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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

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 concluded 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 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, the Chargé d'affaires a.i. of the 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 fourth



session and invited the Permanent Representative of Libya to the United Nations, Taher Elsonni, to preside over the Conference. The President of the General Assembly, Dennis Francis of Trinidad and Tobago, and the Under-Secretary-General, High Representative for Disarmament Affairs, 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 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

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 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, the e-deleGATE portal, a note verbale or a letter from the permanent missions in New York: Bahrain, Comoros, Djibouti, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libya, State of Palestine, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen;

(c) Credentials or other information concerning their representatives had not been received from the following two 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 discussed and adopted under this agenda item only the decision contained in document [A/CONF.236/2023/DEC.3](#), by which the Conference decided to adjust the timing of the endorsement of the incoming President from the beginning of the session to the end of each 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 2nd meeting. At its 1st meeting, the Conference heard statements by Oman, on behalf of the States members of the Gulf Cooperation Council, Mauritania, Egypt, Yemen, Qatar, Jordan, Tunisia, Morocco, Djibouti, Lebanon, China, the Russian Federation, the United Kingdom, the Islamic Republic of Iran, the State of Palestine and Libya. At its 2nd meeting, the Conference heard

statements by the representatives of the Syrian Arab Republic, Saudi Arabia, Kuwait, the United Arab Emirates, Iraq, the Sudan, Bahrain, Algeria, Oman, the Comoros, France, the Biological Weapons Convention Implementation Support Unit, the Organisation for the Prohibition of Chemical Weapons, IAEA and the League of Arab States. The right of reply was exercised by the Syrian Arab Republic and the Russian Federation at the end of the 2nd meeting.

13. The general debate covered diverse issues, including the importance of implementing 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, 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 world free of weapons of mass destruction, peaceful uses and technical cooperation, the deliberations of the working committee and follow-up and review of the status of deliberations on past thematic topics, participation of all parties and invited observers, the consecutive failures of the Review Conferences held in 2015 and 2022, and the validity of the resolution on the Middle East adopted by the 1995 Review and Extension Conference 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, articulated profound concerns and condemnation regarding the two recent nuclear threats made by high-ranking Israeli officials. This included the most recent statement by the Minister of Heritage of Israel on 5 November 2023, threatening to use nuclear weapons on Gaza. The participating Members unequivocally condemned these irresponsible statements and deplored the severe risk they posed to regional and international peace and security.

15. In their statements, participating Members recalled the principles and purposes of the Charter of the United Nations, Security Council resolutions [487 \(1981\)](#) and [687 \(1991\)](#), along with various pertinent resolutions of the General Assembly and IAEA General Conference. They underscored that these nuclear threats highlighted the urgent and indispensable need to establish a Middle East that is 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 and expeditiously subject its nuclear facilities and activities to a comprehensive safeguards agreement with 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 Secretary-General to participate in the Conference, which was aimed at elaborating a legally binding instrument for establishing a Middle East free of nuclear weapons and other weapons of mass destruction, 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, which is contained in the annex 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 forthcoming intersessional period the working committee might address, inter alia, the following topics: (a) nuclear verification; (b) peaceful uses and technical cooperation; and (c) an index of the list of topics to be addressed by future sessions of the Conference. Members to the Conference agreed to the above-mentioned topics and could propose other topics, including to follow up on previous topics, as needed. The working committee could decide to report on its work, as mentioned in the decision contained in document [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 index of the list of possible thematic topics that could be discussed under the agenda item allocated for thematic discussions, and to submit the index for the consideration of the Conference at its fifth session, to be held from 18 to 22 November 2024.

22. The working committee would undertake that 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 3rd, 4th and 5th 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 could raise any additional topics for the thematic debate and they could 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 entitled “core obligations”, which stated that the Members 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 treaty should reaffirm the inalienable right of its members to peaceful uses of nuclear energy, as well as peaceful uses of biological and chemical materials and technology, and ensure that its Members can fully enjoy that right without restriction or politicization. It was emphasized that nothing in the treaty should be interpreted in a manner that restricted that right, even if it exceeded or was 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 that regard, including on the establishment of a regional mechanism that would promote and facilitate interregional cooperation and exchange of materials, equipment, technologies and expertise, as well as on the

establishment of a regional consortium for the production of nuclear fuel. A view was expressed that the establishment of such mechanisms and bodies was premature before agreeing to free the Middle East of nuclear weapons and other weapons of mass destruction and ensuring that all relevant facilities were subject to international control and supervision.

29. Members to the Conference recognized that adherence to IAEA comprehensive safeguards agreements underpinned the ability of States to take full advantage of peaceful nuclear applications. In that regard, the Conference recognized the efforts of IAEA in promoting peaceful nuclear applications and its support of its members to that 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 provided a valuable contribution to the deliberations and enriched the discussions of the Conference, under the common goal of the realization of a world free of nuclear weapons and other weapons of mass destruction; however, it was imperative to recognize the distinct aspects of the region, including the existing state of 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 IAEA should not in any way hamper peaceful uses or their developmental benefits for States. Members of the Conference also underlined that nuclear safety and nuclear security within a State rested entirely with that State and should not be used as a pretext to impede access to nuclear energy.

32. The issue of unilateral coercive measures was also raised. Various views remained the same and the positions expressed by Members to the Conference on this topic at the third session remained valid ([A/CONF.236/2022/3](#), para. 31).

Nuclear verification

33. Concerning the scope of nuclear verification under the future treaty, it was agreed that the 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 would represent a necessary prerequisite for any State in the region to become a party to the future treaty.

35. Members to the Conference discussed whether the future treaty should rely on the safeguards regime of IAEA. A view was expressed that there were some outstanding issues related to the safeguards regime, such as the discriminatory approach, discrepancies in practice, the confidentiality regime and authorized sources of data, that needed to be discussed between the experts of 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 IAEA 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 those were the standard and universal verification benchmark as prescribed under the Non-Proliferation Treaty and that the additional protocol was voluntary in nature and accession to it was a sovereign decision. Another view was expressed that the future treaty should consider requiring its parties 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 Non-Proliferation Treaty 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 treaty should contain comprehensive prohibitions, including on the use or threat to use nuclear weapons or other nuclear explosive devices, as well as all other weapons of mass destruction. The core obligations of the future 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 cyberattacks against peaceful nuclear installations in the region.

39. Members to the Conference reiterated the necessity of accession by all Members to the Conference, before the conclusion of the future treaty, to relevant multilateral legal instruments related to weapons of mass destruction, namely the Non-Proliferation Treaty, the Biological Weapons Convention and the Chemical Weapons Convention.

40. On entry into force, a proposal was made that the future treaty should enter into force 90 days following the deposit of instruments of ratification of the related treaties as specified in paragraph 39, 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 substantive aspects of the treaty.

41. On definitions, a view was expressed that the future treaty should include definitions of the geographic scope and zone of application of the treaty, as well as of technical and scientific terms.

42. The Conference agreed to deliberate further 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 a later stage of negotiations nor do they prejudge 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 for 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 document [A/CONF.236/2023/DEC.3](#), as outlined in section IV above, Members to the Conference decided that Mauritania, as the incoming President of the fifth session, and as a one-time transitional measure, would serve, together with the President of the Conference, as co-facilitators, to conduct jointly the intersessional work of the Conference, including of its working committee.

48. Under the 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 in the Conference and its activities, while looking forward to promoting this valued cooperation and dialogue in support of 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 during the intersessional period between the third and fourth sessions of the Conference.

2. The working committee, established by the decision contained in document [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, 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 to the Conference and the experts listed in paragraphs 9 and 10 below, based on their presentations, and under topics 1 and 2 as reflected in the present summary, are without prejudice to the positions of the Members to 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 to the Conference.

6. At the second meeting of the working committee, held from 13 to 15 March, and according to its mandate as specified in the decision contained in document [A/CONF.236/2021/DEC.3](#) by which the working committee was established, Members to the Conference discussed informally the topics of “a 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 from 14 to 16 June, the working committee continued to discuss the aforementioned two topics.

8. As agreed, a number of experts, drawn from a list approved by Members to 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 from 13 to 15 March 2023:

(a) Mohammad Taghi Hosseini (Institute for Political and International Studies);

- (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 (Office of Legal Affairs of the United Nations Secretariat);
- (e) Jenni Rissanen (International Atomic Energy Agency);
- (f) Pavel Podvig (United Nations Institute for Disarmament Research);
- (g) James Revill (United Nations 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 from 14 to 16 June 2023:

- (a) Rolliansyah Soemirat (Director for Association of Southeast Asian Nations Political-Security Cooperation);
- (b) Daniel Feakes (Biological Weapons Convention Implementation Support Unit);
- (c) Mohammad Taghi Hosseini (Institute for 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, it was noted that existing multilateral instruments related to weapons of mass destruction 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 the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and “stationing” in nuclear-weapon-free-zone 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 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction); and (c) the non-inclusion of definitions. In this regard, it was noted that different nuclear-related instruments adopted different approaches, e.g. the Treaty on the Non-Proliferation of Nuclear Weapons does not contain definitions for nuclear weapons and related activities, while existing nuclear-weapon-free-zone treaties defined those terms.

13. All the aforementioned approaches were noted. Based on the interaction between Members to 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 mainly the Non-Proliferation Treaty 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 to 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 obligations under the instrument.

14. There was an understanding that, as multilateral instruments related to weapons of mass destruction and nuclear-weapon-free-zone treaties enjoy broad global and regional adherence, with existing definitions of some key terms, the future treaty for a nuclear-weapon-free zone in the Middle East 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. In addition, 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 weapons of mass destruction (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 them.

16. Based on the presentations by the experts, it was noted that all nuclear-weapon-free-zone treaties include definitions, however the definitions are not uniform, as described below.

17. Definitions of “nuclear weapon” and/or “nuclear explosive device”, as defined in different nuclear-weapon-free-zone treaties, include the following elements: explosive, capable of releasing nuclear energy, in an uncontrolled manner, warlike purpose, and unassembled or partly assembled. It was also noted that the definitions exclude the means of delivery if they are separable and not an indivisible part of the weapon or device.

18. Some nuclear-weapon-free-zone treaties include definitions of specific prohibited acts that 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 of 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 that 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 a State’s jurisdiction and control in nuclear-weapon-free-zone treaties include land territory, internal waters, territorial sea, archipelagic waters, seabed and 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 the delineation of the zone of application in annex 1 to the Treaty. A map illustrating the delineation is attached to the 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 annex I to the Treaty. The Treaty of Bangkok names all its members’ territories, their continental shelves and their exclusive economic zones. The Treaty of Semipalatinsk lists the names of its five members.

22. Definitions could be included in 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 this topic at the appropriate stage of the negotiation.

24. The attached discussion paper, prepared and submitted by the president, on a glossary of terminologies in relevant multilateral instruments concerning weapons of mass destruction and nuclear-weapon-free zones, is without prejudice to the positions of the Members to the Conference at a later stage of negotiations nor does it prejudge 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 of mass destruction

25. The working committee discussed issues related to the general principles and obligations of the future Middle East zone free of nuclear weapons and other weapons of mass destruction.

26. Proposals were made that the preamble could include references to general principles, such as, but not limited to, the commitment to achieving a world free of weapons of mass destruction, the right to peaceful uses of nuclear energy, as well respect for States’ sovereignty.

27. With regard to general obligations, views were expressed that obligations in the future legal instrument establishing the Middle East zone free of nuclear weapons and other weapons of mass destruction must be equal for 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 principles and obligations for the Middle East zone free of nuclear weapons and other weapons of mass destruction will be further discussed in future sessions.

Attachment

Definitions and use of terms in nuclear-weapon-free zone treaties

<i>Term</i>	<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 longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there,</p>	<p><i>Article 1. Definition/usage of terms</i></p> <p>“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;¹</p>	<p><i>Article 1. Usage of terms</i></p> <p>“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>“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>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>

¹ This definition is supplemented by a map of the African nuclear-weapon-free zone in annex I of the Treaty.

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>
Territory	<p>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><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 legislation.</p>	<p>“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>“territory” means internal waters, territorial sea and archipelagic waters, the seabed and subsoil beneath, the land territory and the airspace above them;</p>	<p>“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>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 the air space above them, which belong to the Republic of Kazakhstan, the Kyrgyz</p>

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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>	n/a	n/a	n/a	Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;
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>“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>“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>“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>“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>

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Station	n/a	“Stationing” means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation, and deployment;	“stationing” means implantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.	“station” means to deploy, emplace, implant, install, stockpile or store;	“Stationing” means implantation, emplacement stockpiling, storage, installation, and deployment;
Nuclear installation or nuclear facility	n/a	“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.	n/a	n/a	“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	n/a	“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.	n/a	n/a	“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;

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Radioactive material	n/a	n/a	n/a	“radioactive material” means material that contains radionuclides above clearance or exemption levels recommended by the International Atomic Energy Agency (IAEA);	n/a
Radioactive waste	n/a	n/a	n/a	“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;	“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;
Dumping	n/a	n/a	n/a	“dumping” means (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	n/a

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				<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,</p> <p>but does not include the disposal of wastes or other matter incidental to, 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 mater on such vessels, aircraft, platforms or structures.</p>	