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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

Working paper submitted by Egypt**I. Background**

1. The establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction has justifiably taken its place at the forefront of issues of great concern for the international community. Regrettably, almost a half-century after the General Assembly started the adoption of yearly resolutions, in 1974, on the establishment of a Middle East zone free of nuclear weapons, the issue remains unresolved.
2. Since 1991, the General Conference of the International Atomic Energy Agency (IAEA) has adopted an annual resolution on the application of the Agency's safeguards in the Middle East, in which it requests the IAEA Director General to pursue further consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards, as a necessary step towards the establishment of the nuclear-weapon-free zone, and to submit regular reports on the implementation of the resolution. The Director General was not able to make progress in fulfilling the mandate pursuant to the resolution.
3. In 1995, and as an integral part of the Treaty on the Non-Proliferation of Nuclear Weapons indefinite extension package, the 1995 Review and Extension Conference of the Parties to the Treaty adopted by consensus the resolution sponsored by the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the establishment of the zone.
4. The 1995 resolution is an essential element of the outcome of the 1995 Review and Extension Conference and constitutes the basis on which the Non-Proliferation Treaty was indefinitely extended without a vote. It remains valid until its goals and objectives are achieved.
5. The 2010 Review Conference of the Parties to the Non-Proliferation Treaty adopted by consensus in its action plan a set of actions on the implementation of the 1995 resolution that included mandating the Secretary-General and the co-sponsors



of the 1995 resolution to convene a conference in 2012 on the establishment of the zone.

6. The failure to convene a conference in 2012 led to a frustrating impasse with regard to achieving the outlined goal.

7. Given the continued delay and the urgent need for the implementation of the 1995 resolution, the Arab Group, out of determination to implement the resolutions and decisions of previous Review Conferences, drafted a resolution at the General Assembly that mandated the Secretary-General to convene a conference in 2019 to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

8. In this context, the General Assembly in 2018 adopted decision 73/546 on convening a conference on the establishment of the zone, aimed at elaborating a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction, while taking the 1995 resolution on the Middle East as its terms of reference, on the basis of arrangements freely arrived at by the States of the region.

9. 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 convened in November 2019. It adopted a political declaration, which, inter alia, emphasized the open and inclusive nature of the Conference and extended an open-ended invitation to all States of the region to join the process.

II. Elements for drafting a treaty on the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East

Principles and guidelines for drafting the treaty

10. The following principles and guidelines for the establishment of the zone shall be considered while drafting the treaty:

(a) The establishment of the zone is based on article VII of the Non-Proliferation Treaty, the 1995 resolution and the guidelines adopted by the Disarmament Commission in its report of 30 April 1999 on establishing nuclear-weapon-free zones;

(b) The zone is of great significance in promoting nuclear disarmament, preventing the proliferation of nuclear weapons and other weapons of mass destruction and enhancing regional and global peace and stability;

(c) The zone shall be established on the basis of arrangements freely arrived at among the States of the region concerned;

(d) The obligations of all the States parties to the treaty should be clearly defined and legally binding, and the States parties should fully comply with such obligations;

(e) The nuclear-weapon States shall be consulted during the negotiation of the treaty and its relevant protocol(s) in order to facilitate their signature and ratification of the relevant protocol(s) to the treaty, through which they undertake legally binding commitments to preserve the status of the zone and to not use nuclear weapons or other weapons of mass destruction against the States parties to the treaty, nor to transfer, station, install, test or deploy such weapons in the zone;

(f) Nothing in the treaty shall be interpreted as affecting the inalienable right of all parties to the treaty to develop research, production and use of nuclear energy for peaceful purposes in conformity with articles I, II, III and IV of the Non-Proliferation Treaty. All parties to the treaty shall have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Each State's choices and decisions in the field of peaceful uses of nuclear energy should be respected;

(g) The treaty should provide for the effective verification of compliance with the commitments made by the parties to the treaty, through the placement of all their nuclear facilities and activities under the IAEA full-scope comprehensive safeguards, which are equivalent in scope and effect to the agreements required under article III of the Non-Proliferation Treaty;

(h) Nuclear-weapon States and States parties should take measures to materialize the security assurances provided in all nuclear-weapon-free zone treaties and relevant protocols in accordance with the final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (see NPT/CONF.2000/28 (Parts I and II), para. 5, in the section on the implementation of article VII of the Treaty).

Geographical scope of the treaty

11. The geographical scope of the "Middle East" for the purpose of the establishment of the zone as defined in General Assembly decision 73/546 refers to the members of the League of Arab States, the Islamic Republic of Iran and Israel.¹

Obligations and prohibitions

12. The following obligations on each State party to the treaty shall be considered:

(a) The treaty should require each State party to use the nuclear, chemical and biological materials and facilities that are under its jurisdiction exclusively for peaceful purposes. The treaty should also require each State party to prohibit and prevent in its respective territory the diversion of these materials for military purposes and the development, production, stockpiling, transfer, transit, stationing and deployment of any nuclear weapons or other nuclear explosive devices;

(b) The treaty should include a clear timeline for the accession of States parties to relevant legal instruments. In this regard, the treaty should require each State party that is not yet a State party to the Non-Proliferation Treaty to accede to that Treaty as a non-nuclear-weapon State no later than 12 months after the treaty enters into force. In this respect, the treaty should also include provisions that stipulate that each State party shall irreversibly eliminate, deactivate, disable, separate from means of delivery or otherwise remove from operational status all nuclear weapons and nuclear explosive devices that it owns or possesses, as well as any nuclear weapon stationed within its territory;

(c) With regard to legal instruments pertinent to the peaceful uses of nuclear energy, the treaty should premise its requirements upon the comprehensive safeguards agreement, which is considered the international standard of verification. The treaty should require each State party that has not done so to conclude and bring into force a comprehensive safeguards agreement with IAEA (see INFCIRC/253 (Corrected)),

¹ The "States of the Middle East" are explicitly and exclusively identified in General Assembly decision 73/546 and the report of the Director General of the International Atomic Energy Agency on the application of the Agency's safeguards in the Middle East (GOV/2018/38-GC(62)/6).

while stipulating that the comprehensive safeguards agreement required should be concluded no later than 12 months after the entry into force of the treaty;

(d) As for obligations and prohibitions pertinent to the disarmament of chemical and biological weapons, the treaty should exact the accession by each State party that has not yet done so to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction no later than 12 months after the entry into force of the treaty. This will also entail an obligation for each State party to destroy or convert to peaceful purposes any chemical or biological weapons and manufacturing facilities that it owns or possesses or that are located in any place under its jurisdiction or control, in accordance with the provisions of those Conventions. The treaty should request States parties to take the aforementioned measures without infringing upon their inherent and sovereign right to the peaceful use of chemical and biological materials;

(e) In the same vein, the treaty should include a stipulation that each State party undertakes under all circumstances, anywhere inside or outside the zone, not to develop, produce, manufacture or otherwise acquire, possess, stockpile or have control over nuclear, chemical or biological weapons; prohibit each State party from allowing the development, manufacturing, stationing, deployment, installation, control, testing or transfer of nuclear, chemical or biological weapons by any other State within its territory or under its jurisdiction; and prohibit the testing, use or threat of use of nuclear, chemical or biological weapons;

(f) Notwithstanding the obligation to conclude a comprehensive safeguards agreement with IAEA, the treaty should require each State party to submit to the Secretary-General, together with its instrument of ratification, a declaration in which it shall state whether it has owned, possessed or controlled nuclear weapons or nuclear explosive devices, including a time-bound plan for the verifiable elimination of its nuclear weapon programme. The treaty should also include provisions to ensure that any State party that has previously possessed or controlled nuclear weapons shall conclude a safeguards agreement with IAEA sufficient to provide credible assurance of the non-diversion of declared nuclear material from peaceful nuclear activities and of the absence of undeclared nuclear material or activities under the control of or within the territory of that State party.

Entry into force

13. Taking stock of the lessons learned from the experiences of relevant legal instruments, the treaty should enter into force 90 days after the instruments of ratification have been deposited by all States of the Middle East, as identified in General Assembly decision 73/546.

Meeting of the States parties

14. With regard to meetings of the States parties:

(a) The treaty shall establish a meeting of the States parties, at which the States parties will be equally represented, to convene regularly in order to consider and, where necessary, take decisions with respect to any matter with regard to the application or implementation of the treaty, in accordance with its relevant provisions, and on further measures for disarmament, including:

- (i) Implementation and status of the treaty;
- (ii) Measures for the verified, time-bound and irreversible elimination of nuclear weapons and other weapons of mass destruction programmes;

(iii) Any other matters pursuant to and consistent with the provisions of the treaty;

(b) The first meeting of the States parties shall be convened by the Secretary-General within one year of the entry into force of the treaty. Further meetings of the States parties shall be convened by the Secretary-General on an annual basis, unless otherwise agreed by the States parties;

(c) States of the region that have signed the treaty may consider establishing a preparatory committee that is mandated to prepare for and promote the entry into force of the treaty.

Verification and compliance

15. With regard to verification and compliance:

(a) The treaty shall rely on the verification and implementation mechanisms and measures of the Non-Proliferation Treaty (the IAEA comprehensive safeguards agreements), the Organisation for the Prohibition of Chemical Weapons and the Biological Weapons Convention. The Biological Weapons Convention Implementation Support Unit will be consulted during the negotiations on possible verification measures to be implemented related to the Convention;

(b) Other proposals and recommendations regarding further verification measures, including possible regional arrangements, could be discussed at the meeting of the States parties;

(c) The meeting of the States parties, as the supreme organ of the treaty, shall address all cases in which any State party is not in full compliance with its obligations under the treaty.

Supplementary protocol(s) to the treaty

16. The supplementary protocols shall clarify the obligations of all nuclear-weapon States officially recognized under the Non-Proliferation Treaty to respect and preserve the status of the zone and to not use or threaten to use, test, transfer, station or deploy nuclear, chemical or biological weapons against States parties to the treaty.
