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

Third session

New York, 14–18 November 2022

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 third 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

A. Opening and duration of the session

2. The third 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 14 to 18 November 2022 at Headquarters. Twenty-one Members to the Conference from the region, 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.236/2022/INF/4](#).

3. The Conference was opened on 14 November 2022 by the President of the second session of the Conference and Permanent Representative of Kuwait to the United Nations, Tareq Albanai, in accordance with the decision taken by the Conference at its first session, as contained in document [A/CONF.236/DEC.4](#). Members to the Conference endorsed by acclamation Lebanon as President of the



third session and invited the Chargé d'affaires a.i. and Deputy Permanent Representative of Lebanon to the United Nations, Jeanne Mrad, to preside over the Conference. The Under-Secretary-General and High Representative for Disarmament Affairs made a statement on behalf of the Secretary-General at the opening of the session.

4. The participation of Members to the Conference reflects the determination and political will to achieve the ultimate goal of the total and complete elimination of nuclear weapons as well as other weapons of mass destruction and the call of the Members for the total and final elimination of those weapons, 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.

B. Agenda and programme of work

5. At its 1st meeting, the Conference adopted the agenda for the third session, as contained in document [A/CONF.236/2022/1](#), 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 Secretary-General.
5. Adoption of the agenda.
6. Adoption of the programme of work.
7. Credentials of representatives.
8. General debate.
9. Work of the working committee.
10. Thematic debate.
11. Consideration and adoption of the report.
12. Any other business.
13. Closure of the session.

6. At the same meeting, the Conference adopted the programme of work for the session ([A/CONF.236/2022/2](#)). The Conference also agreed to structure the thematic debate on the basis of a list of topics agreed by Members to the Conference.

C. 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 third session as observers (see [A/CONF.236/2022/DEC.1](#) and [A/CONF.236/2022/DEC.2](#)).

D. 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-third-session-2022>).

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 three Members to the Conference: Bahrain, Kuwait and State of Palestine;

(b) Provisional credentials for the representatives of the following 18 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: Algeria, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Lebanon, Libya, Mauritania, Morocco, Jordan, Oman, Qatar, Kingdom of 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 three Members to the Conference: Comoros, 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. General debate

11. The Conference commenced the general debate at its 1st meeting and continued the general debate at its 2nd and 3rd meetings. At its 1st meeting, the Conference heard statements by the Kingdom of Saudi Arabia on behalf of the States members of the Gulf Cooperation Council, Kuwait, Lebanon, Egypt, the Syrian Arab Republic, Yemen, Libya and the Kingdom of Saudi Arabia. At its 2nd meeting, the Conference heard statements by the representatives of Qatar, Jordan, Iraq, the State of Palestine, Morocco, the United Arab Emirates, the Sudan, Tunisia, Bahrain, Oman and the Islamic Republic of Iran. At its 3rd meeting, the Conference heard statements by the representatives of Algeria, Mauritania, Djibouti, the Russian Federation, China, France and the United Kingdom, as well as OPCW, the Biological Weapons Convention Implementation Support Unit and IAEA.

V. Work of the working committee

12. At its 4th meeting, Kuwait, as the President of the second session, presented a summary of the work of the working committee during 2022, annexed to the present report as an informal document considering the decision on the establishment of a

working committee to continue deliberations among Members to the Conference during the intersessional period of the Conference, as contained in [A/CONF.236/2021/DEC.3](#).

13. Members to the Conference expressed appreciation to Kuwait for its leadership in conducting the work of the working committee during the intersessional period.

14. Members to the Conference agreed that, for the next intersessional period, the working committee will 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. The working committee may decide to report on its work, as mentioned in the decision ([A/CONF.236/2021/DEC.3](#)).

VI. Thematic debate

15. At its 3rd to 7th meetings, the Conference held a thematic debate. Members to the Conference exchanged views on the following topics: (a) core obligations; (b) issues identified in paragraph 51 of the report of the second session of the Conference; and (c) glossary of terminologies and other related issues.

16. The thematic debate was organized on the basis of four agreed topics, with one meeting allocated to each topic. Discussion papers on core obligations and the glossary of terminologies were circulated by the President. The deliberations proceeded with the understanding that any Members 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.

17. Without prejudice to the future work and positions of the Members to the Conference, the Members conducted the thematic debate with a general understanding on the following.

Core obligations

18. The Members to the Conference reconfirmed the outcomes of the previous sessions of the Conference.

19. Views were expressed that the existing weapons of mass destruction treaties and conventions, namely the Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention, should form the basis for the future treaty.

20. 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.

21. The zone treaty should include obligations for State parties not to carry out research on, develop, manufacture, produce, stockpile, test, possess, acquire, station, transfer, transit, or use or threaten to use nuclear weapons or other nuclear explosive devices, other weapons of mass destruction or any fissionable source material nor to assist, encourage, induce or authorize, directly or indirectly, others to undertake any of these activities anywhere.

22. The treaty should include an obligation for its members not to seek, receive, acquire or have any control, directly or indirectly, over nuclear weapons or other nuclear explosive devices or other weapons of mass destruction.

23. The members of the treaty should undertake to prohibit, within their territory or any territories under their jurisdiction or control, research on or development, manufacture, production, stockpiling, testing, storage, possession, stationing,

deployment, transit, or use or threat of use of nuclear weapons or other nuclear explosive devices or other weapons of mass destruction.

24. Members to the Conference reconfirm their commitment to ensure the absence of nuclear weapons and other weapons of mass destruction and the principle of attaining the ultimate goal of their total irreversible and verifiable elimination.

25. The treaty should include an obligation for its members to maintain the physical protection of nuclear material, facilities and equipment, without prejudice to the inalienable right to peaceful uses and taking into consideration that nuclear safety and security is the responsibility of the respective Member to the Conference.

26. The view was expressed that the obligations relating to different classes of weapons may vary, given the unique characteristics of each class of weapon.

Issues identified in paragraph 51 of the report of the second session of the Conference

27. With regard to the accession by Members to the Conference to relevant multilateral legal instruments related to weapons of mass destruction, the members to the Conference considered that all States parties to the treaty establishing the Middle East zone free of nuclear weapons and other weapons of mass destruction should also be members of the 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, as well as conclude safeguards agreements with IAEA.

28. With regard to the entry into force of the treaty, the following views were expressed:

(a) Ratification by all Members to the Conference is a condition for the entry into force of the treaty;

(b) Other relevant treaties and conventions should be ratified prior to the adoption of the treaty;

(c) The entry into force of the treaty should be discussed and agreed upon at a later stage following agreement on the substantial aspects of the treaty.

29. With regard to verification, Members to the Conference considered that the treaty should take advantage of and not duplicate the existing verification mechanisms, such as those of IAEA and OPCW. It was proposed that the treaty should require all its members to conclude and implement comprehensive safeguards agreements with IAEA to ensure that the peaceful nature of all nuclear programmes is verified. A view was expressed that a verification mechanism for biological weapons could be negotiated as needed, as well as complementary regional verification measures.

30. The Members to the Conference stressed the inalienable right of States parties to receive and use nuclear, chemical and biological technology and materials solely for peaceful purposes.

31. Members to the Conference recognized the illegality of imposing unilateral coercive measures, which have a negative impact on Members to the Conference. The Members to the Conference also recognized the necessity to ensure the inalienable right to peaceful uses of nuclear, chemical and biological technologies without any undue restrictions. Views were expressed regarding the reflection of issues regarding unilateral coercive measures in the future treaty. Other views were expressed that the Conference might not be the right forum to discuss this issue. In the end, it was stated

that, when the negotiation on the treaty reaches the drafting stage, the Conference will look into specific language.

32. A view was expressed that the Secretary-General of the United Nations be the depositary of the treaty, since the Conference is convened at the invitation of the Secretary-General. It was agreed that this could be discussed at a later stage of negotiations.

Glossary of terminologies

33. Members to the Conference expressed their appreciation to the President for providing a discussion paper on the glossary of terminologies and support for the consideration of the glossary. It was suggested that the Conference could consider terms as appropriate for the zone context, without duplicating existing terminology. Owing to the comprehensive and technical nature of the glossary, the Members agreed to assign it to the working committee to continue the consideration of the issue.

Other related issues

34. Members to the Conference expressed deep concern about the two consecutive failures of the Review Conferences held in 2015 and 2022 as well as the failure of the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, in 2018, and expressed the hope that the next review conferences of the related treaties and conventions extend adequate support to establishing a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

35. Members to the Conference also stressed that 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, remained valid until the objective of the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East is fully achieved and that the implementation of decision 73/546 is without prejudice to the validity of the aforementioned resolution and decisions and shall not be construed as their replacement.

36. Members to the Conference stressed the importance of the universality of the related treaties and conventions and called on the international community as well as the Secretary-General of the United Nations to further promote the goal of achieving the universality of such treaties and conventions.

37. The Members to the Conference stressed the importance of all parties of the region undertaking, in accordance with article III (1) of the Non-Proliferation Treaty, to accept safeguards on all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

38. Members to the Conference urged all invited Members to the Conference, observer States and the three international organizations to give priority to participation in the Conference.

39. The Conference invited the Secretary-General of the United Nations to exert his utmost endeavours with regard to the participation of all invited Members to the Conference, observer States and international organizations. In that regard, it was noted that ensuring the participation of representatives of the Biological Weapons Convention Implementation Support Unit can be facilitated by requesting the President of the Review Conference of the States Parties to the Biological Weapons

Convention or of the Meeting of States Parties to the Biological Weapons Convention to relay the need for the participation of the Unit in the Conference.

40. Members to the Conference looked forward to the participation of all invited Members to the Conference, observer States and the three international organizations and to their meaningful support for the Conference at its fourth session, in fulfilment of their obligation to attend in accordance with 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 and General Assembly decision 73/546 and to accept the invitation of the Secretary-General accordingly.

41. A view was expressed that the Conference may need to set a timetable in due course for completing the draft of the treaty.

42. It was stressed that views, thoughts and discussions expressed or raised in either the general debate or the thematic debate are without prejudice to the positions of Members to the Conference at an advanced stage of negotiations and are not necessarily considered the final decision or position of any of the members to the Conference, or an exhaustion of discussion.

VII. Preparations for the fourth session

43. At its 10th meeting, the Conference decided that its fourth session would be held from 13 to 17 November 2023 at Headquarters.

44. The Conference agreed that the President, in consultation with Members to the Conference, should undertake efforts to prepare for the fourth session. Members to the Conference urged all those States, observers and relevant international organizations invited in General Assembly decision 73/546 to attend the fourth session of the Conference to provide their valuable and needed contribution and help to further the process.

Annex

Summary of the work of the working committee established at the second session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction

I. Introduction

1. At its second session, the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction adopted a decision (A/CONF.236/2021/DEC.3) to establish, on an informal basis, a working committee 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. Pursuant to that decision, the working committee held three meetings in the intersessional period between the second and third sessions of the Conference.

II. Conduct of the working committee

2. The working committee held three meetings, under the presidency of the second session of the Conference (Kuwait).

3. At the first meeting, on 24 March 2022, the organizational aspects of the working committee were considered, and it was agreed to hold two additional working committee meetings before the third session of the Conference, in November 2022.

4. At the second meeting of the working committee, held from 7 to 9 June 2022 at Headquarters, an informal paper prepared by the President was considered, which contained issues for further deliberation pending from the thematic debate of the second session of the Conference. At that meeting, participants agreed to carry out further discussions in an informal and in-depth manner on two key topics, namely legal aspects of a future Middle East zone treaty and verification in relation to nuclear weapons at a third meeting with inputs from relevant experts. An initial list of experts proposed by the Secretariat was noted, and it was agreed to supplement the list with nominations from Members to the Conference.

5. The working committee held its third meeting from 6 to 8 September 2022 at the Tarrytown House Estate, a conference facility under contract with the United Nations, in New York.

6. The experts listed below, some of whom were nominated by the Members to the Conference, gave presentations in their personal capacity that did not necessarily represent the positions of the Members to the Conference. It should be highlighted that the views expressed in the presentations neither were finalized nor agreed upon, nor represented the affiliated institutes of the presenters regarding the following topics.

Discussion topic 1, “Legal aspects of the future Middle East zone treaty”

- Karim Haggag (American University of Cairo)
- Tomisha Bino (United Nations Institute for Disarmament Research)
- Mona Ali Khalil (Mona Ali Khalil MAK Law)
- Martha Mariana Mendoza Basulto (Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean)

- Ionut Suseanu (International Atomic Energy Agency)
- Noah Mayhew (Vienna Center for Disarmament and Non-proliferation)

Discussion topic 2, “Verification in relation to nuclear weapons”

- John Carlson (Vienna Center for Disarmament and Non-Proliferation)
- Enobot Agboraw (African Commission on Nuclear Energy)
- Mohammad Taghi Hosseini (Institute of Political and International Studies)
- Fábio Cordero Dias (Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials)

7. Following the presentations by the above-mentioned invited experts, representatives of Members to the Conference engaged in interactive discussions with the experts on those key topics. Participants found that the informal deliberations were useful.

8. The Members to the Conference agreed to further continue expert-level discussions in future meetings of the working committee, guided by the Conference at its third session.
