



# General Assembly

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## Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction

Second session

New York, 29 November–3 December 2021

### Report of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction on the work of its second session

#### I. Introduction

1. In its decision 73/546 of 22 December 2018, the General Assembly requested the Secretary-General to convene annual sessions of a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction for a duration of one week at United Nations Headquarters until the conference concluded the elaboration of a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction. The first session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction was held at Headquarters from 18 to 22 November 2019.

#### II. Organizational matters and proceedings of the Conference

##### A. Opening and duration of the second session

2. The second session of the Conference was held at Headquarters from 29 November to 3 December 2021. Nineteen members of the Conference from the region, four observer States and three relevant international organizations or entities participated in the session. The list of participants is contained in document [A/CONF.236/2021/INF/3](#).

3. The Conference was opened on 29 November 2021 by the Deputy Permanent Representative of Jordan to the United Nations, Sudqi Al Omoush, on behalf of the Presidency of the first session of the Conference. In accordance with the decision taken by the first session as contained in document [A/CONF.236/DEC.4](#), the Conference endorsed by acclamation Kuwait as President of the Conference and invited the Permanent Representative of Kuwait to the United Nations, Mansour



Alotaibi, to preside over the Conference. The Secretary-General and the President of the General Assembly for the seventy-sixth session, Abdulla Shahid (Maldives), made statements at the opening of the session.

## **B. Agenda and programme of work**

4. At its 1st meeting, following the opening remarks, the Conference adopted the agenda for the second session, as contained in document [A/CONF.236/2021/1](#), as follows:

1. Opening of the Conference.
2. Endorsement of the President of the Conference.
3. Address by the President of the Conference.
4. Address by the Secretary-General.
5. Address by the President of the General Assembly.
6. Adoption of the agenda.
7. Adoption of the programme of work.
8. Adoption of the rules of procedure.
9. Credentials of representatives.
10. General debate.
11. Thematic debate.
12. Consideration and adoption of the report.
13. Any other business.
14. Closure of the session.

5. At the same meeting, the Conference adopted the programme of work for the second session ([A/CONF.236/2021/2](#)). The Conference agreed to structure the thematic debate on the basis of an informal paper by the President, which contained a non-exhaustive list of topics.

## **C. Rules of procedure**

6. At its 1st meeting, pending a final agreement on the rules of procedure, the Conference decided to proceed on the basis of the President's statement made during the first session of the Conference on the rules of procedure.

7. At its 9th meeting, the Conference adopted the rules of procedure as contained in document [A/CONF.236/2021/3](#).

## **D. Attendance of relevant international organizations, United Nations entities and non-governmental organizations**

8. At its 1st meeting, the Conference decided to invite several relevant international organizations, United Nations entities and non-governmental organizations to attend public meetings of the second session as observers (see [A/CONF.236/2021/DEC.1](#) and [A/CONF.236/2021/DEC.2](#)).

## **E. Documentation**

9. The documentation before the Conference is available on the website of the Conference (<https://meetings.unoda.org/meeting/me-nwmdfz-2021/>).

## **III. Credentials**

10. The credentials of representatives and the names of alternate representatives and advisers, to be issued either by the Head of State or Government or by the Minister for Foreign Affairs, were submitted to the Secretary-General of the Conference, who, having examined the credentials received, noted that, as at 3 December 2021:

(a) Formal credentials in due form had been received for the representatives of the following 7 members of the Conference: Egypt, Jordan, Kuwait, Morocco, Saudi Arabia, United Arab Emirates and Yemen;

(b) Provisional credentials for the representatives of the following 11 members of the Conference had been communicated by means of a facsimile communication from the Head of State or Government or the Minister for Foreign Affairs or by means of a note verbale or a letter from the Permanent Mission in New York: Algeria, Bahrain, Iran (Islamic Republic of), Iraq, Libya, Mauritania, Oman, Qatar, State of Palestine, Syrian Arab Republic and Tunisia;

(c) Credentials or other information concerning their representatives had not been received from the following 6 members of the conference: Comoros, Djibouti, Israel, Lebanon, Somalia and Sudan. The Secretariat received a note verbale dated 2 November 2021 from Lebanon informing it of the composition of its delegation and that the credentials would be sent in due course.

11. On the proposal of the Secretary-General of the Conference, the Conference agreed to accept the credentials of all the States referred to in paragraph 10 (a) and (b) above on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 10 (b), as well as those of the representatives of those States referred to in paragraph 10 (c), where applicable, would be submitted as soon as possible.

## **IV. General debate**

12. The Conference commenced the general debate at its 1st meeting and continued it at its 2nd and 3rd meetings. At its 1st meeting, the Conference heard statements by the representatives of Jordan, Bahrain, Lebanon, Saudi Arabia, Tunisia, the Islamic Republic of Iran, Iraq, Qatar and Kuwait. At its 2nd meeting, the Conference heard statements by the representatives of Mauritania, Algeria, the State of Palestine, the Syrian Arab Republic and Egypt. At its 3rd meeting, the Conference heard statements by the representatives of Morocco, Yemen, China, the United Kingdom of Great Britain and Northern Ireland, France, the Russian Federation, the Biological Weapons Convention Implementation Support Unit, the Organisation for the Prohibition of Chemical Weapons and the International Atomic Energy Agency (IAEA).

## **V. Thematic debate**

13. At its 3rd, 4th and 5th meetings, the Conference held a thematic debate. Representatives of members of the Conference exchanged preliminary views on topics noted as follows.

14. The structured thematic debate represented an important opportunity for the members of the Conference to engage formally in a conference setting to exchange preliminary views in a systematic way on core issues related to the negotiation of a legally binding instrument on a Middle East zone free of nuclear weapons and other weapons of mass destruction in accordance with General Assembly decision 73/546.

15. The thematic debate was undertaken on the basis of an informal paper by the President, which contained a non-exhaustive list of issues, including: principles and objectives; core obligations related to nuclear, chemical and biological weapons, including verification; transparency and security through implementation of the treaty; definition of clarifications, consultations and cooperation; peaceful uses and international cooperation; institutional arrangements, entry into force and dispute settlement; protocols, including security assurances; and other relevant issues. The deliberations proceeded with the understanding that any member of the Conference may raise any additional topics for the thematic debate and that members may also supplement and consolidate their views on those issues at any time.

#### **Principles and objectives of a Middle East zone free of nuclear weapons and other weapons of mass destruction**

16. The primary objectives of the treaty should include that of enhancing regional and international peace and security through the complete elimination and prohibition of nuclear weapons and other weapons of mass destruction in the region of the Middle East.

17. The Middle East zone treaty should be established on the basis of: article VII of the Treaty on the Non-Proliferation of Nuclear Weapons; the resolution on the Middle East, which was adopted as an integral part of the outcomes the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; the relevant paragraphs of the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; and the guidelines adopted by the Disarmament Commission in its report of 30 April 1999 on establishing nuclear-weapon-free zones.

18. Members of the Conference reaffirmed the importance of the accession of Israel to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, as reflected in the final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and stressed that the resolution on the Middle East was an integral part of the package that led to the indefinite extension of the Non-Proliferation Treaty during the 1995 Review and Extension Conference. They urged all members of the Conference and the three co-sponsors of the resolution to ensure its early implementation. They also called upon all members of the Conference and observers to take part in future sessions of the Conference on the establishment of a Middle East zone free of weapons of mass destruction and to contribute to the realization of its objective.

19. The obligations of all the members of the treaty should be clearly defined and legally binding, and the members of the treaty should fully comply with such obligations.

20. Nothing in the treaty should be interpreted as affecting the inalienable right of all members of the treaty to develop, research, produce and use nuclear, chemical and biological materials, equipment and technology for peaceful purposes, in conformity with article IV of the Non-Proliferation Treaty, article XI of the Chemical Weapons Convention and article X of the Biological Weapons Convention. All members of the treaty should have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful

uses of nuclear, chemical and biological materials, equipment and technology for peaceful purposes. Each member's choices and decisions in the field of the peaceful uses of nuclear, chemical and biological materials, equipment and technology should be respected.

21. The treaty should recognize the catastrophic humanitarian and environmental consequences that would result from any use of nuclear, chemical or biological weapons and the need to prevent such horrors from occurring again. It should also affirm that any use or threat of use by any State was unacceptable.

22. The preamble to the treaty could reaffirm support for the primary international treaties addressing weapons of mass destruction, such as the Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention.

23. A point was raised that that treaty should not be linked to the Middle East peace process.

**Core obligations related to nuclear, chemical and biological weapons, including verification**

24. The treaty should include obligations that its members not: research, develop, manufacture, test, stockpile, acquire, possess or have any control over nuclear weapons or any other nuclear explosive device, as well as any chemical or biological weapons; seek or receive assistance in any of the above; or assist in or encourage such actions by any other party.

25. The treaty should include prohibitions on the development, production, stockpiling, testing, transfer, transit, receipt, storage, installation or any other form of possession of any nuclear weapon or nuclear explosive device, as well as other weapons of mass destruction, on the territory of members of the treaty or any territories under their jurisdiction. It was suggested that those prohibitions be extended to the territorial sea or archipelagic waters of members of the treaty.

26. The treaty should also prohibit any transit of nuclear materials or other waste removed from nuclear weapons through the territory of members of the treaty or any territories under their jurisdiction.

27. The treaty should also require members of the treaty to prohibit and prevent in their respective territories the diversion of nuclear, chemical and biological materials for prohibited military purposes.

28. The treaty should also prohibit any transit, through the territory of members of the treaty or any territories under their jurisdiction, of nuclear materials or other waste removed from nuclear weapons.

29. The treaty's provisions should be non-discriminatory and provide the same rights and obligations to each of its members.

30. With respect to verification, the treaty should avoid duplicating other existing international arrangements and could rely on existing instruments, including the comprehensive safeguards of IAEA and the verification regime of the Organisation for the Prohibition of Chemical Weapons.

31. It was also suggested that the members of the treaty consider a regional verification mechanism to supplement existing multilateral verification regimes.

32. The voluntary nature of adherence to the additional protocol of IAEA and that it could not be considered as a condition for the supply of nuclear technology for peaceful purposes were emphasized.

### **Definition of clarifications, consultations and cooperation**

33. The inclusion of clear definitions of key terms employed in the treaty and its protocols contributes to the effective implementation of the treaty.

34. Non-prohibited purposes should be clearly defined to include industrial, agricultural, research, medical, pharmaceutical or any measures linked to the prevention of nuclear, chemical or biological incidents.

35. With regard to the definition of the territory covered by the treaty, it was suggested that it cover all land holdings, internal waters, territorial seas and archipelagic waters.

36. Clarifications, consultations and cooperation served as effective tools that contribute to effective implementation.

### **Peaceful uses and international cooperation**

37. It was emphasized that the treaty should uphold the right to develop and use nuclear, chemical and biological materials, equipment and technologies for peaceful purposes. That included the reaffirmation of the inalienable right of members of the treaty to develop research, production and use of nuclear energy, as well chemical and biological materials and equipment and technology for peaceful purposes, without discrimination.

38. The treaty should facilitate and provide for the fullest possible exchange of equipment and materials and scientific and technological information for peaceful uses. The point was made in that regard that the treaty should actively promote the peaceful uses of nuclear energy, especially given the environmentally friendly nature of nuclear power.

39. It was emphasized that the application of comprehensive safeguards would not in any way hamper legitimate peaceful uses or their developmental benefits or infringe on the sovereign decisions of members of the treaty in that regard.

40. The treaty should promote the exchange of information and cooperation to ensure that nuclear, chemical and biological materials and technologies did not fall into the hands of criminal organizations.

41. The treaty should emphasize the importance of the peaceful uses of nuclear, chemical and biological materials and technologies in the industrial, agricultural, research, medical and pharmaceutical fields, any measures linked to the prevention of nuclear, chemical or biological incidents or any other peaceful uses that were proven to be essential.

42. In the treaty, developed countries could be called upon to play a key role in sharing their knowledge and exchanging equipment, materials and scientific and technological information for peaceful uses.

43. The view was expressed that any measures imposed that would hinder civil cooperation projects with developing countries should be avoided, and that the treaty should ensure that under no circumstances would international cooperation on the peaceful use of nuclear energy and other related technologies be hindered, in accordance with article IV of the Non-Proliferation Treaty.

### **Institutional arrangements, entry into force and dispute settlement**

44. There were several proposals for the establishment and the functions of various bodies associated with the treaty, such as a meeting of members of the treaty, a secretariat and a review conference on the treaty. Those bodies could oversee the

implementation of the treaty, address cases of non-compliance, coordinate exchanges of information among members of the treaty and convene periodic sessions, as well as any other matters pursuant to and consistent with the provisions of the treaty.

45. The treaty should include the designation of a national authority that would act as a national focal point that would be responsible for both national implementation and liaising with the treaty implementation body and other national focal points.

#### **Protocols, including negative security assurances**

46. The treaty should be respected by and have the full cooperation of nuclear-weapon States. It should also include protocols containing legally binding obligations that nuclear-weapon States not use or threaten to use nuclear weapons against members of the treaty; not deploy or station nuclear weapons within the zone; and not provide any assistance to any countries in any acts prohibited by the treaty.

#### **Other relevant issues**

47. Treaty provisions should include the following: peaceful settlement of disputes, amendments, duration, withdrawal, annexes, signature, ratification, accession, entry into force, reservations, depositary and authentic texts.

48. It was suggested that the treaty remain in force indefinitely.

49. On the basis of lessons learned from other nuclear-weapon-free zone treaties, the treaty should establish a minimum period of notification of withdrawal of 12 months.

50. It was proposed that the Secretary-General of the United Nations be designated as the depositary of the treaty.

51. In addition to the deliberations reflected in the paragraphs above, the Conference agreed to continue its discussion on but not limited to the following issues:

- (a) Accession by members of the Conference to relevant multilateral legal instruments related to weapons of mass destruction;
- (b) Conditions for entry into force of the treaty;
- (c) Verification mechanism for biological weapons;
- (d) Other verification measures and the Model Protocol Additional to the Agreements between States and the International Atomic Energy Agency for the Application of Safeguards;
- (e) Unilateral coercive measures;
- (f) Secretariat of the treaty;
- (g) Depositary of the treaty.

## **VI. Intersessional work**

52. The Conference decided, with regard to its work during the intersessional period of the Conference, as contained in document [A/CONF.236/2021/DEC.3](#):

- (a) To establish, on an informal basis, in accordance with the rules of procedure of the Conference, a working committee, open to all members of the Conference, to continue deliberations during the period between annual sessions of the Conference on issues related to the mandate of the Conference, as contained in

General Assembly decision 73/546 of 22 December 2018, on the basis of the outcomes of each annual session of the Conference;

(b) That the working committee will be convened by the President of the Conference, with the support of the secretariat of the Conference, and will hold a minimum of two meetings during each intersessional period;

(c) That the working committee may decide to invite observers and experts to contribute to its work;

(d) That the working committee may decide to report on its work to the Conference at its subsequent annual session.

## **VII. Preparations for the third session**

53. At its 10th meeting, the Conference decided that its third session would be held from 14 to 18 November 2022 at United Nations Headquarters.

54. The Conference agreed that the President, in consultation with members of the Conference, should undertake efforts to prepare for the third session.

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