

**Ninth Review Conference of the States Parties
to the Convention on the Prohibition of the
Development, Production and Stockpiling
of Bacteriological (Biological) and
Toxin Weapons and on Their Destruction**

11 April 2022

English only

Preparatory Committee
Geneva, 20 December 2021 and 4-11 April 2022
Items 2 and 10 of the agenda
Election of the Chairperson and other officers
Report of the Preparatory Committee to the Review Conference

**Nomination for the President of the Ninth BWC
Review Conference and Chairperson of the Ninth
BWC Preparatory Committee**

Submitted by Pakistan

Pakistan wishes to transmit to all States Parties the attached note verbale dated 8 April 2022 and its annexes in relation to items 2 and 10 of the agenda of the Preparatory Committee.



Permanent Mission of Pakistan
to the United Nations and
other International Organizations
Geneva



Mission permanente du Pakistan
auprès de l'Office des Nations Unies et des
autres Organisations Internationales à
Genève

No.Dsmt-2/2022

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Implementation Support Unit of the Biological Weapons Convention and has the honour to forward the attached Note Verbale dated 31 January 2022 along with its three enclosures (Annexures A, B and C) for the information of the Preparatory Committee of the Biological Weapons Convention in relation to Agenda Item-2 Election of the Chairperson and other officers and Agenda Item-10 Report of the Preparatory Committee to the Review Conference.

The Mission has the further honour to request issuance of this Note Verbale and its annexures as a working paper entitled "Nomination for the President of the Ninth BWC Review Conference and Chairperson of the Ninth BWC Preparatory Committee" under the above two agenda items, for transmission to all States Parties.

The Permanent Mission of Pakistan avails itself of this opportunity to renew to the Implementation Support Unit of the Biological Weapons Convention the assurances of its highest consideration.

Implementation Support Unit
of the Biological Weapons Convention
UNOG, Geneva



Geneva, 08 April 2022

Permanent Mission of Pakistan
to the United Nations and
other International Organizations
Geneva



Mission permanente du Pakistan
auprès de l'Office des Nations Unies et des
autres Organisations Internationales à
Genève

No. Dsmt-2 /2022

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations and Other International Organizations in Geneva presents its compliments to the Permanent Mission of the Republic of Azerbaijan to the United Nations and Other International Organizations in Geneva, in its capacity as Chair of the Geneva Chapter of the Non-Aligned Movement (NAM), and to all Permanent Missions and Delegations of Member and Observer States of the Group of NAM and with reference to NAM Chair's Note Verbale No. NAM/008/22/32 dated 20 January 2022 on **handing over of the Movement's turn to preside over the Ninth Review Conference** of the Biological and Toxin Weapons Convention (BWC) to another interested regional group, has the honour to recall this Mission's Note Verbale No. Dsmt-2/2021 dated 18 November 2021 (**Annex-A**).

The Permanent Mission has the further honour to underscore the following points concerning **the process of NAM nomination** for the presidency of Ninth BWC Review Conference:

- a) This Mission, in line with **existing diplomatic practice and traditions of NAM**, first approached the NAM Chair in December 2020 to ascertain whether any member of the Group had conveyed interest to present nomination for the post. On being informed that this was not the case, this Mission presented the nomination of Pakistan's Permanent Representative.
- b) This Mission agrees that it is the right of each member of the Group to present nominations for such posts. Nevertheless, it wishes to underline that at the time of submission of nomination of Pakistan's Permanent Representative, no other member of the Group had presented a nomination.
- c) In presenting a nominee for consideration by NAM Group, this Mission further kept in view the traditions and practices within the BWC, particularly since the nominee would represent the Movement at the highest level BWC forum. It is a matter of record that **all previous Review Conferences have been presided at the level of Permanent Representatives only**, whether by NAM or by other regional groups. Due consideration was also given by this Mission to present a nominee with sound **arms control credentials and experience of over 15 years**, including BWC related subjects.
- d) Subsequent to this nomination, when two members of the Group sought extension of the deadline for nomination, with the knowledge of a prior nomination on the table, this Mission did not stand in the way of the extension request.
- e) After **nearly six months of persuasion and informal outreach by the Chair** with Group members, the Chair presented a detailed assessment of the dynamics involved and the key factors that he took into account in establishing the silence procedure for a decision by the Group on nomination of Pakistan's Permanent Representative, and subsequently confirmed that **the silence procedure had not been breached by the established deadline**. NAM Chair's Note Verbale No. NAM/190/21/22 dated 07 July 2021 refers (**Annex -B**). Attention is also invited to the Chair's Note Verbale No. NAM/191/21/22 dated 07 July 2021 addressed to the Chair of the 2020 BWC Meeting of State Parties (MSP) formally conveying Pakistan's Permanent Representative as NAM's nominee for the Presidency of Ninth BWC RevCon (**Annex - C**).

This Mission wishes to draw attention to the Notes Verbale No. GEN/PMI/254/38/2021 dated 05 July 2021 from the Permanent Mission of India to CD and No. NV-EPG-146-2021 dated

02 July 2021 from the Philippines Mission to the UN which only raised objections to the method and process of nomination, but did not break the silence procedure i.e. no objections to the candidacy of Permanent Representative of Pakistan for the post of President of the Ninth BWC RevCon. The Note Verbale No. GEN/PMI/254/38/2021 from the Permanent Mission of India to CD dated 05 July 2021 stated, "*it cannot agree with the course of action proposed by the Chair*". It may be pertinent to note that the silence procedure lapsed on 05 July 2021 at 1800hrs and therefore, Note Verbale No. GEN/PMI/254/38/2021-03 dated 07 July 2021 from the Permanent Mission of India to CD stating "*this Mission, therefore, disagrees and objects*" had no bearing on the integrity of the silence procedure itself, since it had already expired on 05 July 2021.

In recalling the above, this Mission would like to point out that from the very inception of the nomination process till date, **Pakistan delegation's conduct has been solely guided by adherence to NAM's core values of unity and solidarity as well as full respect to the time honoured traditions and practices of the Movement.**

This Mission **demonstrated its adherence to and respect for NAM values, practices and traditions**, when the matter of nominations by the Group for positions at the Review Conference of the Convention on Certain Conventional Weapons (CCW) was taken up in July 2021. This Mission did not politicize the nomination presented by the Philippines at DPR level and joined Group consensus, despite the opposite choices exercised earlier by two NAM delegations in the context of nomination for the President of BWC RevCon.

The Permanent Mission **regrets to note its demonstration of solidarity and gesture of goodwill** on NAM nomination for the CCW Rev Con was not reciprocated in the BWC context.

This Mission respects the right of every state to register concerns over aspects of the process relating to securing agreement on single nomination and its transmission to the MSP. However, using the consensus practice of BWC as a tool for continued agitation and targeting of the NAM Chair during formal meetings of MSP, only served to damage the repute, standing and dignity of the Movement.

The Permanent Mission further notes with deep disappointment that the **process of NAM nomination** for BWC RevCon **was deliberately politicized**, based on partisan considerations of two delegations. In doing so, the key element of this nomination i.e. Presiding the 9th BWC Review Conference on behalf of NAM was totally ignored. It is further regretful that procedural concerns within NAM were weaponized by two members of the Movement to block consensus within the BWC framework, both at the BWC (MSP) in November 2021 and at the Preparatory Committee in December 2021, in a departure from longstanding consensus practice of nearly 50 years of the Biological Weapons Convention.

It is well known that even if delegations have **concerns over procedure and process** of this nature, more often than not, these concerns **are relayed in writing, without blocking consensus** on these grounds. That the NAM's nomination was blocked despite it not impinging on any Group member's fundamental national interest, is unfortunate. Moreover, the public denigration of NAM Chair by two NAM members during MSP (remarks made are part of official record) is particularly disturbing.

The Permanent Mission further wishes to note its deep concern that **politicization** of the nomination by two members of the Group and holding it hostage for a year **has unfortunately deprived the Movement of its rotational right** to take up leadership of the BWC Review Conference. These choices have also had the effect of outsourcing of NAM sovereignty to other regional groups.

The Permanent Mission also wishes to take this opportunity to draw attention of the Group to paragraph 32 of the report of the 2020 MSP of BWC (BWC/MSP/2020/7) and

paragraphs 5, 6 and 7 of the Interim Report of the Preparatory Committee (BWC/CONF.IX/PC/2). Both reports clearly mention presentation of NAM nomination, in line with established practices of the BWC, both to the BWC MSP and the Preparatory Committee. It is also an unfortunate fact that two objections were raised, on grounds of procedure by two NAM delegations, in complete disregard of the consensus practice within the BWC framework.

The Permanent Mission draws attention to the fact that the Interim Report of the PrepCom had *“encouraged the States Parties to intensify their efforts with a view to resolving the matter related to the election of the President of the Ninth Review Conference and the Chairperson of the Preparatory Committee by 31 January 2022”*. The report had also referred to completion of the election process. It is pertinent to note that NAM's nomination had already been presented and the actual matter under consideration, in view of the report of the Preparatory Committee, was that of resolving the two objections and not of passing NAM's turn to another regional group.

The Mission wishes to once again recall its Note Verbale of 18 November 2021 whereby it had inter alia, expressed reservations on passing NAM's turn to preside over the Ninth BWC RevCon to another group. These reservations were also shared by other members of the Group and therefore it was decided, prior to convening of MSP in November 2021, not to pursue such a course. Members of the Group may wish to note that it was only subsequent to this decision that NAM Chair again formally presented the nomination at the BWC MSP.

The Permanent Mission wishes to note that during the NAM Ambassadorial meeting convened by the Chair on 21 January 2022, several NAM members, including this Mission, had expressed their **reservations on the proposal to pass NAM's turn** to preside over the Ninth BWC Review Conference to another regional group. It is noteworthy that only one delegation that had been blocking consensus, supported the proposal to pass on the NAM turn for Presidency to another group. In continued demonstration of its solidarity with the Movement and despite its serious reservations, this Mission did not object to the silence procedure established by the Chair on the transfer proposal.

It is therefore deeply regrettable that due to the continued politicized efforts by two members of the Group, the Chair was obliged to transfer NAM's rotational right of Presidency to another regional group.

The Permanent Mission wishes to register its grave concern over the fact that by blocking this nomination, **a dangerous precedent has been set by two delegations**, dealing a serious blow to the core values of unity and solidarity of NAM. This unfortunate precedent is likely to cast a long shadow on the future work of the Group, including nominations for posts. This precedent will also oblige the affected delegation to justifiably exercise the established diplomatic principle of reciprocity in the future.

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to Permanent Mission of the Republic of Azerbaijan to the United Nations and Other International Organizations in Geneva the assurance of its highest consideration.

Permanent Mission of the Republic of Azerbaijan
To the United Nations & Other International Organizations
Geneva

Copy to:

All NAM Members and Observer States Parties to the BWC, Geneva.



Annex-A

Permanent Mission of Pakistan
to the United Nations and
other International Organizations
Geneva



Mission permanente du Pakistan
auprès de l'Office des Nations Unies et des
autres Organisations Internationales à
Genève

No. Dsmt-2 /2021

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations and Other International Organizations in Geneva presents its compliments to the Permanent Mission of the Republic of Azerbaijan to the United Nations and Other International Organizations in Geneva, in its capacity as Chair of the Geneva Chapter of the Non-Aligned Movement (NAM), and to all Permanent Missions and Delegations of Member and Observer States of the Group of NAM and with reference to NAM nominee for the Presidency of the Ninth Review Conference of the Biological and Toxin Weapons Convention, has the honour to recall the following:

- a) The NAM Chair circulated Note Verbale No. NAM/001/21/22 on 07 January 2021 to the NAM Group inviting nominations (no later than 18 January 2021) for the position of President of Ninth Review Conference of the BWC;
- b) In response, this Mission vide its Note Verbale No. Dsmt-2/2020 dated 07 January 2021 presented the nomination of Pakistan's Permanent Representative in Geneva for this position to members of the Group for their consideration and support;
- c) Through its Note Verbale No. NAM/002/21/22 dated 11 January 2021, the NAM Chair convened a virtual coordination meeting of the Group on 15 January 2021 to discuss, inter alia, the Group's common approaches with regard to the scheduling and preparations for BWC meetings in 2021;
- d) During the course of this meeting, some members of the Group discussed the matter of the deadline set by the Chair for presenting nominations. Further to these discussions, two members of the Group sent written communications, dated 15 January and 18 January 2021, requesting the Chair to extend the original deadline of 18 January 2021. The Chair vide Note Verbale No. NAM/006/21/22 dated 19 January 2021, citing the two requests and the views expressed in the coordination meeting, extended the deadline until 26 January 2021;
- e) On 20 January 2021, another member of the Group proposed its Deputy Permanent Representative as NAM's nominee for the post of President of Ninth Review Conference;
- f) Given two nominations before the NAM Group i.e. one at the level of Permanent Representative received within the initial deadline and the other at the level of Deputy Permanent Representative received on 20 January 2021, the Chair, on the advice of several NAM members, convened a series of informal bilateral consultations with members of the Group from end of January to June 2021 to develop agreement on a single NAM nominee. In the course of these consultations, several proposals were explored;
- g) The NAM Troika also held bilateral consultations in June 2021 with the two nominees and explored options with a view to seeking a single NAM nominee;
- h) Since these informal bilateral consultations and discussions did not yield agreement, the NAM Chair convened an Ambassadorial meeting on 02 July 2021, to discuss and evolve consensus on one NAM nominee.
- i) Subsequent to the Ambassadorial meeting, on 02 July 2021, the NAM Chair established a silence procedure on one nomination by the Group of NAM;

- j) On 02 July 2021, a member of the Group wrote to the NAM Chair, conveying its views on the silence procedure and requested continuation of Troika consultations to reach consensus, and if that did not materialize to undertake a secret ballot or to present both nominations to BWC MSP for a decision through rule 5 of BWC Rules of Procedure (election through voting);

The Permanent Mission wishes to further recall that after receipt of letters from two members of the Group and a sub-regional grouping, on 02 July and 05 July 2021 expressing their views on the process of nomination, the NAM Chair sent a detailed response to the views outlined in those letters, the multiple rounds of informal bilateral consultations he had held and the feedback received from such consultations. It may be further recalled that the NAM Chair transmitted Note Verbale No. NAM/191/21/22 dated 07 July 2021 conveying the nomination of Pakistan's Permanent Representative as NAM nominee for the Presidency of Ninth BWC RevCon.

In recalling these events, the Permanent Mission would like to point out that from the very inception of the nomination process, Pakistan delegation's conduct has been guided by adherence to NAM's core value of solidarity, and full respect to the time honoured principles, traditions and practices of the Movement.

In this context, the Permanent Mission wishes to also recall that in line with existing diplomatic practice and norms, and traditions of NAM, it had first approached the Chair of NAM in December 2020 to consult whether any member of the Group had expressed interest in presiding over the Ninth Review Conference. Since it was conveyed that no such expression of interest had been conveyed to the NAM Chair, this Mission presented the nomination of Pakistan's Permanent Representative.

The Permanent Mission fully recognizes the right of each member of the Group to present their nominations for such posts at any level. Nevertheless, it wishes to underline that at the time of its presentation of nomination at Permanent Representative level, no other member of the Group had proposed a nomination.

In doing so, this Mission further kept in view the traditions and practices within the BWC as well, particularly since the nominee would represent the NAM. It may be relevant to recall the well established practice of BWC Review Conferences, whereby all previous eight Conferences have been presided over by Permanent Representatives only, by all regional groups. Therefore, this Mission's nomination was presented accordingly. Due consideration was also given to present a nomination with strong credentials and experience. Pakistan's Permanent Representative has handled arms control, disarmament, and non-proliferation issues for over 15 years during his diplomatic career of 27 years, including BWC related subjects.

The Permanent Mission wishes to recall its demonstration of solidarity with the principles and practices of the Group when the matter of nominations by the Group for positions at the Review Conference of the Convention on Certain Conventional Weapons (CCW) was taken up in the month of July 2021. Notwithstanding the choices exercised by some NAM delegations in the context of BWC RevCon nomination, Pakistan Mission did not present its own nomination for the post of Chairperson of Main Committee II of CCW RevCon (December 2021), once the nomination of Deputy Permanent Representative of the Philippines had been received. Only after the Philippines nomination was endorsed by NAM CCW Parties, and since no other member expressed interest for the vacant Vice-Chair position, this Mission presented its nomination for this post at CCW RevCon.

The Permanent Mission regrets to note that despite its demonstration of solidarity and unity with NAM nomination in the CCW context, this has not been reciprocated in the BWC context.

The Permanent Mission wishes to note that the suggestion to hold secret ballots within NAM is neither in consonance with the time honoured principles of unity and solidarity within NAM, nor its long established practices in the context of nomination for BWC RevCons.

Similarly, this Mission views the suggestion to present two NAM nominations to the BWC MSP in contravention of NAM's and BWC RevCon's established practices. Such a proposal will have the effect of forcing BWC Parties to amend the relevant rules of procedure to allow for election of BWC RevCon President through voting, instead of the established practice of election by acclamation (based on a single nomination by relevant regional Group). This suggestion would also have meant outsourcing NAM sovereignty and surrendering its right to nominate to other regional groups.

In this backdrop, the Permanent Mission requests the Chair to continue its adherence to the principles, practices and traditions of NAM. The Permanent Mission further requests the Chair to share with members of the Group as to whether the practice of sending more than one nomination for a single position by NAM, or the use of such tools within NAM, has been practiced before at any of the BWC Review Conferences in the nearly 50 years of the Biological Weapons Convention and its RevCons.

The Permanent Mission shares the reservations expressed by some members in 02 July 2021 Ambassadorial meeting on passing NAM's turn to nominate President of the Ninth BWC RevCon to another group. These reservations notwithstanding, if the Group achieves consensus on such a course, this Mission, despite its strong reservations would not stand in the way of consensus, in continued demonstration of its solidarity with the Movement, its practices, and its traditions.

This Mission remains confident in the collective ability of the Group to stand by its strong traditions and practices and in preserving the unity and solidarity of the Group, including by its support to the single NAM nomination.

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to Permanent Mission of the Republic of Azerbaijan to the United Nations and Other International Organizations in Geneva the assurance of its highest consideration.

Permanent Mission of the Republic of Azerbaijan
To the United Nations & Other International Organizations
Geneva

Copy to:

All NAM Members and Observer States Parties to the BWC, Geneva.





**CHAIR
NON-ALIGNED MOVEMENT
GENEVA CHAPTER**

Annex-B



Ref: NAM/190/21/22

The Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva in its capacity of the Chair of the Non-Aligned Movement's (NAM) Geneva Chapter, presents its compliments to the Permanent Missions and Permanent Observer Missions to the UN Office and other International Organizations in Geneva of the NAM Member States which are Signatories to the Biological Weapons Convention (BWC), and with reference to the Chair's Note Verbale NAM/187/21/22 dated 2 July 2021, as well as Notes Verbales of the Permanent Mission of the Republic of Philippines NV-EPG-146-2021 dated 2 July 2021 and NV-EPG-146-2021 dated 5 July 2021, the Note Verbale of the Permanent Mission of India GEN/PMI/254/38/2021 dated 5 July 2021, and the letter of ASEAN Member States Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, the Republic of Philippines, Malaysia, the Republic of the Union of Myanmar, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam addressed to the NAM Chair on 5 July 2021, has the honour to communicate the following:

1. The NAM Chairmanship thanks the NAM Member States for recognizing its efforts in selecting "*a mutually agreeable candidate*" for the post of the President of the Ninth BWC Review Conference enjoying the consensual decision within the NAM Group. From the very outset of this process in January 2021, the Chairmanship has been engaged with this matter in the spirit of the utmost transparency, objectivity, impartiality, and neutrality in the interests of the NAM. Preservation of unity, solidarity and cooperation within the NAM has always been the imperative guideline for the Chairmanship to facilitate the positive outcome during the numerous consultations held in the period of January – June 2021.
2. Following the NAM Ambassadorial Meeting of 18 January 2021, the Chairmanship has launched the process of intensive informal consultations with the concerned countries, as well as with many NAM Member States that displayed their interest to this issue. It has to be stressed that all NAM Member States whom the Chair has informally consulted with to seek their views to find appropriate solution to the matter, requested the Chairmanship not to convene formal NAM Ambassadorial Meetings on this issue as it could divide the NAM Member States and make the matter more complicated, and suggested to continue consultations with the concerned countries to reach a mutual understanding in an amicable way.

**Permanent Missions and Permanent Observer Missions
to the UN Office and other International Organizations
of the NAM Member States Signatories to the BWC
Geneva**

3. At the initial stage, the Chairmanship has put all its efforts and energy to arrive at a consensual decision on this matter through attempts to convince the concerned countries to agree on a unilateral withdrawal of one of them from this process and thus opening the way for a single NAM candidate for the post. In doing so, the Chairmanship proceeded from the recognition of the fact that nomination of two candidates for the post of the President of the Ninth BWC Review Conference had significantly shrunk the space for achieving a consensual decision on the matter.

4. In view of unwillingness of the concerned countries to display so much needed wish for a compromise on the issue of a voluntary withdrawal from the process, the Chairmanship in good faith has launched another round of consultations with the concerned countries, with ultimate goal to strike a deal that would be beneficial for them and for the NAM.

5. The Chairmanship, in consultation with the BWC Secretariat, has proposed to the concerned countries in a sequential manner the following options aimed at finding a solution based on a mutually agreed separation of functions within the BWC related events. These have included the following:

- to chair the next cycle BWC MSP at the beginning of 2022;
- to establish a Co-Presidency of the Ninth Review Conference in November of 2021;
- to be one of the 10 Vice-Presidents of the Ninth Review Conference;
- to chair the Credentials Committee of the Ninth Review Conference;
- to be a Vice-Chairperson of the Committee of the Whole of the Ninth Review Conference;
- to be a Vice-Chairman of the Drafting Committee of the Ninth Review Conference.

6. The Chairmanship, however, has to stress that these options did not enjoy the support of the concerned countries and were immediately rejected. The Chairmanship also regrets to mention that the above-referred Notes Verbales and the letter have surprisingly failed to mention all these options put forward by the Chairmanship.

7. At the next stage of consultations, the Chairmanship used the good services of the NAM Troika for which it is grateful to the distinguished Ambassadors of the Bolivarian Republic of Venezuela and Uganda. Two meetings of the Troika were organized with the countries concerned in a separate way, at which the gravity of the situation was brought to their attention and another call for a compromise was made. As a next attempt to reach a mutually acceptable agreement, another option was proposed by the Troika, which was as follows:

- to set up an Ad-Hoc Committee during the Ninth Review Conference to deal with its most important outstanding issues, to be chaired by one of the concerned countries, in which case the role of its would-be Chairperson in terms of his/her political weight would be almost equal to the function of the President of the Review Conference.

8. However, that proposal was rejected as well, which has definitely undermined the Troika's ongoing efforts to bring this case to a compromise solution. The Chairmanship deems it necessary to mention that the authors of the above-mentioned Notes Verbales and the letter have rather strangely failed to refer to that proposal made by the NAM Troika and to the fact of its rejection.

9. In the meantime, the Chairmanship was in constant touch with H.E. Amb. Cleopa K. Mailu, Permanent Representative of Kenya, in his capacity as the Chairperson of the 2020 BWC Meeting of the States Parties (MSP) and with the BWC Implementation Support Unit.

10. The Chairmanship resolutely rejects the accusatory tone of the Notes Verbales of the Permanent Mission of the Republic of Philippines, in particular expressions like *"protests"*, *"violates"*, *"arbitrary decision"*, *"imposes a decision"*, *"hastily convened meeting"*, *"illegitimate procedure"*, *"disregard by the Chair"*, *"arbitrary approach"*, etc. The Chairmanship has not been able to put on record any sign of compromise by the Philippines which could have justified the distorted presentation of the facts in its own favour. It is also worth mentioning, that the NAM's political domain is regretfully already overloaded with problems of all possible types, and there is no need to use the outdated vocabulary of a cold war era in relation to the full-fledged members of the Movement in 2021, jeopardizing so-much needed search for a unity.

11. The *"protest"* by the Philippines against the Chairmanship's decision on a silence procedure fails to mention that the proposed exclusion of a country which has nominated a candidate and thus becomes an *"interested country"* referred not only to the Philippines as it is presented in its Note Verbale, but equally to the other interested country as well. To seek views of the NAM around two candidates with the participation of the nominating countries that have vested interest in their own success in the process, could hardly be viewed as a *"democratic and inclusive decision"* promoted by the Philippines.

12. More specifically, the proposal by the Philippines to *"seek the voice"* of the NAM Member States through *"secret ballot"* has been thoroughly discussed by the NAM Troika as a possible way forward. Nevertheless, the NAM Troika has ruled out this option as it would go against the principles of consensus, unity and solidarity within the NAM and would pave the way for a dangerous precedent in the NAM decision-making process vis-a-vis the motion of consensus. It is particularly important to note, that the Cartagena Document of 1995 so often referred to in the above-mentioned Notes Verbales and the letter, does not envisage any *"secret ballot"* procedure exercised at the routine meetings at the level of NAM Delegations.

13. The Chairmanship rejects the view which claims that no meetings of the NAM had been convened to consult the Member States, as this claim ignores the fact of a six-month long consultation marathon, and the plethora of proposals put forward by the Chairmanship for a successful solution of the issue in question. Both the NAM and the UN practice prompts that hard-born decisions and breakthrough solutions are mostly reached as the result of informal consultations, rather than at formal plenary meetings the setting of which is not usually conducive for a frank and open discussions and search for solutions. Therefore, the degree of success or a failure should be measured not by a number of *"formal meetings"* where countries avoid to openly express their preferences as regards someone else's nominations, but rather through numerous informal consultations, which was the case with the issue of the Ninth BWC Review Conference Presidency.

14. As for the claim that a number of NAM countries *"had been deprived from expressing their views regarding the nomination"*, the Chairmanship has to state that the proposed silence procedure was an instrument designed by definition to encourage the countries to use their right to express their views on an issue in question in a pre-determined time-frame.

15. Referring to the calls for *"consensus"*, the Chairmanship would like to remind that the Cartagena Document, other than giving an overly wide and very unspecific picture of what consensus is within NAM's decision-making process, says nothing about it in a clear-cut and unambiguous language, limiting itself only to the following: *"... It is noted that consensus, while signifying substantial agreement, does not require or imply unanimity"*.

16. Concerning the proposal to *"transmit both nominations"* to the current Chairperson of the MSP under Rule 5 of the Rules of Procedure of BWC Review Conferences, the Chairmanship would like to recall the NAM Ambassadorial meeting of 2 July 2021 where the Chairmanship expressed its strong view that this matter should remain in the NAM domain, and it would be unfair to shift this *"unfinished business"* upon the Chairperson of the MSP. Moreover, and most importantly, this option if utilized would have compromised the independence of the NAM candidates and expose them to voting also by non-NAM

Member States. The meaning of Rule 5 which stipulates that the Conference shall elect a President of the Review Conference, has always been understood as an act of formal adoption of a decision on a candidate preliminarily agreed by a regional group which is entitled to put forward a candidate for the presidency in a particular year. However, that Rule has never envisaged the nomination to be made by the Review Conference instead of a nominating regional group itself. The Chairmanship considers this to be unacceptable as this would also seriously undermine the image and credibility of the NAM as the biggest group in the BWC framework.

17. The Chairmanship has to stress that the above-mentioned Notes Verbales and the letter fail to provide concrete and meaningful ideas with the potential to address the situation, and are aimed solely to oblige the Chairmanship to come up with new proposals, which is actually impossible when all options and means have already been identified and explored both within and beyond BWC Review Conference framework with no mutually agreeable outcome reached.

18. The Chairmanship is also concerned with a developing, though a regretful tendency witnessed among the NAM community, to mix rules of procedures and case-based practices, i.e. to pick up this or that depending on the scarcity of arguments. In the situation of a well-known deficit of time-tested rules of procedures in the NAM, the voluntaristic pick-up of rules or practises as a basis for argumentation cannot be seen as a right approach to solving many difficult issues on the agenda of the NAM and requiring the application of non-ambiguous rules. Thus, had the issue of BWC Presidency been expected to be solved *"in a manner that upholds... the practices of NAM"*, then the Philippines should have avoided presenting its own nomination after the earlier nomination already made by another country, because *"the practices of NAM"* stipulate that no nomination is done by a NAM country if there has already been another nomination done before.

19. It is the Chairmanship's view that the increasingly visible lack of specific rules of procedure within NAM could end up with serious problems in the decision-making and requires focused attention of the NAM Member States, including through consideration of a possibility to start elaboration of the charter-type unified set of rules of the NAM.

20. Under the above circumstances, recognizing the need for the Chairmanship to lead the NAM Geneva Chapter and to take responsibility without hiding behind the calls for *"unity"* and *"compromise"* which are indeed important principles, though often difficult to materialize into practical consensual steps, as well as acknowledging the importance to preserve the NAM credibility in the lead-up to the Ninth Review Conference, the Chairmanship has decided to propose the candidacy of H.E. Amb. Khalil ur Rahman Hashmi, Permanent Representative of the Islamic Republic of Pakistan, for the post of the President of the Ninth BWC Review Conference, and to put this candidacy under a silence procedure.

21. As the Chairmanship has already explained in its almost one hour-long detailed presentation during the NAM Ambassadorial Meeting on 2 July 2021, this decision was based on two important considerations:

- Pakistan nominated its candidacy on the level of a Permanent Representative as per traditional practice established within the BWC to have the Review Conference's Presidency at the level of Permanent Representatives;
- Pakistan was the first country to nominate its candidacy within the established deadline.

22. It is the Chairmanship's strong view that all possible means and options within its reach have been exhausted to bring the matter to a consensual decision. Six months of consultations were more than sufficient for the concerned countries and for the NAM Member States to focus on the matter. The Chairmanship does not support the view that the allocation of *"extra time"* after the period of six months would have changed the current situation in a *"magic"* way, due to the strong positions expressed by the concerned countries vis-a-vis their nominations. On the contrary, it would have even made things more complicated. Those who wanted to be consulted and to bring some ideas had an

ample opportunity to do so through a direct and open dialogue with the Chairmanship, the concerned countries and among themselves.

In view of the above-mentioned considerations, as well as given the fact that before the established deadline of 18:00 on 5 July 2021, the silence procedure established by the NAM Geneva Chapter Chairmanship in its Note Verbale NAM/187/21/22 dated 2 July 2021, has concluded without objections to the candidacy of H.E. Amb. Khalil ur Rahman Hashmi, Permanent Representative of the Islamic Republic of Pakistan to the UN Office and other International Organizations in Geneva, for the post of the President of the Ninth BWC Review Conference, the Chairmanship will communicate the NAM nomination of H.E. Amb. Khalil Hashmi for the post of the President of the Ninth BWC Review Conference to H.E. Amb. Cleopa K. Mailu, Permanent Representative of Kenya to the UN Office and other International Organizations in Geneva, in his capacity as the Chairperson of the 2020 BWC Meeting of the States Parties, as well as to the BWC Implementation Support Unit.

The Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva in its capacity of the Chair of the Non-Aligned Movement's (NAM) Geneva Chapter, avails itself of this opportunity to renew to the Permanent Missions and Permanent Observer Missions to the UN Office and other International Organizations in Geneva of the NAM Member States which are Signatories to the Biological Weapons Convention, the assurances of its highest consideration.

Geneva, 7 July 2021





**CHAIR
NON-ALIGNED MOVEMENT
GENEVA CHAPTER**

Annex-C



Ref: NAM/191/21/22

The Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva, in its capacity of the Chair of the Non-Aligned Movement's Geneva Chapter, presents its compliments to the Permanent Mission of the Republic of Kenya to the UN Office and other International Organizations in Geneva in its capacity of the Chair of the 2020 BWC Meeting of State Parties as well as to the BWC Implementation Support Unit and has the honour to inform that the Group of the Non-Aligned Movement and Other States nominates the candidacy of H.E. Amb. Khalil Hashmi, Permanent Representative of Pakistan to the UN Office and other International Organizations in Geneva for the post of the President of the Ninth Review Conference of the BWC to be held from 8th to 26th August 2022.

Ambassador Khalil Hashmi has had a long association with arms control and disarmament matters. In 2019, he chaired the Annual Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons (CCW). A copy of his Curriculum Vitae is attached.

Bearing in mind Ambassador Hashmi's rich and extensive experience in multilateral diplomacy, the Group of the Non-Aligned Movement and Other States is confident that the Ninth Review Conference of the BWC will lead to the successful outcome under the guidance and able stewardship of Ambassador Hashmi.

The Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva, in its capacity of the Chair of the Non-Aligned Movement's Geneva Chapter, avails itself of this opportunity to renew to the Permanent Mission of the Republic of Kenya to the UN Office and other International Organizations in Geneva in its capacity of the Chair of the 2020 BWC Meeting of State Parties as well as to the BWC Implementation Support Unit the assurances of its highest consideration.

Geneva, 7 July 2021

**Permanent Mission of the Republic of Kenya to the UN Office
and other International Organizations in Geneva,
Chair of the 2020 BWC Meeting of State Parties**

**BWC Implementation Support Unit
(bwc@un.org)**

**Copy to: Permanent Missions and Permanent Observer Missions
to the UN Office and other International Organizations
of the Member States of the Non-Aligned Movement
which are Signatories to the BWC and other States Parties to the BWC
Geneva**