



# 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

Fourth session

New York, 13–17 November 2023

### 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 fourth session<sup>1</sup>

#### I. Introduction

1. In its decision 73/546, 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 Headquarters until the conference concludes the elaboration of a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction.

#### II. Organizational matters and proceedings

##### 1. Opening and duration of the session

2. The fourth session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction was held from 13 to 17 November 2023 at Headquarters. Twenty-three Members to the Conference, four observer States (China, France, Russian Federation and United Kingdom of Great Britain and Northern Ireland) and three relevant international organizations or entities (International Atomic Energy Agency (IAEA), Organisation for the Prohibition of Chemical Weapons (OPCW) and Biological Weapons Convention Implementation Support Unit) participated in the session. The list of participants is contained in document A/CONF.236/2023/INF/4.
3. The Conference was opened on 13 November 2023 by the President of the third session of the Conference, Charge d'Affaires of Permanent Mission of Lebanon to the United Nations, Hadi Hachem. In accordance with Rule 5(1) of the Rules of Procedure of the Conference, as contained in document A/CONF.236/2023/1, Members to the Conference endorsed by acclamation Libya as President of the

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<sup>1</sup> This is an unedited advance version of the report, as adopted, pending editing and translation.

fourth session and invited the Permanent Representative of Libya to the United Nations, Taher El-Sonni, to preside over the Conference. The President of the General Assembly, Ambassador Dennis Francis of Trinidad and Tobago and the Under-Secretary-General and High Representative for Disarmament Affairs, Ms. Izumi Nakamitsu (on behalf of the Secretary-General) made statements at the opening of the session.

4. The wide participation and growing interest in the Conference reflect the commitment and determined political will to achieve the ultimate goal of the total and complete elimination of nuclear weapons as well as other weapons of mass destruction, as enshrined in the related treaties, namely the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological Weapons Convention and the Chemical Weapons Convention.

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

5. At its 1st meeting, the Conference adopted the agenda for the fourth session, as contained in document A/CONF.236/2023/2, as follows:
  1. Opening of the session.
  2. Endorsement of the President of the Conference.
  3. Address by the President of the Conference.
  4. Address by the President of the General Assembly.
  5. Address by the Under-Secretary-General and High Representative for Disarmament Affairs.
  6. Adoption of the agenda.
  7. Adoption of the programme of work.
  8. Credentials of representatives.
  9. Consideration of working methodology.
  10. General debate.
  11. Work of the working committee.
  12. Thematic debate.
  13. Consideration and adoption of the report.
  14. Any other business.
  15. Closure of the session.
6. At the same meeting, the Conference adopted the programme of work for the session [A/CONF.236/2023/3](#). The Conference also agreed to structure the thematic debate on the basis of a list of topics proposed by the President of the fourth session and agreed by Members to the Conference.

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

7. At its 1st meeting, the Conference decided to invite relevant intergovernmental organizations, United Nations entities and non-governmental organizations to attend public meetings of the fourth session as observers (see [A/CONF.236/2023/DEC.1](#) and [A/CONF.236/2023/DEC.2](#)).

#### 4. Documentation

8. The documentation of the Conference is available on the website of the Conference (<https://meetings.unoda.org/me-nwmdfz/conference-establishment-middle-east-zone-free-nuclear-weapons-fourth-session-2023>).

### III. Credentials

9. 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:
  - (a) Formal credentials in due form had been received for the representatives of the following the Members to the Conference: Algeria, Egypt, Iraq, Mauritania, Morocco, and Oman.
  - (b) Provisional credentials for the representatives of the following Members to the Conference had been communicated by means of email, e-deleGATE portal, note verbale or letter from the permanent mission in New York: Bahrain, Comoros, Djibouti, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libya, the State of Palestine, Qatar, the Kingdom of Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates, and Yemen,
  - (c) Credentials or other information concerning their representatives had not been received from the following three Members to the Conference: Israel and Somalia.
10. 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 9 (a) and (b) above, on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 9 (b), as well as those of the representatives of those States referred to in paragraph 9 (c), where applicable, would be submitted as soon as possible.

### IV. Consideration of working methodology

11. With a view to improving the effectiveness of the working committee, the Conference only discussed and adopted under this agenda item decision (A/CONF.236/2023/DEC.3) which adjusts the timing of the endorsement of the incoming President from the beginning of each annual session to the end of the following annual session, starting from the fifth session.

### V. General debate

12. The Conference commenced the general debate at its 1st meeting and continued the general debate at its 1st and 2nd meetings. At its 1st meeting, the Conference heard statements by the following Members to the Conference: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia (Kingdom of), State of Palestine, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, and Yemen. Oman also delivered a statement on behalf of the Gulf Cooperation Council. The Conference also heard statement from the following observer States,

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organizations, and entities: China, France, Russian Federation, United Kingdom, Biological Weapons Convention Implementation Support Unit, Organisation for the Prohibition of Chemical Weapons, International Atomic Energy Agency and League of Arab States.

13. The general debate covered diverse issues including the importance of implementing the Middle East Resolution issued by the 1995 Review and Extension Conference of the Nuclear Non-Proliferation Treaty, general principles and core obligations, the inalienable right of States parties to receive and use nuclear, chemical and biological technology and materials solely for peaceful purposes, commitment to achieving a WMD free world, Peaceful uses and technical cooperation, the deliberation of the working committee and follow-up and review of the status of deliberations on past thematic topics, participation of all parties and the invited observers, the consecutive failures of the NPT Review Conferences held in 2015 and 2022 , the validity of the resolution on the Middle East, adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as other relevant decisions on the matter adopted within the context of the Review Conferences until the objective is fully achieved.
14. The participating Members to the Conference, in their national statements during the general debate and throughout the proceedings of the Conference, have articulated profound concerns and condemnation regarding the two recent nuclear threats made by high-ranking Israeli officials. This includes the most recent statement by the Israeli Minister of Heritage on November 5, 2023, threatening to use nuclear weapons on Gaza. The participating Members unequivocally condemned these irresponsible statements and deplored the severe risk they pose to regional and international peace and security.
15. In the participating Members' statements, they recalled the principles and purposes of the UN Charter, UN Security Council resolutions 487 and 687, along with various pertinent UN General Assembly and the International Atomic Energy Agency (IAEA) General Conference resolutions. They underscored that these nuclear threats highlight the urgent and indispensable need to establish a Middle East free from nuclear weapons and other weapons of mass destruction.
16. The participating Members urged Israel to promptly join the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and expeditiously subject its nuclear facilities and activities to the Comprehensive Safeguards Agreements of the IAEA.
17. Noting Israel's non-participation in the four sessions of the Conference held thus far, the participating Members emphasized the necessity of Israel to accept the annual invitation extended by the UN Secretary-General to participate in the UN Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction. This Conference aims to elaborate a legally binding instrument for establishing a nuclear-weapon and other weapons of mass destruction-free Middle East, based on arrangements freely arrived at by States in the region through a consensus-based decision-making process.

## **VI. Work of the working committee**

18. At its 3rd meeting, Lebanon, as the President of the third session, presented a summary of the work of the working committee during 2023, annexed to the present report as an informal document.
19. Members to the Conference expressed appreciation to Lebanon for its

leadership in conducting the work of the working committee during the intersessional period.

20. The President of the fourth session and the incoming President, in his capacity as co-facilitator, in accordance with paragraph 47 below, proposed that, for the next intersessional period, the working committee may address, *inter alia*, the following topics: (a) nuclear verification, (b) peaceful uses and technical cooperation, (c) an index of the list of topics to be addressed by future sessions of the Conference. Members to the Conference agreed to the abovementioned topics and may propose other topics, including to follow up on previous topics, as needed. The working committee may decide to report on its work, as mentioned in the decision (A/CONF.236/2021/DEC.3).
21. With a view towards the predictability of its work, the Conference requested the Working Committee to prepare an indicative, non-exhaustive, evolving, and subject-to-further review an index of the list of possible thematic topics that can be discussed under the agenda item allocated for thematic discussions, and to submit this index to the consideration of the Conference at its 5th Session in 18-22 November 2024.
22. The Working Committee will undertake this task based on proposals received from the Members to the Conference. The Working Committee may propose a possible sequence for the consideration of the thematic topics included in the list.

## VII. Thematic debate

23. At its 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> meetings, the Conference held a thematic debate. Members to the Conference exchanged views on the following topics: (a) peaceful uses and technical cooperation; (b) nuclear verification; and (c) topics identified in previous sessions of the Conference requiring further discussion.
24. The thematic debate was organized on the basis of the three agreed topics, with one meeting allocated to each topic. The deliberations proceeded with the understanding that any Member to the Conference may raise any additional topics for the thematic debate and they may also supplement or consolidate their views on those issues at any time. Members to the Conference expressed their respective positions on the thematic topics and engaged in interactive discussions.
25. The Members to the Conference recalled paragraph 18 of the report of the third session under the section of “core obligations”, which states that the member to the conference reconfirmed the outcomes of the previous sessions of the Conference.

### Peaceful uses and technical cooperation

26. Members to the Conference emphasized that the future Middle East zone treaty should reaffirm the inalienable right of its members to the peaceful uses nuclear energy, as well as the peaceful uses of biological, and chemical materials and technologies, and ensure that its members can fully enjoy this right without restriction or politicization. It was emphasized that nothing in treaty should be interpreted in a manner that restricts this right, which exceeds or are contradictory to the states’ respective obligations under international treaties and conventions.
27. Members to the Conference reiterated that the treaty should facilitate and provide for the fullest possible exchange on peaceful uses of nuclear, biological, and chemical materials, technologies, and scientific and technical information.
28. Several proposals were made in this regard, including on the establishment of a regional mechanism that would promote and facilitate interregional cooperation and such an exchange of materials, equipment, technologies, and expertise, as well as on the establishment of regional consortium for the production of nuclear fuel. A view was expressed that the establishment of such mechanisms and bodies is premature before agreeing to free the Middle East of nuclear weapons and other weapons of

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mass destruction and ensuring that all relevant facilities are subject to international control and supervision.

29. Members to the Conference recognized that adherence to comprehensive safeguards agreements of the International Atomic Energy Agency underpin the ability of States to take full advantage of peaceful nuclear applications. In this regard, the Conference recognized the efforts of the IAEA in promoting peaceful nuclear applications and its support of its members to this end through various initiatives. A number of states also stressed the positive impact of peaceful nuclear applications in addressing social and economic developmental needs.
30. It was pointed out that the lessons learned from the five nuclear-weapon-free zones around the world provide a valuable contribution to the deliberations and enrich the discussions in the conference, under the common goal of the realization of a world free of nuclear weapons and other weapons of mass destruction, however, it is imperative to recognize the distinct aspects of the region including the state of existing imbalance vis-à-vis the principal relevant treaties and conventions related to weapons of mass destruction.
31. It was emphasized that the conclusion of comprehensive safeguards agreements with the International Atomic Energy Agency should not in any way, hamper peaceful uses or their developmental benefits of States in this regard. Members of the Conference also underlined that nuclear safety and nuclear security within the state rest entirely with that state and should not be used as a pretext to impede the access to nuclear energy.
32. The issue of unilateral coercive measures was also raised. Various views remain the same and positions expressed by Members to the Conference on this topic in paragraph 31 of the report of the third session remain valid.

#### **Nuclear verification**

33. On the scope of nuclear verification under the future zone treaty it was agreed that this issue required further consideration.
34. Members to the Conference underscored that acceding to the Treaty on the Non-proliferation of Nuclear Weapons as a non-nuclear weapon party and fully complying with its obligations will represent a necessary prerequisite for any party in the region to become a party to the future zone treaty.
35. Members to the Conference discussed whether the future zone treaty should rely on the safeguards regime of the International Atomic Energy Agency. A view was raised that there are some outstanding issues related to the safeguards regime such as the discriminatory approach, discrepancies in practice, confidentiality regime, and the authorized source of data, that need to be discussed between the experts of the IAEA and Members to the Conference in the working committee. They recalled that the implementation of comprehensive safeguards agreements should be designed to provide for verification by the Agency of the correctness and completeness of a State's declarations.
36. A view was expressed that verification of the future treaty should not go beyond comprehensive safeguards agreements as they are the standard and universal verification benchmark as prescribed under the NPT and that the Additional Protocol is voluntary in nature and accession to it is a sovereign decision. Another view was expressed that the future treaty should consider requiring its Members to conclude the Additional Protocol, as it would enhance the effectiveness of the verification of the treaty.
37. Members to the Conference called on all parties in the region to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon party and subject all their nuclear facilities to comprehensive safeguards.

**Topics identified in previous sessions of the Conference requiring further discussion**

38. On principles and core obligations, Members to the Conference reiterated that the future zone should contain comprehensive prohibitions, including the use or threaten to use nuclear weapons or other nuclear explosive devices, as well as all other weapons of mass destruction. The core obligations of the Middle East zone treaty should ensure the total absence of nuclear weapons and other weapons of mass destruction from the region of the Middle East. A view was expressed that the treaty should prohibit physical attacks or cyber-attacks against peaceful nuclear installations in the region.
39. Members to the Conference reiterated the necessity of the accession by all Members to the Conference, before conclusion of this treaty, to relevant multilateral legal instruments related to weapons of mass destruction, namely the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological Weapons Convention and the Chemical Weapons Convention.
40. On entry into force, a proposal was made that the treaty should enter into force after 90 days following the deposit of instruments of ratification of the related treaties as specified in paragraph 36, as well as the treaty establishing the zone, by all Members to the Conference. Another view was expressed that the issue of entry into force should be discussed and agreed upon at a later stage following agreement on the substantial aspects of the treaty.
41. On definitions, a view was expressed that the treaty should include definition on the geographic scope and zone of application of the treaty and well as technical and scientific terms.
42. The Conference agreed to further deliberate on these topics in due course after elaborating the elements on the obligations and measures related to the prohibition of the three categories of weapons of mass destruction.
43. The deliberations of the Conference are without prejudice to the positions of the Members to the Conference at later stage of negotiations nor do they prejudice the outcome of the work of the Conference on any issue.

**VIII. Other business**

44. Qatar brought to the attention of the Conference its intention to host a regional side event in Doha in 2024, with the intention to support the main goal of the Conference. Several Members to the Conference expressed their support to the proposal by Qatar.

**IX. Preparations for the fifth session**

45. At its 9th meeting, the Conference decided that its fifth session would be held from 18 to 22 November 2024 at Headquarters.
46. The Conference agreed that the President, in consultation with Members to the Conference, should undertake efforts to prepare for the fifth session. Members to the Conference urged all those States, observers and relevant international organizations invited in General Assembly decision 73/546 to attend the fifth session of the Conference to provide their constructive contribution and help to further the process.
47. To facilitate the implementation of the decision contained in A/CONF.236/2023/DEC.3, as outlined in section IV, Members to the Conference decided that Mauritania, as the in-coming President of the fifth session, and as a one-time transitional measure, will serve, together with the President of the Conference, as co-facilitator, to jointly conduct the intersessional work of the Conference, including

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its working committee.

48. Under general debate, views were expressed about the importance of the positive development associated with the increasing interest and positive engagement by civil society, academia and researchers with the conference and its activities, while looking forward to promoting this valued cooperation and dialogue in support to the objectives and purposes of the conference.



## Annex

### **Summary of the work of the Working Committee of the Third Session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction**

#### **Introduction**

1. At its third session, the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction agreed that the Working Committee would address the following topics: (a) glossary of terminologies; and (b) general principles and obligations for a Middle East zone free of nuclear weapons and other weapons of mass destruction in the intersessional period between the third and fourth sessions of the Conference.
2. The working committee, established by decision (A/CONF.236/2021/DEC.3) adopted at the second session of the Conference, is mandated to continue deliberations 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.
3. The deliberations of the Working Committee and the interaction between members of the Conference and the experts listed in paragraphs 9 and 10, based on their presentations, and under topics 1 and 2 as reflected in this summary are without prejudice to the positions of the members of the Conference at a later stage of negotiations nor do they prejudge the outcome of the work of the Conference on any issue.

#### **Conduct of the working committee**

4. The Working Committee held three meetings, under the President of the third session of the Conference (Lebanon).
5. At the first meeting, held on 27 January 2023, the Working Committee discussed the organizational aspects of its work. It decided that two substantive meetings would be held in March and June 2023, which would cover both topics mandated by the Conference at its third session and follow the format of the previous Working Committee meetings of expert presentations and interactive discussions among members of the Conference.
6. At the second meeting of the Working Committee, held on 13-15 March, and according to its mandate Working Committee specified in the decision establishing it A/CONF.236/2021/DEC.3, members of the conference discussed informally the topics of “glossary of terminologies” and “general principles and obligations for a Middle East zone free of nuclear weapons and other weapons for mass destruction”, with input by experts invited to the meeting.
7. At its third meeting held on 14-16 June, the Working Committee continued to discuss the afore-mentioned two topics.
8. As agreed, a number of experts, drawn from a list approved by Members of the Conference, were invited, to brief the Working Committee on the specified topics on the agenda of its meetings, in their personal capacity.
9. The following experts participated in the second meeting of the Working Committee held on 13-15 March 2023:
  - (a) Mohammad Taghi Hosseini (Institute of Political and International Studies)

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- (b) Kamal Araj (Jordan Atomic Energy Commission)
  - (c) Martha Mariana Mendoza Basulto (Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean)
  - (d) Arancha Hinojal Oyarbide (United Nations Office of Legal Affairs)
  - (e) Jenni Rissanen (International Atomic Energy Agency)
  - (f) Pavel Podvig (United Nation Institute for Disarmament Research)
  - (g) James Revill (United Nation Institute for Disarmament Research)
  - (h) Zia Mian (Princeton University)
  - (i) Gaukhar Mukhatzhanova (Vienna Center for Disarmament and Non-proliferation)
  - (j) Ralf Trapp (Chemical and Biological Weapons Network)
10. The following experts participated in the third meeting of the Working Committee held on 14-16 June 2023:
- (a) Rolliansyah Soemirat (Director for ASEAN Political-Security Cooperation)
  - (b) Daniel Feakes (Biological Weapons Convention, Implementation Support Unit)
  - (c) Mohammad Taghi Hosseini (Institute of Political and International Studies)
  - (d) Elizabeth Mendenhall (University of Rhode Island)

**Topic 1.** *“Glossary of terminologies”*

11. With regard to terms in connection with the future legal instrument on establishing a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction (MEZFWMD), it was noted that existing WMD-related multilateral instruments and nuclear-weapon-free zone treaties apply different approaches to defining key terms.
12. These varying approaches to defining terms include (a) detailed definitions that clearly list items and acts, (e.g., definitions of chemical weapons in CWC and “stationing” in NWFZ treaties etc.); (b) descriptive definitions (such as intent-based and the so-called general purpose criterion) that would be formulated in such a broad manner as to be able to cover all risks and to absorb new developments in a certain area (e.g., biological weapons in the BWC) and (c) the non-inclusion of definitions. In this regard, it was noted that different nuclear-related instruments adopted different approaches, e.g., the NPT does not contain definitions for nuclear weapons and related activities, while existing NWFZ treaties defined those terms.
13. All the afore-mentioned approaches were noted. Based on the interaction between members of the Conference and the experts, based on their presentations, it was highlighted that the first approach may risk creating loopholes as scientific and technological advancements take place or by overlooking acts not clearly listed and thus necessitate an amendment process to the provisions of relevant legal instruments. The second approach may present challenges for the implementation and operationalization of the treaty if terms were to be defined too broadly, which would require interpretative guidelines to be formulated by parties to the treaties, as well as the creation of a dispute settlement mechanism to address any ambiguities in the implementation of the relevant treaties. The considerations and rationales of the third approach involve the NPT mainly and are less pertinent in cases of establishing zones free of nuclear weapons, taking into account that this approach may cause disputes related to the interpretation and application of the future legal instrument as the members of the Conference may have different interpretations of the terms used that defeat the object and purpose of the legal instrument or lead to the non-fulfilment of their obligation under the instrument.

14. There was an understanding that, as WMD-related multilateral instruments and nuclear-weapon-free zone treaties enjoy broad global and regional adherence, with existing definitions of some key terms, the future MEZFWMD may adopt such terms, where applicable or, if necessary, adapt and/or supplement them, taking into account the specific characteristics of the Middle East region. And if necessary, new terms and definitions could be identified, defined, and agreed upon in accordance with the rules of procedure of the Conference.
15. Definitions of the different types of WMDs – nuclear, biological, and chemical, where they exist– are all descriptive in their formulation, i.e., they use the characteristics, effect or intention of the weapons to define it.
16. Based on the presentations by the experts, it was noted that all NWFZ treaties include definitions, however the definitions are not uniform, as follows:
17. Definitions of “nuclear weapon” and/or “nuclear explosive device”, as defined by different NWFZ treaties, include the following elements: explosive; capable of releasing nuclear energy; in an uncontrolled manner; warlike purpose; unassembled or partly assembled. It was also noted that the definitions exclude means of delivery if they are separable and not an indivisible part of the weapon or device.
18. Some NWFZ treaties include definitions of specific prohibited acts, which are comprehensive in nature. The treaties of Rarotonga, Pelindaba, Bangkok and Semipalatinsk include a definition of “stationing”. It was noted that elements of these definitions include: implantation, emplacement, installation, transport on land or inland waters, stockpiling, storage, and deployment.
19. The treaties of Pelindaba and Semipalatinsk include definitions for nuclear “installations” or “facilities”. These definitions include the following elements: nuclear power and research reactors, critical facilities, conversion plants, fabrication plants, reprocessing plants, isotope separation plants, any separate storage facilities, or any other locations where nuclear material in specific quantities is present.
20. Regarding “zone of application” or “territory”, the definition of “territory” lists the geographic features which make up the territory of a state party to a zone and makes clear where the obligations apply within that state’s territory. Elements of the definition of territory, and any area under its jurisdiction and control in NWFZ treaties include land territory, internal waters, territorial sea, archipelagic waters, seabed, subsoil, and the airspace above them.
21. The definition of the “zone of application” delineates the complete geographic limits of the zone, (but does not delineate internal borders within the zone), where obligations of both members of the zone and those of extra regional states apply. The Treaty of Tlatelolco uses latitude and longitude coordinates to delineate its zone of application, while noting the exception of “the continental part of the territory of the United States of America and its territorial waters.” The Treaty of Rarotonga includes a description of delineation of the zone of application in annex 1 to the treaty. A map illustrating the delineation is attached to its annex. The Treaty of Pelindaba lists the “territory of the continent of Africa, islands States members of OAU, and all islands considered by the Organization of African Unity in its resolutions to be part of Africa.” The definition is supplemented by a map in an annex to the treaty. The Treaty of Bangkok names all its members’ territory, their continental shelves, and Exclusive Economic Zones (EEZ). The Treaty of Semipalatinsk lists the names of its five members.
22. Definitions could be included into the body of the treaty or listed in an annex to the treaty.
23. In addition to the different technical approaches, defining terminology in the treaty is also closely linked to the future consideration of the obligations that the treaty will include. The members to the Conference recognize the complexity of this task and will continue to discuss

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this topic at the appropriate stage of the negotiation.

24. The attached discussion paper, prepared and submitted by the president, on Glossary of Terminologies in relevant multilateral WMD & NWFZ instruments, is without prejudice to the positions of the members of the Conference at a later stage of negotiations nor does it prejudice the outcome of the work of the Conference on any issue.

**Topic 2.** *“General principles and obligations for a Middle East zone free of nuclear weapons and other weapons for mass destruction”*

25. The Working Committee discussed issues related to the general principles and obligations of the future MEZFWMD.
26. Proposals were made that the preamble could include references to general principles, such as, but not limited to, the commitment to achieving a WMD free world, the right to peaceful uses of nuclear energy, as well the respect for States’ sovereignty.
27. With regard to general obligations, views were expressed that obligations in the future legal instrument establishing the MEZFWMD must be equal to all of the Members to the Conference.
28. The presentations by participating experts covered issues related to the maritime and aerial transit of nuclear weapons and other weapons of mass destruction through the zone and the related issues around the rights of states and the laws governing both aspects according to international law.
29. The general principals and obligations for the MEZFWMD will be further discussed in future sessions.

### Definitions and use of terms in nuclear-weapons-free zone treaties

Term	<i>Treaty of Tlatelolco</i>	<i>Treaty of Pelindaba</i>	<i>Treaty of Rarotonga</i>	<i>Treaty of Bangkok</i>	<i>Treaty of Semipalatinsk</i>
“nuclear-weapon-free zone” or zone of application	<p><i>Article 4 – Zone of Application</i></p> <p>“1. The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.</p> <p>2. Upon fulfillment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west</p>	<p><i>Article 1 - Definition/Usage of terms</i></p> <p>“(a) “African nuclear-weapon-free zone” means the territory of the continent of Africa, islands States members of OAU, and all islands considered by the Organization of African Unity in its resolutions to be part of Africa;”<sup>2</sup></p>	<p><i>Article 1 – Usage of terms</i></p> <p>(a) “South Pacific Nuclear Free Zone” means the areas described in Annex 1 as illustrated by the map attached to that Annex;”</p>	<p><i>Article 1 – Use of terms</i></p> <p>(a) “Southeast Asia Nuclear Weapon-Free Zone”, hereinafter referred to as the “Zone”, means the area comprising the territories of all states in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam, and their respective continental shelves and Exclusive Economic Zones (EEZ);</p>	<p><i>Article 1 – Definitions and usage of terms</i></p> <p>“(a) The “Central Asian Nuclear-Weapon-Free Zone” includes: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan, and the Republic of Uzbekistan;”</p>

<sup>2</sup> This definition is supplemented by a map of the African Nuclear-Weapon-Free Zone In Annex I of the treaty.

	<p>longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there directly southward to a point 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude”</p>				
<p>“territory”</p>	<p><i>Article 3 – Definition of territory</i></p> <p>“For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own</p>	<p>“(b) “Territory” means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the seabed and subsoil beneath;”</p>	<p>“(b) “territory” means internal waters, territorial sea and archipelagic waters, the seabed and subsoil beneath, the land territory and the airspace above them”</p>	<p>(b) “territory” means the land territory, internal waters, territorial sea, archipelagic waters the seabed and the sub-soil thereof and the airspace above them;</p>	<p><i>Article 2 – Application of the Treaty</i></p> <p>“(a) The scope of application of a Central Asian Nuclear-Weapon-Free Zone is defined exclusively for the purposes of this Treaty as the land territory, all waters (harbors, lakes, rivers and streams) and</p>

	legislation.”				the air space above them, which belong to the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;
“parties”	<p><i>Article 2 - Definition of the Contracting Parties</i></p> <p>“For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.”</p>				
“nuclear weapon” and/or “nuclear explosive device”	<p><i>Article 5 – Definition of nuclear weapons</i></p> <p>“For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.”</p>	<p>“(c) “Nuclear explosive device” means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;”</p>	<p>“(c) “nuclear explosive device” means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;”</p>	<p>(c) “nuclear weapon” means any explosive device capable of releasing nuclear energy in an uncontrolled manner but does not include the means of transport or delivery of such device if separable from and not an indivisible part thereof;</p>	<p>(b) “Nuclear weapon or other nuclear explosive device” means any weapon or other explosive device capable of releasing nuclear energy, irrespective of the military or civilian purpose for which the weapon or device could be used. The term includes such a weapon or device in unassembled or partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;”</p>
“station”		<p>“(d) “Stationing” means implantation, emplacement, transport on</p>	<p>“(d) “stationing” means implantation, emplacement,</p>	<p>(d) “station” means to deploy, emplace, implant, install,</p>	<p>“(c) “Stationing” means implantation, emplacement stockpiling,</p>

		land or inland waters, stockpiling, storage, installation, and deployment;”	transportation on land or inland waters, stockpiling, storage, installation and deployment.	stockpile or store;	storage, installation, and deployment;”
“nuclear installation” or “nuclear facility”		“(e) “Nuclear installation” means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present.”			(f) “Facility” means:  (i) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, or a separate storage installation; or  (ii) any location where nuclear material in amounts greater than one effective kilogram is customarily used.
“nuclear material”		“(f) “Nuclear material” means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.”			“(d) “Nuclear material” means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (hereinafter referred to as the IAEA), as amended from time to time by the IAEA;”
“radioactive material”				(e) “radioactive material” means material that contains radionuclides above clearance or exemption levels recommended by the International Atomic Energy Agency (IAEA);	



<p>“radioactive waste”</p>				<p>(f) “radioactive wastes” means material that contains or is contaminated with radionuclides at concentrations or activities greater than clearance levels recommended by the IAEA and for which no use is foreseen;</p>	<p>“(e) “Radioactive waste” means any radioactive material, i.e. any substance containing radionuclides, that will be or has already been removed and is no longer utilized, at activities and activity concentrations of radionuclides greater than the exemption levels established in international standards issued by the IAEA;”</p>
<p>“dumping”</p>				<p>(g) "dumping" means</p> <p>(i) any deliberate disposal at sea, including seabed and subsoil insertion, of radioactive wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, and</p> <p>(ii) any deliberate disposal at sea, including seabed and subsoil insertion, of vessels, aircraft, platforms or other man-made structures at sea, containing radioactive material, but does not include the disposal of wastes or other matter incidental to,</p>	

				<p>or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures.</p>	
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