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FACULTY OF LAW, UNIVERSITY OF LJUBLJANA

STUDY GUIDE

NATO (HIGH SCHOOL)

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1 TOPIC ONE: NATO EXPANSION IN THE EAST

1.1 GENERAL INTRODUCTION

1. The issue under consideration relates to the complex and significant topic of NATO expansion in the eastern part of Europe, resulting in a significant alteration of the geopolitical landscape on the continent. In view of the termination of the Cold War, it has been the aim of NATO to actively pursue a strategic course of action with the objective of incorporating further member states originating from the Eastern European region. The expansion referred to above has not solely resulted in the enlargement of the alliance's territorial limits, but has also given rise to substantial inquiries concerning matters of security, stability, and the balance of power within the Euro-Atlantic sphere.
2. The establishment of NATO in 1949, in its capacity as a defensive coalition against the Soviet Union, represents a pivotal and indispensable element within its historical trajectory. In light of the dissolution of the Soviet bloc and the Warsaw Pact, NATO experienced a period of self-reflection. In consideration of the paramount importance of maintaining peace, stability, and collaboration in Europe, NATO hereby acknowledges the strategic relevance linked to the inclusion of Eastern European countries.
3. The process of enlargement was duly initiated during the latter part of the 1990s, whereby the esteemed nations of Poland, Hungary, and the Czech Republic were appropriately acknowledged as the foremost additions to the esteemed NATO membership roster. In accordance with subsequent measures, formal invitations were properly extended to further nations, namely Bulgaria, Romania, Slovakia, Slovenia, Albania, Croatia, and Montenegro, with the explicit objective of reinforcing stability, upholding democratic principles, and augmenting defense capabilities within the region.¹

¹ NATO. "A Short History of NATO." NATO Website.
https://www.nato.int/cps/en/natohq/declassified_139339.htm. (accessed August 23, 2023).

4. Notwithstanding, it is of utmost importance to duly acknowledge that the prospective enlargement of the NATO in the eastern region has given rise to significant discourse and deliberation. The existing condition pertaining to the association between the NATO and the Russian Federation has materialized as a noteworthy origin of dissension and disharmony. From the standpoint of the Russian Federation, the perceived encroachment upon its established sphere of influence arises from the expansion of the NATO towards the eastern direction. This development has raised concerns pertaining to issues of national security and strategic interests.
5. The relationship between the NATO and the Russian Federation has become increasingly intricate as a result of heightened tensions and conflicts, notably including the ongoing situation in Ukraine.
6. The expansion of NATO in the eastern region is indeed marked by complex geopolitical considerations and divergent perspectives. In the ongoing discourse, it is essential to adeptly navigate the complexities pertaining to security, cooperation, and the interests of all relevant parties in order to achieve a harmonious and comprehensive approach.
7. The subject under consideration pertains to the enlargement of NATO in Eastern Europe, thereby giving rise to substantial inquiries regarding the balance of power and the dynamics of security within the continent. Scholars and experts participate in a lively discussion concerning the advantages of enlargement, duly highlighting its ability to enhance stability and provide a protective barrier for newly accepted member states. In light of the aforementioned circumstances, concerns have arisen regarding potential retaliatory actions by the Russian Federation and the subsequent destabilization of the region. Henceforth, it is of utmost importance to engage in a thorough scrutiny of the geopolitical implications, defense capacities, and impacts on neighbouring nations.
8. The matter regarding the potential expansion of NATO towards the eastern regions remains a subject of ongoing contemplation and examination. The countries mentioned, specifically Ukraine and Georgia, possess aspirations to achieve membership within the esteemed NATO. However, it is imperative to duly acknowledge the presence of sundry

challenges and obstacles that persistently hinder their advancement towards this coveted objective. The assessments concerning prospective candidates and the consideration of concerns voiced by member states of NATO and neighbouring nations shall have an impact on the discussion regarding the eastern enlargement of NATO.²

9. In conclusion, the aforementioned determination to augment NATO in the eastern vicinity represents a significant advancement with the objective of upholding the security of Europe. The matter in question has significant implications pertaining to the stability of the region, the dynamics of international relations, and the balance of global power. In order to achieve a comprehensive understanding of the complexities embedded within this particular subject matter, it is imperative that one possesses a profound comprehension of its historical foundations, the intricate interplay of geopolitical elements, and the diverse range of perspectives held by the various stakeholders involved.

1.2 HISTORICAL BACKGROUND

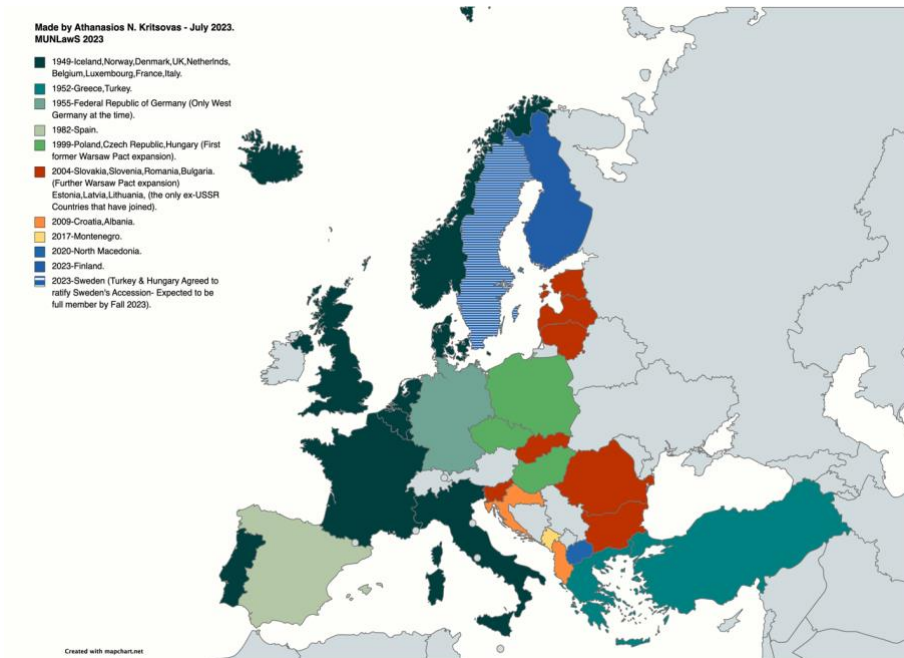
10. The post-Cold War events have indeed played a significant role in shaping the expansion of NATO in Eastern Europe. The political landscape of Europe underwent a transformation subsequent to the dissolution of the Soviet Union and the Warsaw Pact. NATO presently encounters a multitude of alternatives and obstacles.³
11. According to the historical context, it can be observed that the landscape of global politics underwent a significant transformation subsequent to the conclusion of the Cold War. The probability of a NATO-Soviet conflict occurring has diminished. NATO duly scrutinized its identity and purpose subsequent to the aforementioned incident. Following the conclusion of the Cold War, the NAT) diligently endeavoured to meticulously redefine its overarching global role. NATO is actively engaged in efforts to incorporate additional Eastern European

² NATO, “*Enlargement and Article 10*” NATO Website https://www.nato.int/cps/en/natohq/topics_49212.htm (accessed August 23, 2023).

³ Ellison James, Taylor and Francis Online, <https://www.tandfonline.com/doi/full/10.1080/14682745.2023.2162329> (accessed on August 23, 2023).

nations into its membership framework, with the overarching objective of upholding and fostering peace, stability, and cooperation within the European region.

12. The initiation of NATO expansion commenced in the latter part of the 1990s. During this period, the Republic of Poland, Hungary, and the Czech Republic became members of the alliance, thereby significantly enhancing its expansion. Eastern European countries, hereinafter referred to as the Parties in question, fully acceded to the organization subsequent to the aforementioned event. The expansion is regarded as indicative of NATO's unwavering dedication to upholding security, democracy, and defense within the region. As previously stated, the perspective sought to inhibit the reemergence of adversaries and cultivate stability and cooperation within Europe.
13. In light of the aforementioned events, NATO has appropriately extended a formal invitation to a select group of Eastern European nations. Based on the available inventory, it has been determined that Bulgaria, Romania, Slovakia, Slovenia, Albania, Croatia, and Montenegro have been completely included. The aforementioned invitations were dispatched with the aim of enhancing stability, democracy, and defense within the nations concerned. Each and every candidate has successfully completed a comprehensive and meticulous evaluation process, thereby showcasing their resolute dedication to upholding the principles and fulfilling the obligations of NATO.
14. Nevertheless, it is imperative to acknowledge that the eastern expansion of the NATO has engendered a multitude of conflicts and divergent perspectives. The purported encroachment by the Russian Federation upon the duly designated sphere of influence has elicited apprehensions and disquietudes. The Russian Federation emphasizes the significance of recognizing and resolving the matter at hand, specifically the expansion of NATO in close proximity to its borders. These advancements give rise to legitimate concerns regarding the security and vital interests of our nation. The aforementioned factors have indeed contributed to the intricate nature of the relations between the NATO and the Russian Federation. In a manner akin to the situation in Ukraine, the connection between the parties involved is characterized by a state of tension and conflict.



15. The NATO enlargement in Eastern Europe has engendered multifaceted political ramifications and elicited a diverse array of perspectives. Therefore, a comprehensive examination is imperative. Academics, experts, and decision-makers engage in a comprehensive discourse regarding the advantages and disadvantages associated with the process of expansion. Security, collaboration, and stakeholder concerns are being seriously taken into account. In order to adeptly manoeuvre through obstacles and guarantee the maintenance of Euro-Atlantic stability, it is imperative to efficiently tackle intricate matters and formulate a thorough and harmonized approach.

16. Based on the information at hand, it can be stated that the process of NATO's expansion in Eastern Europe commenced subsequent to the conclusion of the Cold War. During that period, NATO endeavoured to enhance its alliance by incorporating nations in order to augment its strategic capabilities. The act of enlargement was undertaken with the primary objective of bolstering stability, fostering democratic principles, and fortifying defense capabilities. Nevertheless, it is imperative to acknowledge that the expansion has engendered a confluence of conflicts and challenges, particularly within the intricate interplay between NATO and the Russian Federation. In order to comprehensively grasp

NATO's expansion in Eastern Europe, it is imperative to possess a profound comprehension of historical events and intricate interrelationships.

1.3 FUTURE EXPANSION

17. Given the current situation of NATO's expansion in Eastern Europe, it is important to discuss the possibility of additional growth of the alliance. The interest shown by certain countries in joining NATO has sparked discussions and intellectual conversations among current member states, aspiring candidates, and international observers. This chapter offers a comprehensive examination of the subject of NATO enlargement, with a specific focus on the possible advantages, difficulties, and outcomes that come with the inclusion of more nations in the alliance.⁴
18. Promoting the Broadening of Horizons in a Compelling Fashion Introduction: This discussion aims to put forth a persuasive case for the necessity of pursuing additional growth. It is clear that a thorough analysis of the available information and careful evaluation of the possible advantages shows.
19. Advocates for a larger NATO argue that expanding the organization to include additional countries has the potential to significantly enhance peace, security, and stability in Europe. NATO's capacity to strengthen collective defense acts as a deterrent against aggression and fosters a feeling of safety among potential member countries. Furthermore, the expansion of NATO has the potential to strengthen democratic values, foster cooperation, and deepen the integration of European nations in the region. By expanding the reach of NATO membership, the alliance can foster a powerful incentive for countries to undertake substantial political and military transformations in order to align with the established criteria of the alliance.

⁴ Lazarević Dušica, "NATO Enlargement to Ukraine and Georgia: Old Wine in New Bottles?", <https://www.jstor.org/stable/26326193>, (accessed on August 23, 2023).

20. When considering potential candidate nations, it is crucial to analyze different aspects that determine their suitability for joining a specific organization or alliance. Political stability is an important aspect to take into account.⁵
21. Many countries have shown interest in becoming part of NATO, leading to thorough discussions and assessments to determine their suitability for joining the organization. Ukraine and Georgia are currently being evaluated for potential inclusion in the ongoing talks on expansion, which positions them as noteworthy participants in this issue. Both nations have demonstrated steadfast commitment to supporting democratic principles and have actively worked towards strengthening their alliances with NATO. The involvement of these countries poses complex obstacles and factors to consider, particularly given the geopolitical situation and ongoing conflicts in the area.
22. When analyzing the topic under discussion, it is crucial to acknowledge the different obstacles and elements that come up. The challenges and considerations mentioned earlier have a significant impact on the development of the comprehensive analysis.
23. The growth of NATO poses various obstacles and factors that necessitate thorough examination. One important factor to think about is how it could affect the alliance's cohesion and methods of making decisions. The effects of NATO's expansion lie in its ability to uncover the varying interests and priorities among member states, thereby introducing added intricacy in achieving consensus on strategic objectives. Moreover, engaging in the expansion into areas presently embroiled in conflicts or territorial disagreements has the potential to further complicate the security dynamics. Consequently, this could potentially escalate conflicts with non-member states. Given Russia's concerns about NATO expansion being seen as an encroachment on its sphere of influence, it is crucial to take into account the possible reactions and responses that may arise from Russia.
24. The idea of attaining a balanced state between growth and stability pertains to the importance of carefully managing the expansion and consolidation of a specific entity or

⁵ Brooke-Holland, Louisa, "How do Countries Join NATO?" UK Parliament Website. <https://commonslibrary.parliament.uk/research-briefings/cbp-9813/> (accessed August 23, 2023).

organization. This involves ensuring that the growth does not disrupt the existing structure and coherence.

25. NATO's strategic considerations involve carefully balancing the expansion of its membership with maintaining the stability and unity of its current member states.⁶ The growth of an alliance's membership can bring fresh viewpoints, bolstered capabilities, and improved security contributions. However, it is important to maintain a thorough integration process to ensure that new members possess the required skills and abilities to carry out their responsibilities efficiently. The consolidation and internal cohesion of NATO member states are crucial for ensuring the alliance's effectiveness in dealing with changing security challenges. By embracing this strategy, NATO can strengthen its capacity to successfully address these challenges.
26. The evaluation of possible future growth within NATO is a complex issue that involves many intricate and diverse elements. It is clear that there are potential benefits that can be observed from the inclusion of new member states. Nevertheless, it is crucial to thoroughly assess the challenges and repercussions associated with any prospective growth. To guarantee the ongoing significance and efficiency of NATO in advancing peace, stability, and security in Europe, it is vital to tactfully handle the sensitive balance between growth and consolidation. This involves considering the preferences of existing member states and possible candidates for membership, while also managing the intricate geopolitical situation in the area. By achieving a harmonious balance among these factors, NATO can successfully adjust to the changing security environment and continue to play a significant role in European security matters.

⁶ NATO, "NATO's Purpose." NATO Website. https://www.nato.int/cps/en/natohq/topics_68144.htm (accessed August 23, 2023).

1.4 THE TRANSITION OF CEECs AND NATO's OPEN DOOR POLICY

27. The focus of the discussion is on the complex and important idea of NATO's Open Door Policy, as well as the course of action by which Central and Eastern European Countries (CEECs) are progressing from communist/socialist regimes towards embracing democratic principles and European values. This course of action is widely recognized as the "Return to Europe."
28. NATO's Open Door Policy has emerged as a pivotal strategy for integrating nations that demonstrate a steadfast dedication to the fundamental principles of the Alliance in the post-Cold War era. Contrary to prevailing perceptions, this policy has been distinguished by a judicious approach that takes into account the preparedness, shared democratic principles, and military capabilities of each candidate. The objectives have revolved around bolstering stability, fostering cooperation, and facilitating a cohesive and safeguarded Euro-Atlantic realm.
29. The genesis of NATO's Open Door Policy can be ascribed to the alliance's initial objective of forging a collective defense against potential threats. A novel paradigm emerged wherein the CEECs endeavoured to align themselves with Western democratic ideals and values, as the Cold War drew to a close and the Eastern Bloc disintegrated. This transformation necessitates comprehensive internal restructuring, coupled with external adjustment to the European milieu. The "Return to Europe" initiative epitomized a momentous cultural and societal transformation, alongside a fervent political aspiration.
30. The commencement of the enlargement process took place during the mid-1990s, taking into account the distinctive geopolitical circumstances of every prospective member state. Poland, Hungary, and the Czech Republic have demonstrated their steadfast commitment to the fundamental principles of NATO and have made significant contributions towards enhancing regional security since joining in 1999. Bulgaria, Romania, Slovakia, and Slovenia, as well as the ex-USSR countries of Estonia, Latvia, and Lithuania, properly joined NATO esteemed organization in 2004, having demonstrated commendable advancements

in their democratic institutions and corresponding economies. Albania, Croatia, Montenegro, and North Macedonia were admitted analogously. These nations were all distinguished by their transition from communism, taken over. The aforementioned procedure underscores the unwavering commitment of the Alliance to the preservation of stability, the promotion of democracy, and the reinforcement of defense capabilities within the region.

31. The multifaceted nature of national aspirations, intricate geopolitical concerns, and historical backgrounds has indeed presented a complex dynamic in the relationship between NATO, the Central and Eastern European Countries (CEECs), and other relevant stakeholders. Acknowledging the objectives of the newly admitted member states whilst carefully considering the interests and apprehensions of existing members and neighbouring nations necessitates a comprehensive comprehension of the intricate dynamics at play within the ongoing dialogue.
32. Finally, the transition of CEECs and NATO's Open Door Policy signifies a momentous advancement in the ongoing endeavour to safeguard European security and uphold democratic principles. This matter carries considerable ramifications for the dynamics of international relations, regional stability, and the equilibrium of power on a global scale. In light of the historical context, it is imperative to grasp the arduous expansion process, duly recognize the profound transformation of CEECs, and duly acknowledge the diverse perspectives and interests of all pertinent stakeholders. Such comprehensive understanding is crucial for effectively addressing this intricate matter.

1.5 CONCLUSION

33. NATO places substantial importance on the proficient administration of growth, as well as the preservation of stability and cohesion, in essence. The imperative of upholding a delicate equilibrium between expansion and unwavering commitment is of utmost significance in ensuring the ongoing effectiveness of the alliance in addressing constantly evolving security concerns. By skillfully navigating the complexities inherent in its

operational structure and duly considering the concerns of existing member states and potential applicants, alongside the prevailing regional conditions, NATO possesses the ability to maintain its significant impact in promoting the principles of peace, stability, and security within the European continent.

1.6 ISSUES TO CONSIDER

1. **Geopolitical Relations with Russia:** How does NATO's eastward expansion affect relations with Russia, especially considering the perceived encroachment on Russia's sphere of influence? What are the diplomatic strategies to mitigate tensions?
2. **Security Dynamics in Eastern Europe:** How does the inclusion of Eastern European countries impact the overall security and stability of the region? What measures are needed to ensure a balance of power?
3. **Democratic Principles and Governance:** How can NATO ensure that new member states align with democratic principles and governance standards? What are the evaluation criteria?
4. **Challenges in Expanding to Conflict Areas:** What are the complexities and risks associated with expanding into areas currently embroiled in conflicts or territorial disagreements? How can these be addressed?
5. **Cohesion and Decision-making within NATO:** How might further expansion affect the alliance's cohesion and methods of decision-making? What strategies can be employed to maintain unity?

6. **Potential Candidates' Evaluation:** What are the specific criteria for evaluating potential candidates like Ukraine and Georgia? How are political stability, commitment to democratic principles, and geopolitical situations assessed?
7. **Strategic Objectives and Alignment:** How can NATO ensure alignment with the varying interests and strategic objectives among member states, especially with the inclusion of new members?
8. **Collaboration with Other International Organizations:** Should NATO collaborate more with other international organizations to address regional and global threats? What would be the framework for such collaboration?
9. **Historical Context and Lessons Learned:** How does the historical context of post-Cold War events inform current expansion strategies? What lessons can be drawn from past expansions?
10. **Long-term Impact on Global Power Dynamics:** What is the long-term impact of NATO's expansion on global power dynamics? How does it align with or challenge the broader goals of fostering peace, stability, and cooperation within the European region?

1.7 FURTHER READING

1. Book: "NATO's Eastern Agenda in a New Strategic Era" by Stanislav Secieru
 - This book explores NATO's enlargement policy in Eastern Europe and analyzes its implications for security and stability in the region.
2. Book: "NATO in the New European Order" by Adrian Hyde-Price
 - This book provides an in-depth analysis of NATO's role in the changing European security landscape, including its expansion in Eastern Europe.

3. Article: "NATO Expansion and the Ukraine Crisis: A Realist Explanation" by John J. Mearsheimer
 - This article presents a realist perspective on NATO expansion and its impact on the Ukraine crisis, examining the motivations and consequences of NATO's actions.
4. Article: "NATO Expansion and Russian Resentment" by Joshua R. Itzkowitz Shiffrin
 - This article discusses Russia's perspective on NATO expansion and the resulting resentment, highlighting the role of historical grievances and security concerns.
5. Report: "NATO and the Challenges of Austerity" by Carnegie Endowment for International Peace
 - This report examines the impact of budget constraints and austerity measures on NATO's expansion efforts and its ability to address emerging security challenges.
6. Report: "NATO and Russia in the Black Sea Region: Emerging Security Challenges" by Royal United Services Institute (RUSI)
 - This report analyzes the security challenges and dynamics in the Black Sea region, including the implications of NATO's expansion and its relationship with Russia.
7. Journal Article: "The Security Dilemma and NATO's Eastern Enlargement" by Keir A. Lieber
 - This article discusses the security dilemma faced by both NATO and Russia in the context of NATO's Eastern enlargement, examining the potential consequences and ways to mitigate tensions.
8. Journal Article: "NATO's Eastern Enlargement: Geopolitical Perspectives from Central and Eastern Europe" by Maria Raquel Freire and Roger E. Kanet
 - This article explores the geopolitical perspectives of Central and Eastern European countries on NATO's expansion, addressing issues of security, identity, and regional dynamics.
9. Policy Brief: "NATO's Eastern Enlargement and Its Implications for Russia" by European Leadership Network (ELN)

- This policy brief examines the implications of NATO's Eastern enlargement for Russia, including its impact on Russian security perceptions and the potential for increased tensions.

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2 TOPIC TWO: ADDRESSING THREATS OF BIOTERRORISM

2.1 GENERAL INTRODUCTION

34. 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.⁷ 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.⁸ 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.⁹

35. 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

⁷ Gregory Koblenz, *Pathogens as Weapons: The International Security Implications of Biological Warfare* (International Security 28, no. 3 2003/2004), 87.

⁸ 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.

⁹ Devi Kalyan Mishra, *Bioterrorism from a Public Health Perspective* (Counter Terrorist Trends and Analyses 8, No. 2 2016), 28.

toxins, to kill or incapacitate humans, animals, or plants as an act of war.«¹⁰ 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, »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.¹¹ 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.«¹²

36. 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.

¹⁰ 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).

¹¹ICRC, "Glossary: International armed conflict", ICRC main page, https://casebook.icrc.org/a_to_z/glossary/international-armed-conflict (accessed July 20, 2023).

¹²Interpol, "Bioterrorism" Official Interpol website, July 2023, <https://www.interpol.int/en/Crimes/Terrorism/Bioterrorism>, (accessed July 20, 2023).

2.2 HISTORICAL BACKGROUND

37. 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 modern perspective that can interfere with the accuracy of historical insights.¹³ 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

38. 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.¹⁴ 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).¹⁵ In times of the European plague,

¹³ A. Barras , G. Greub , “*History of biological warfare and bioterrorism*” (Clinical Microbiology, and Infection: 2014), 498.

¹⁴ 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.

¹⁵ A. Barras , G. Greub , “History of biological warfare and bioterrorism”, 500.

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 1861.¹⁶ 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 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 1907.¹⁷

2.2.2 THE FIRST AND SECOND WORLD WAR

39. 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.¹⁸ The USA and Japan abstained

¹⁶ 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).

¹⁷ Carus, "A Short History of Biological Warfare", 13.

¹⁸ 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).

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.¹⁹ 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.²⁰ 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 agriculture.²¹ 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

40. 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

¹⁹ Metcalfe, *"A Short History of Biological Warfare"*.

²⁰ Frischknecht, *"The history of biological warfare"*, 50.

²¹ Metcalfe, *"A Short History of Biological Warfare"*, 283.

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.

41. 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.²²

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

42. 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.²³ NATO's Heads of State

²² Carus, "A Short History of Biological Warfare", 25.

²³A. Barras, G. Greub, "*History of biological warfare and bioterrorism*", 505.

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.²⁴ Most non-state attacks following these events were done by cults and lone actors, with quite low reoccurrence and intensity.

43. 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 biological weapons has increasingly moved

²⁴ Ion A. Iftimie, “6 *The implications of COVID-19 for NATO’s counter-bioterrorism*” (NATO Defense College, 2020), 51.

online. Along with the typical internet stores, the so-called darknet is once again playing a significant role in this situation.²⁵

2.3 INTERNATIONAL LEGAL REGIME AFFECTING BIOTERRORISM PREVENTION

44. 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

45. 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

²⁵ Dominik Juling, "Future Bioterror and Biowarfare Threats for NATO's Armed Forces until 2030" (Journal of Advanced Military Studies 14, 2023), 126.

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.

2.3.2 Biological Weapons Convention (BWC), 1972

46. 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.²⁶ 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.²⁷
47. 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.²⁸ The

²⁶ Juling, "Future Bioterror and Biowarfare Threats for NATO's Armed Forces until 2030, 135.

²⁷ UN, "Biological Weapons Convention", official website of UN ODA, July 2023, <https://disarmament.unoda.org/biological-weapons/> (accessed July 25th 2023).

²⁸ Eric Merriam, "The International Legal Regime Affecting Bioterrorism Prevention" (Stockholm: National Security Law Journal, 2014), 3.

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 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.²⁹

2.3.3 UN Security Council Resolution 1540 (2004)

48. 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:

²⁹ Ibid., 5.

- 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.

49. 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 1540.³⁰ 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 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

50. 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

³⁰ Merriam, "The International Legal Regime Affecting Bioterrorism Prevention", 19.

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.³¹ 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.³² 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 and security, with a network of more than 6,000 scientists, engineers, analysts, and allied research centers.³³

³¹ Iftimie, "6 *The implications of COVID-19 for NATO's counter-bioterrorism*", *COVID-19: NATO in the Age of Pandemics*, 53.

³² 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.

³³ *Ibid.*, 12.

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

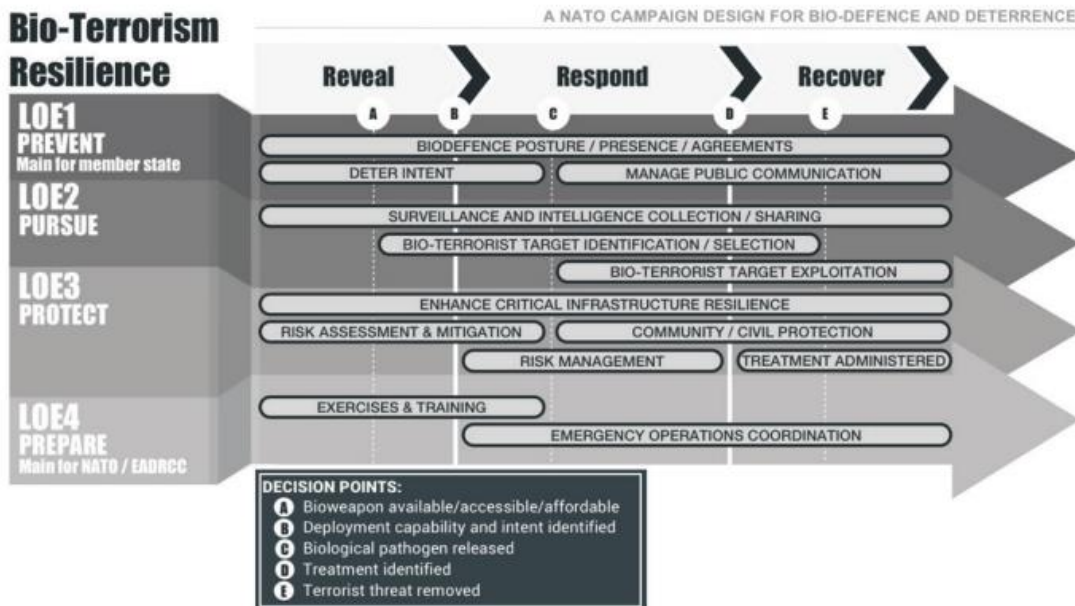
51. NATO reacted swiftly when the Covid-19 virus caused first health emergencies in Europe, using the following already established mechanisms. Thus, this event was made an example that can show us the capacity of NATO to react to bioterrorist attacks. Let us see which bodies were activated in times of pandemic.
52. 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."³⁴ 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.³⁵
53. 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

³⁴ 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).

³⁵ Iftimie, "6 *The implications of COVID-19 for NATO's counter-bioterrorism*", 52.

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 bioterrorism threats. You may view the campaign's layout, which incorporates their key recommendations, below.³⁶

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



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54. 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

³⁶ Ibid., 54.

³⁷ 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).

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.³⁸

2.4 CONCLUSION

55. 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.

³⁸Clement, *Biological Threats*, 18.

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?

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