721711>. (accessed on July 28, 2023).
9. Foreign Affairs. "Put It in Writing". <https://www.foreignaffairs.com/articles/united-states/2014-10-29/put-it-writing>. (accessed on July 28, 2023).
10. Dr Barbara Zanchetta. "Did Putin invade Ukraine because of NATO's broken promise?". <https://www.kcl.ac.uk/did-putin-invade-ukraine-because-of-natos-broken-promise>. accessed on July 28, 2023).
11. NATO. "Relations with Georgia". https://www.nato.int/cps/en/natohq/topics_38988.htm. (accessed on July 28, 2023).
12. Nini Gabritchidze. "No progress for Georgia at NATO summit in Vilnius" . <https://eurasianet.org/no-progress-for-georgia-at-nato-summit-in-vilnius>. (accessed on July 28, 2023)
13. Stephen Jones, Natalie Sabanadze. "Georgia needs a new model of democracy", <https://eurasianet.org/perspectives-elections-are-not-enough-georgia-needs-a-new-model-of-democracy>. (accessed on July 28, 2023).
14. NATO. "Relations with Bosnia and Herzegovina". https://www.nato.int/cps/en/natolive/topics_49127.htm. (accessed on July 28, 2023).

15. Danas. “Dodik: Nema ništa od ulaska BiH u NATO, jer je RS protiv toga”. <https://www.danas.rs/vesti/drustvo/dodik-nema-nista-od-ulaska-bih-u-nato-je-je-rs-protiv-toga/>. (accessed on July 28, 2023).
16. U.S. Embassy in Bosnia and Herzegovina. “U.S. Embassy Statement on Milorad Dodik’s Secessionist Threats”. <https://ba.usembassy.gov/u-s-embassy-statement-on-milorad-dodiks-secessionist-threats/>. (accessed on July 28, 2023).
17. NDI. “Bosnia and Herzegovina Poll”. <https://www.ndi.org/publications/bosnia-and-herzegovina-poll>. (accessed on July 28, 2023).
18. NATO. “NATO-Ukraine Council”. https://www.nato.int/cps/en/natohq/topics_217652.htm. (accessed on July 28, 2023).
19. Kyiv Post. “Ukraine makes it official: Nation will abandon plans to join NATO”. <https://www.kyivpost.com/post/7777>. (accessed on July 28, 2023).
20. Radio Free Europe. “Ukraine President Signs Constitutional Amendment On NATO, EU Membership”. <https://www.rferl.org/a/ukraine-president-signs-constitutional-amendment-on-nato-eu-membership/29779430.html>. (accessed on July 28, 2023).
21. NATO. “Relations with Ukraine”. https://www.nato.int/cps/en/natohq/topics_37750.htm. (accessed on July 28, 2023).
22. U.S. Department of Defense. “Leaders Agree to Expedite Ukraine's NATO Membership”. <https://www.defense.gov/News/News-Stories/Article/Article/3455199/leaders-agree-to-expedite-ukraines-nato-membership/>. (accessed on July 28, 2023).
23. CSIS. “What Happened at NATO's Vilnius Summit?”. <https://www.csis.org/analysis/what-happened-natos-vilnius-summit>. (accessed on July 28, 2023).

2 TOPIC TWO: ADDRESSING THREATS OF BIOTERRORISM

2.1 GENERAL INTRODUCTION

1. Under this topic we shall shed light on a means of war with a long history of use, whose relevance has increased with the experience of the Covid-19 Pandemic. Biological pathogens have been continuously used as a weapon of mass destruction, because of their low cost of production, wide reach and the nature of the weapon, which makes it difficult to trace its origin.²⁴ On the other hand the use of pathogens comes with many risks. Usually delivered by aerosols or liquids, their spreading is highly affected by external circumstances such as weather phenomena. Targeting a specific group of people/animals could quickly turn into a widespread epidemic and even harm the attacker.²⁵ Generally, the offence-defence balance in the case of biological pathogens favours the attacker, for it is significantly easier to gain access and deliver them than to develop an antidote and organize a quick response of the healthcare capacities. Even the recognition of a biological weapon is a complex task for the offended because the symptoms they cause can be mistaken for common diseases such as influenza. Once recognized, attacks with biological weapons can cause high levels of social disruption (fear and terror felt among the target population) that often exceed the biological impact of a single act.²⁶
2. Let us now make an important distinction that will allow us to understand the history and legal status of actors involved in the use of pathogens. That is the difference between biological warfare and bioterrorism. Biological warfare is defined as »deliberate use of disease-causing biological agents such as bacteria, virus, rickettsia, and fungi, or their toxins, to kill or incapacitate humans, animals, or plants as an act of war.«²⁷ The definition of an act of war, nowadays called armed conflict, is the key pillar of international humanitarian law that has moved into the sphere of customary law in the last century. According to the definition,

²⁴ Gregory Koblenz, *“Pathogens as Weapons: The International Security Implications of Biological Warfare”* (International Security 28, no. 3 2003/2004), 87.

²⁵ Nicholas J. Beeching, David A. B. Dance, Alastair R. O. Miller, Robert C. Spencer, *“Biological Warfare And Bioterrorism”* (*British Medical Journal* 324, No. 7333 2002), 337.

²⁶ Devi Kalyan Mishra, *“Bioterrorism from a Public Health Perspective”* (*Counter Terrorist Trends and Analyses* 8, No. 2 2016), 28.

²⁷ Mahdi Balali-Mood, Mohammad Moshiri, Leila Etemad, *“Bio Warfare and Terrorism: Toxins and Other Mid-Spectrum Agents”* (US National Library of Medicine : Elsevier press, 2014).

»an international armed conflict occurs when one or more States have recourse to armed force against another State, regardless of the reasons or the intensity of this confrontation.« This definition also includes armed conflicts in which peoples are fighting against colonial domination, alien occupation or racist regimes in the exercise of their right to self-determination.²⁸ With this expansion of the actors that may resort to war or use of armed force, it has become even more challenging to rightfully differentiate lawful use of armed force and terrorist acts. This dilemma is also visible in the distinction between biological warfare and bioterrorism, with the latter having a very similar definition as the first, but does not mention war: »Bioterrorism is the deliberate release of viruses, bacteria, toxins, or other harmful agents to cause illness or death in people, animals or plants.«²⁹

3. With this dilemma in mind, we shall continue with a historical analysis of this form of warfare and terrorism. A brief timeline of such events will be presented, to give you an understanding of the development of use and circumstances in which biological weapons were deployed. In the central part of this topic, attention is focused on the International Legal Regime Affecting Bioterrorism Prevention, with highlighting two main legal mechanisms; the Biological Weapons Convention and United Nations Security Council Resolution 1540. This is followed by a review of NATO's policy and campaigns against bioterrorism so far and NATO's response mechanism on the example of the Covid-19 pandemic. In the end, a list of additional literature will offer you deeper insight into this broad and politically relevant topic.

2.2 HISTORICAL BACKGROUND

4. Biological warfare and terrorism transcend many different domains of research, from medicine and public health, private criminal acts and interstate warfare, to international law and its mechanism. Its relevance is clear also in the explanation of historical rivalries, armed conflicts, and epidemics, yet historians are very careful with drawing conclusions on the topic. As mentioned in the introduction, attacks with biological weapons are difficult to distinguish from natural epidemics, the perpetrators are hard to identify and there is always a level of

²⁸ICRC, "Glossary: International armed conflict", ICRC main page, <https://casebook.icrc.org/a-to-z/glossary/international-armed-conflict> (accessed July 20, 2023).

²⁹Interpol, "Bioterrorism" Official Interpol website, July 2023, <https://www.interpol.int/en/Crimes/Terrorism/Bioterrorism>, (accessed July 20, 2023).

modern perspective that can interfere with the accuracy of historical insights.³⁰ With great advancements in the field of medicine and microbiology at the end of the 19th century came also the deeper analysis of such events. We will use this era to divide our brief historical analysis into four uneven time periods: bioterrorism before the 20th century, 1st and 2nd World War, Cold War and decolonization, and the post 11/9 terrorist attack era including the Covid-19 pandemic period.

2.2.1 PRE-20TH CENTURY

5. The first recorded use of pathogens, usually a part of poisonous concoctions, goes back to the prehistoric times in tribes from North America, South America, sub-Saharan Africa, and Southeast Asia. From animal parts to human blood, substances were mixed to poison arrows used first for hunting and then also as an efficient tool for combat.³¹ The use of poison was then rarely mentioned till the early 12th century, for many early civilizations supposedly developed an antipathy towards it in warfare. Biological weapons made a comeback in the late Middle Ages where mostly infected cadavers were used to infect water supplies (Barbarossa in 12th century Italy), or were even catapulted over the walls of a besieged town (the Mongols in 14th century Crimea).³² In times of the European plague, many examples of scapegoating were described, blaming certain social groups (such as foreigners and beggars) of intentionally spreading diseases. These have remained an important factor in the assessment of historical sources. During the subsequent centuries, smallpox represented the most effective, if purposefully used, biological weapon of the Occidental War and colonial history. Introduced in the American continent by the European colonizers, it was also explicitly used several times to infect Native Americans during the so-called 'Conquest of the West'. The use of pathogens was then also recorded to have been used in the American Civil War in 1861.³³ The truly modern era of biological weapons starts with the founding of microbiology at the end of the 19th century by Louis Pasteur, Robert Koch, and their followers, whose research enabled systematic isolation and production of pathogens such as Anthrax. Concerns at the international level were clearly expressed in Brussels in 1874 when the International

³⁰ A. Barras , G. Greub , “*History of biological warfare and bioterrorism*” (Clinical Microbiology, and Infection: 2014), 498.

³¹ W. Seth Carus, “*A Short History of Biological Warfare: From Pre-History to the 21st Century*” (Washington D.C.: National Defense University Press, 2017), 2-3.

³² A. Barras , G. Greub , “History of biological warfare and bioterrorism”, 500.

³³ Neil Metcalfe, “A Short History of Biological Warfare”, JSTOR, <https://www.jstor.org/stable/45352076><https://www.jstor.org/stable/45352076> (accessed on July 20, 2023).

Declaration Concerning the Laws and Customs of War was signed that included a prohibition against the use of poison or poisoned arms. In 1899, the first Hague Peace Conference banned the use of poisons, which was reaffirmed at the second conference in 1907.³⁴

2.2.2 THE FIRST AND SECOND WORLD WAR

6. Germany organized the first documented state program of bio-warfare at the start of World War I (probably in late 1914 or early 1915), whereas other European countries, such as France, coordinated secret programs on a smaller scale. After the terrifying experience of World War I, where both chemical and biological weapons were used extensively, a major political concern was expressed at the international level. Consequently, the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare was ratified in 1925, and prohibited the use of biological weapons, but not their research and production.³⁵ The USA and Japan abstained from signing or ratifying the document. During the period between the two world wars, it appears that France, Hungary, Italy, Japan, Poland, and the Soviet Union, all had biological weapons (BW) programs, for it was thought that retaliatory capability might serve as a deterrent.³⁶ The Japanese program was by far the largest and was eventually used in their conquest of China. Its leader, the radical nationalist Shiro Ishii, and his team tested at least 25 different disease-causing agents as well as poisoned more than 1,000 water wells in Chinese villages to study cholera and typhus outbreaks. Some of the outbreaks they caused persisted for years and continued to kill tens of thousands of people until 1947, long after the Japanese had lost the war and surrendered.³⁷ The Second World War brought an advancement in the efficiency of biological weapons, further research was made especially on the side of the Western allies. Great Britain, who started their programme quite late, in 1943, designed and tested Anthrax bombs on sheep of the Gruinard Island and came to a conclusion that the potency of it was bigger than imagined and could leave big cities uninhabitable. With the Geneva Convention signed, most of these weapons were never used on the ground. The USA, who did not ratify the Convention, focused mostly on anti-crop agents that were freely used to hinder German and Japanese

³⁴ Carus, "A Short History of Biological Warfare", 13.

³⁵ Friedrich Frischknecht, "The history of biological warfare", *Science&society*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1326439/pdf/4-embor849.pdf> (accessed on July 20, 2023).

³⁶ Metcalfe, "A Short History of Biological Warfare".

³⁷ Frischknecht, "The history of biological warfare", 50.

agriculture.³⁸ After the end of World War II, the U.S. government granted immunity against prosecution for war crimes to the Japanese pathogen researchers, in exchange for the knowledge gained through their experiments with biological weapons. This was a preparatory step for the rivalry of the Cold War period.

2.2.3 COLD WAR & DECOLONIZATION

7. The USA, strongly aware of the efficiency-to-price ratio of biological weapons, decided to invest more funds in their development after the end of the war. They experimented with non-lethal pathogens in San Francisco and New York to understand what the consequences of a biological attack would be. In the 1950's and 1960's they were publicly accused of using such weapons abroad, especially in the Korean War. This led the USA to refrain from further activity in this domain to protect their international reputation and their role in the UN.
8. The Soviet Union conducted by far the largest bioweapons program after War II, with approximately 60.000 professionals and other personnel employed in the endeavours. Although they signed the Geneva Convention of 1925, they were discretely developing poisonous weapons that were then used in assassinations (ex. Georgi Markov), and supposedly in countries such as Laos and Afghanistan, yet the use of the so-called 'yellow rain' abroad was never officially proven. What was one of the clear events that unmasked Soviet activity in the field of biological weapons was the accident in today's Ekaterinburg in 1979. An outbreak of anthrax that was caused by an explosion in the Sverdlovsk Military Compound caused 66 deaths in the radius of 4 km encircling the institution. The event caused a strong reaction in the Western media, especially after the Soviet leadership denied the true cause of death. Later in 1992, President Yeltsin, who had been a party leader in the city at the time of the accident, finally admitted that the cause was an unintentional release of Anthrax. What worried many leaders in the 1990s (at the time of the dissolution of the Soviet Union) and remains a question today is what happened to the program after the country fell apart, especially keeping in mind the ex-Soviet states bordering Russia today, who are known for their internal instability and had also laboratories on their ground.³⁹

³⁸ Metcalfe, "A Short History of Biological Warfare", 283.

³⁹ Carus, "A Short History of Biological Warfare", 25.

2.2.4 TERRORIST ATTACK OF 9/11 AND ITS CONSEQUENCES AND THE COVID-19 PANDEMIC

9. One of the most recent instances of bioterrorism is the case of the "anthrax letters" which occurred in the wake of the World Trade Center attack in New York on September 9, 2001. In contrast to the relatively low number of effective infections, the "anthrax letters" case had a significant psychological and political impact. Over the course of autumn, a number of letters were written to journalists or elected politicians. Five of the 22 anthrax-infected individuals died as a direct result of anthrax or its complications.⁴⁰ NATO's Heads of State and Governments approved five initiatives in 2002, one year after the terrorist attacks, to increase the capabilities of the Coalition to prevent the spread of nuclear, biological, and chemical (NBC) weapons: "a Prototype NBC Event Response; a Prototype Deployable NBC Analytical Laboratory", NBC Weapons Defense virtual Center of Excellence team; NATO Biological and a system for disease surveillance, as well as a chemical defense stockpile. Since then, initiatives and improvements in situational awareness have been made at both the national and institutional levels.⁴¹ Most non-state attacks following these events were done by cults and lone actors, with quite low reoccurrence and intensity.
10. The COVID-19 pandemic was a turning point in several other fields, including bioweapons. Numerous academic publications have examined the connection between COVID-19 and terrorism since 2020. Jill Dando Institute of Security and Crime Science experts at University College London discovered evidence as early as May 2020 that extremist groups were urging the virus to be intentionally propagated and to affect religious or ethnic groups who were particularly deemed unfavorable. SARS-CoV-2 was allegedly developed as a biological weapon, as perceived by many conspiracy theories. Parts of the American neo-Nazi milieu, who aimed for a violent collapse of the current system and the establishment of a White ethno-state afterwards, spoke specifically about the deliberate spread of SARS-CoV-2. The strategy was initially debated in Islamist circles as well because the Western governments were the hardest hit at the start of the pandemic. An alleged Islamist who intended to deliberately spread SARS-CoV-2 among local security forces was detained in Tunisia in April 2020. Additionally, a lot of analysts concur that COVID-19 has inspired several groups of diverse orientations who have thought about developing or acquiring biological weapons. Since 2009, the purchase or attempted purchase of dual-use equipment that might be used to produce

⁴⁰A. Barras, G. Greub, "History of biological warfare and bioterrorism", 505.

⁴¹ Ion A. Iftimie, "6 The implications of COVID-19 for NATO's counter-bioterrorism" (NATO Defense College, 2020), 51.

biological weapons has increasingly moved online. Along with the typical internet stores, the so-called darknet is once again playing a significant role in this situation.⁴²

2.3 INTERNATIONAL LEGAL REGIME AFFECTING BIOTERRORISM PREVENTION

11. We shall now focus on the existing international legal Infrastructure to understand what has already been done to regulate the use of pathogens as weapons and present loopholes that could be addressed in your negotiations.

2.3.1 The Geneva Protocol

12. The Protocol was added to the Hague Convention in 1925 as the first accord of the modern period to address biological weapons clearly and seriously. Many governments considered it crucial to further restrict how future conflicts would be fought in the wake of the First World War's terrible trench warfare that relied on attrition. Compared to the Hague Conventions, the Geneva Protocol is more precise on the prohibited forms of warfare. The Geneva Protocol states in detail that the parties "*agree to extend [the prohibition on the use of chemical weapons] to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.*" The effectiveness of the Geneva Protocol in preventing contemporary international bioterrorism is severely constrained by three crucial factors. Firstly, the Geneva Protocol, like the Hague Conventions before it, only pertained to use and not to production, development, or acquisition of biological weapons. Secondly, it only applies to governments using force in hostilities; non-state actors or usage in circumstances other than "warfare," including times of peace or internal strife, are not covered. In addition to this, a lot of countries have declared that they reserve the right to deploy biological weapons against non-parties and to retaliate in kind in the event of an assault. Thirdly, the Geneva Protocol only covers "bacteriological methods" which on the surface excludes biological microorganisms that are not bacteria, such as viruses. As seen in the historical analysis, these three loopholes allowed the proliferation of biological weapons in the times of the arms race throughout the World War II and in the era of the Cold War.

⁴² Dominik Juling, "Future Bioterror and Biowarfare Threats for NATO's Armed Forces until 2030" (Journal of Advanced Military Studies 14, 2023), 126.

2.3.2 Biological Weapons Convention (BWC), 1972

13. The Soviet Union dismissed the attempt even after the British withdrew language, requiring binding verification mechanisms from a treaty barring biological weapons that the British and Americans were able to agree on in 1969. Strangely, the Soviets abruptly retracted their opposition to the proposal in August 1970. Concerns about a worsening biological weapons arms race, lopsided bioweapons development by the Soviet Union, and outspoken public admissions of bioweapons programs by some countries were major motivators, especially among western powers that were voluntarily disarming.⁴³ After that, it became available for signature on 10 April 1972, and it entered into force on 26 March 1975. With 185 States Parties and four Signatories, it has practically gained universal membership since its founding.⁴⁴
14. Due to the dual-use nature of many biological agents, the BWC does not outright forbid the employment of biological weapons; rather, it only bans certain "types" and "quantities" of toxins and biological agents that have "no justification for prophylactic, protective, or other peaceful purposes". Despite the fact that this strategy aims to address the problem of dual use by allowing for the production and possession of agents that also have non-weapon purposes, and even though it may be an attempt to "future-proof" the treaty in light of anticipated scientific developments, the end result is a legal framework that lacks specificity and allows for the production and possession of biological agents as long as there is also some justification for a prophylactic, protective, or peaceful purpose.⁴⁵ The United States and the UK, whose military loathed to accept any clear distinctions between "peaceful" and illegal bioweapons activities, deliberately sought this potentially deadly ambiguity in the definition of what was prohibited. Defined as having "no justification for prophylactic, protective, or other peaceful purposes," biological agents are not defined in the BWC, nor are there any defining guidelines provided. Further, the prohibition in Article III, prohibiting states parties from transferring prohibited agents, toxins, weapons, or equipment, are explicitly made dependent on what may be included within the scope of the ambiguous phrase "peaceful purposes" found in Article II, which requires states parties to destroy or convert to peaceful purposes all prohibited agents, toxins, weapons, or equipment in their possession. In spite of

⁴³ Juling, "Future Bioterror and Biowarfare Threats for NATO's Armed Forces until 2030, 135.

⁴⁴ UN, "Biological Weapons Convention", official website of UN ODA, July 2023, <https://disarmament.unoda.org/biological-weapons/> (accessed July 25th 2023).

⁴⁵ Eric Merriam, "The International Legal Regime Affecting Bioterrorism Prevention" (Stockholm: National Security Law Journal, 2014), 3.

this flaw, the Convention at least attempts to address the issue of non-state actors. While the BWC does not specifically prohibit non-state actors from developing and retaining biological weapons, it does require states to take all necessary precautions to stop such activity from occurring within their borders.⁴⁶

2.3.3 UN Security Council Resolution 1540 (2004)

15. The United Nations Security Council Resolution 1540 (hereinafter "UNSCR 1540"), passed in 2004, is now the legally binding international document most directly, and possibly most effectively addressing the prevention of bioterrorism. However, it is not restricted to biological weapons only. Following the attacks of September 11, there was a unanimous adoption of UNSCR 1540 in order to prevent terrorists or rogue governments from obtaining weapons of mass destruction (WMD). The United States promoted the idea of criminalizing WMD internationally while simultaneously working through the non-treaty *Proliferation Security Initiative*. Despite being more appropriately classified as a non-proliferation measure, UNSCR 1540 is important as a counterterrorism tool. The following non-state actor-related developments of UNSCR 1540 in the context of bioterrorism go beyond the BWC in these four characteristics:

- 1) a focus on non-state actors;
- 2) the impact of a UN Security Council Resolution, including application to states not parties to the BWC;
- 3) a greater specificity regarding measures states must take to help prevent bioterrorism;
- 4) a first step towards a quasi-compliance body with some very limited verification and enforcement roles.

16. UNSCR 1540's operational paragraph 4 establishes a Security Council committee (the "1540 Committee") that receives and evaluates state reports on the actions they have taken to carry out UNSCR 1540.⁴⁷ The 1540 Committee's mandate has been extended multiple times by the Security Council, most recently for 10 years until 25 April 2021. This committee has served as

⁴⁶ Ibid., 5.

⁴⁷ Merriam, "The International Legal Regime Affecting Bioterrorism Prevention", 19.

a clearinghouse for information sharing between governments and as the main "verification" method for figuring out whether states are in conformity with UNSCR 1540 up to this point.

2.3.4 NATO's policy and campaigns against bioterrorism

17. Biodefence is firmly anchored in NATO's founding act Article 3, which states that "in order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack". NATO has a role to play in developing biodefence and deterrence policies, even though member nations are ultimately responsible for preventing bioterrorism and preparing for biological assaults. At the Prague Summit in 2002, NATO Heads of State and Government supported the implementation of five initiatives to strengthen the Alliance's defense capabilities against WMD. They also reaffirmed the Alliance's "commitment to augment and improve expeditiously NBC (nuclear, biological, and chemical defense capabilities)." This included a stockpile of biological and chemical weapons for NATO defense as well as a transportable NBC analysis lab and a virtual center of excellence for NBC weapons defense.⁴⁸ The Political Affairs and Security Policy Division of NATO Headquarters continues to be in charge of the overall coordination and implementation of the CBRN-Defense strategy that was adopted in 2009. NATO is also undertaking aggressive political and diplomatic improvements to biodefense. The BWC is a treaty that all NATO Allies have ratified, and via its activities and policies NATO supports measures for effective and verifiable weapons control, disarmament, and non-proliferation. NATO also collaborates with the European Union (EU), the United Nations (UN), regional organizations, and multilateral initiatives to stop the spread of biological weapons and other WMD.⁴⁹ NATO's network of scientists and technologists supports its ability to counter biological threats. In the case of a biological attack, NATO's pool of specialist professionals and resources can be utilized to assist in developing scientific answers to issues like detection, situational awareness, and decontamination. NATO's Science & Technology Organization (STO) would be essential in this situation. The STO is the world's largest collaborative research forum in the field of defense

⁴⁸ Iftimie, "6 *The implications of COVID-19 for NATO's counter-bioterrorism*", *COVID-19: NATO in the Age of Pandemics*, 53.

⁴⁹ Sven Clement, "*Biological threats: Technological Progress and the spectre of bioterrorism in the post-Covid-19 Era*", (Luxembourg: NATO Parliamentary Assembly (Science and Technology Committee), 2021), 11.

and security, with a network of more than 6,000 scientists, engineers, analysts, and allied research centers.⁵⁰

⁵⁰ Ibid., 12.

2.3.5 NATO's response mechanism (on the example of the Covid-19 pandemic)

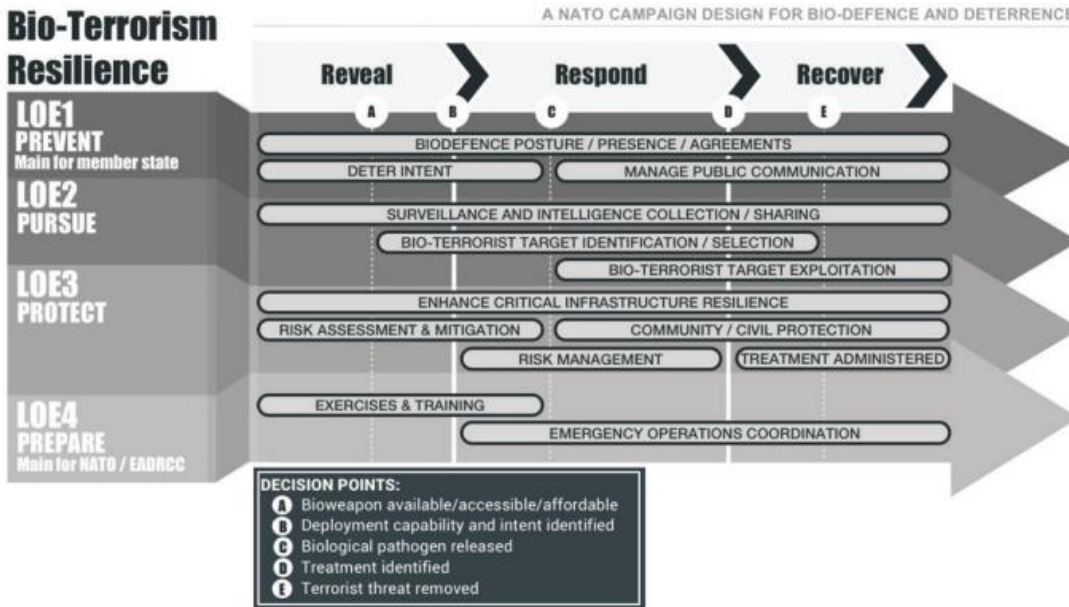
18. NATO reacted swiftly when the Covid-19 virus caused first health emergencies in Europe, using the following already established mechanisms. Thus, this event was made an example that can show us the capacity of NATO to react to bioterrorist attacks. Let us see which bodies were activated in times of pandemic.
19. The Euro-Atlantic Disaster Response Coordination Centre (EADRCC) is "NATO's principal civil emergency response mechanism in the Euro Atlantic area", and was established in 1998 to coordinate NATO's reaction to terrorist attacks and NBC catastrophes. Through the EADRCC, both, NATO partner countries (such as Bosnia and Herzegovina, Colombia, Georgia, Moldova, and Ukraine) and member states of NATO (such as Albania, Italy, Montenegro, North Macedonia, Slovenia, and Spain), requested international assistance during the COVID-19 pandemic. By adopting the NATO call sign for military flights, the EADRCC managed "the delivery of equipment and supplies to Allies by implementing simplified Rapid Air Mobility procedures, in coordination with EUROCONTROL."⁵¹ The EADRCC carried out its duties around-the-clock, and it will continue to be the primary NATO body to assist NATO Allies and partner countries during potential bioterrorist attacks in the future. In addition to this activity, the Supreme Headquarters Allied Powers Europe (SHAPE) established the COVID-19 Task Force in April 2020 with the mandate to "coordinate current and 'near term' fixes, and better prepare and posture our militaries for future pandemics" and biological threats.⁵²
20. As part of a process of forward-looking reflection, NATO Secretary General Jens Stoltenberg convened a panel of experts on March 31, 2020, and requested them to make suggestions "about strengthening NATO and improving its capacity to deal with current and future challenges." This group of experts will, among other things, review the agreements made at the 2012 Chicago Summit, where the Allies agreed that NATO "will undertake initiatives to enhance the prevention of and resilience to acts of terrorism with a focus on improved awareness of the threat, adequate capabilities to address it, and engagement with partner countries and other international actors", in light of the COVID-19 crisis and growing

⁵¹ Reuben Ananthan Santhana Dass, "Bioterrorism: Lessons from the COVID-19 Pandemic", *Counter Terrorist Trends and Analyses* JSTOR, <https://www.jstor.org/stable/27016617>, (accessed on July 20, 2023).

⁵² Iftimie, "6 *The implications of COVID-19 for NATO's counter-bioterrorism*", 52.

bioterrorism threats. You may view the campaign's layout, which incorporates their key recommendations, below.⁵³

Figure 1: A NATO campaign design for bioterrorism deterrence and defence (author's representation)



54

21. While NATO's actions during the COVID-19 crisis demonstrate that Allies and partner countries are likely better off with NATO's assistance to prevent and defend against bioterrorist attacks than they would be without it, more work needs to be done to guarantee that the Alliance is fully equipped to handle biological attacks across the entire spectrum of operations. At least four lines of effort are identified, and it is crucial to strengthen NATO's complementary situational awareness, capabilities, and engagements in all of them: first, to stop the development of terrorist entities' capabilities and intent; second, to look for signs and warnings of bioterrorism activities; third, to safeguard NATO members' civilian populations and vital infrastructure; and fourth, to prepare for future bioterrorism attacks.⁵⁵

⁵³ Ibid., 54.

⁵⁴ Ion A. Iftimie, *A NATO campaign design for bioterrorism deterrence and defence*, https://www.jstor.org/stable/pdf/resrep25148.12.pdf?refreqid=excelsior%3Aff8fa7247221c03dd3de3cf80d71e76c&ab_segments=&origin=&initiator=&acceptTC=1 (accessed on July 28, 2023).

⁵⁵ Clement, "Biological Threats", 18.

2.4 CONCLUSION

22. The security dimension of pathogens has fundamentally changed in the twenty-first century and will change even more in the future. With new technological advancements in the field of biotechnology, pathogens are easily attainable and stabilized for use. Although its effect on target populations is not that severe, it is the consequences, usually accompanied by terror and a lack of organization, that is still seen as a great threat for countries as well as organizations such as NATO. NATO is faced with a demanding challenge to deter the use of biological agents and combat fake news (through strategic communication), as it was clear in the COVID-19 experience of the last years. The public health preparedness and response organization level, although mainly in the hands of member states, can profit greatly with higher levels of participation inside the organizations. With missing information about the actual bioweapon capacities of some state and non-state actors it is even harder to address this threat in its entirety.

2.5 FURTHER READING

- Web page with recent events connected to bioterrorism:
- The Economic Times (Bioterrorism)
<https://economictimes.indiatimes.com/topic/bioterrorism>
- Academic article: Dominik Juling; 'Future Bioterror and Biowarfare Threats for NATO's Armed Forces until 2030'
https://www.usmcu.edu/Portals/218/JAMS%2014_1_Spring2023_Juling.pdf
- Book: Vladan Radosavljevic, Ines Banjari, Goran Belojevic, 'Defence Against Bioterrorism: Methods for Prevention and Control'
- Book: Filippa Lentzos, 'Biological Threats in the 21st Century; The Politics, People, Science and Historical Roots'
- <https://www.worldscientific.com/worldscibooks/10.1142/p1081#t=aboutBook>
- Article: Rachel Long, 'Bioterrorism in the 21st Century'
https://wp.nyu.edu/schoolofprofessionalstudies-ga_review/bioterrorism-in-the-21st-century/

2.6 ISSUES TO CONSIDER

1. NATO is calling for higher investments into biodefence by the member states: what are the capacities and interests of states in relation to it?
2. How can we assess the level of threat coming from many hidden laboratories (also ex-Soviet) in possession by extremist groups?
3. Should NATO collaborate more with other IOs to address the threat of bioterrorism?
4. What kind of threat does the bioweapon program of PRC present to NATO?

2.7 BIBLIOGRAPHY

1. Nicholas J. Beeching, David A. B. Dance, Alastair R. O. Miller and Robert C. Spencer. "Biological Warfare And Bioterrorism". <https://www.jstor.org/stable/25227413> (accessed on July 20, 2023).
2. Gregory Koblentz. "Pathogens as Weapons: The International Security Implications of Biological Warfare". <https://www.jstor.org/stable/4137478>. (accessed on July 20, 2023).
3. Devi Kalyan Mishra. "Bioterrorism from a Public Health Perspective". *Counter Terrorist Trends and Analyses*. <https://www.jstor.org/stable/26369588> (accessed on July 20, 2023).
4. Eric Merriam. "The International Legal Regime Affecting Bioterrorism Prevention". *National Security Law Journal* 3. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2478444. (accessed on July 20, 2023).
5. Ion A. Iftimie. "6 The implications of COVID-19 for NATO's counter-bioterrorism" *COVID-19: NATO in the Age of Pandemics*. <https://www.jstor.org/stable/resrep25148.12>. (accessed on July 20, 2023).
6. Sven Clement. "BIOLOGICAL THREATS: TECHNOLOGICAL PROGRESS AND THE SPECTRE OF BIOTERRORISM IN THE POST-COVID-19 ERA 2021", *NATO Parliamentary Assembly (Science and Technology Committee)*. <https://www.nato-pa.int/document/2021-biological-threats-technological-progress-and-spectre-bioterrorism-post-covid-19-era>. (accessed on July 20, 2023)-
7. Reuben Ananthan Santhana Dass. "Bioterrorism: Lessons from the COVID-19 Pandemic". *Counter Terrorist Trends and Analyses* 13, no. 2. <https://www.jstor.org/stable/27016617> (accessed on July 20, 2023).
8. Gary Ackerman and Hayley Peterson. "Terrorism and COVID-19: Actual and Potential Impact". *Perspectives on Terrorism* 14, no. 3 <https://www.jstor.org/stable/26918300>. (accessed on July 20, 2023).
9. Mahdi Balali-Mood, Mohammad Moshiri, Leila Etemad. "Bio Warfare and Terrorism: Toxins and Other Mid-Spectrum Agents". *Encyclopedia of Toxicology (Third Edition)*. US National Library of Medicine: Elsevier press, 2014.
10. ICRC. "Glossary: International armed conflict". *ICRC main page*, <https://casebook.icrc.org/a-to-z/glossary/international-armed-conflict>. (accessed July 20, 2023).

11. Interpol. “Bioterrorism”. *Official Interpol website*. <https://www.interpol.int/en/Crimes/Terrorism/Bioterrorism>. (accessed July 20, 2023).
12. A. Barras , G. Greub. “History of biological warfare and bioterrorism”. *Clinical Microbiology, and Infection*. <https://www.sciencedirect.com/science/article/pii/S1198743X14641744>. (accessed on July 20, 2023).
13. W. Seth Carus. “A Short History of Biological Warfare: From Pre-History to the 21st Century”. *Center for the Study of Weapons of Mass Destruction, Occasional Paper*.https://ndupress.ndu.edu/Portals/68/Documents/occasional/cswmd/CSWMD_OccasionalPaper-12.pdf (accessed on July 20, 2023).
14. Neil Metcalfe. “A Short History of Biological Warfare”. *Medicine, Conflict and Survival*. https://www.jstor.org/stable/45352076?searchText=&searchUri=&ab_segments=&searchKey=&refreqid=fastly-default%3Ae3a686f6882a2a54ca492cd83accd9c4&seq=3. (accessed on July 20, 2023).
15. Friedrich Frischknecht. “The history of biological warfare”. *EMBO reports* 4, https://www.researchgate.net/publication/264454198_The_History_of_Biological_Warfare. (accessed on July 20, 2023).
16. Dominik Juling. “Future Bioterror and Biowarfare Threats for NATO’s Armed Forces until 2030”. *Journal of Advanced Military Studies*. https://www.usmcu.edu/Portals/218/JAMS%2014_1_Spring2023_Juling.pdf. (accessed on July 20, 2023).
17. UN. “Biological Weapons Convention”. Official Website of UN ODA. <https://disarmament.unoda.org/biological-weapons/>. (accessed July 25, 2023).
18. Ion A. Iftimie. “6 The implications of COVID-19 for NATO’s counter-bioterrorism’, *COVID-19: NATO in the Age of Pandemics*.<https://www.jstor.org/stable/resrep25148.12>. (accessed on July 25, 2023).
19. Ion A. Iftimie. “A NATO campaign design for bioterrorism deterrence and defence”. *JSTOR*. https://www.jstor.org/stable/pdf/resrep25148.12.pdf?refreqid=excelsior%3Aff8fa7247221c03dd3de3cf80d71e76c&ab_segments=&origin=&initiator=&acceptTC=1 (accessed on July 28, 2023).