Towards an Achievable WMDFZ Treaty for the Middle East: Insights from Civil Society

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ABSTRACT
Establishing a Weapons-of-Mass-Destruction-Free-Zone (WMDFZ) in the Middle East is a decades-old ambition. The idea of establishing “The Zone” has been regularly re-addressed at the United Nations and in forums like the NPT Review Conferences. This article contributes to that process by exploring possible pathways to a working and sustainable treaty crafted for the region. We argue that such a treaty could be achievable through a binding legal umbrella document that would cover all points defined by states in previous resolutions. We analyse some elements for such a treaty by highlighting core elements that negotiations should face in their discussions. For that, we build on a series of discussions and round tables previously held by the Middle East Treaty Organization (METO), a civil society organisation, with diplomats and experts, since 2014. The civil society track offered valuable contributions to an inclusive process, as well as a relevant case study for future research on how civil society can contribute to non-proliferation and disarmament negotiations.

Introduction
Establishing a Weapons-of-Mass-Destruction-Free-Zone (WMDFZ) in the Middle East is a decades-old ambition. Early calls for a nuclear-weapon-free zone (NWFZ) in the region date back to the 1950s and 1960s, through international movements led by scientists from the region and an incipient Soviet proposal in the United Nations (UNIDIR 2021). The idea was further introduced to the UN General Assembly in 1974 through a joint resolution by Iran and Egypt. The so-called “Mubarak Initiative” expanded this proposal in 1990 to include chemical and biological weapons, as well as delivery systems. Since then, the idea of establishing “the zone” has been regularly re-addressed at the UN. The yet-to-be-established WMDFZ would cover all 22 member-states of the Arab League plus Iran and Israel. It would also be the first of its kind since none of the current nine NWFZs goes beyond atomic weapons.

Establishing the zone was also a priority in the 1995 resolution that expanded the Nuclear Non-Proliferation Treaty (NPT) indefinitely and called for “utmost efforts” to establish “an effectively verifiable” WMDFZ in the Middle East (UN 1995). However,
little tangible progress has been achieved in that regard in the following review confer-
ces, coupled with the fact that Israel, as a non-signatory of the NPT, has no legal obligation to attend these negotiations. Those were the reasons that led the UN General Assembly to adopt, in 2018, Resolution 73/546, convening a separate conference to negotiate the establishment of a WMDFZ in the Middle East (UN 2019b, 546). This conference, whose first and second meetings took place in 2019 and 2021, has created new momentum to advance the creation of a binding legal instrument that bans WMD from the Middle East.

To be successful, such an ambition should be achieved through an inclusive process led by countries from the region and aiming at broad and effective mechanisms to ensure compliance and foster trust. This article contributes to the current debates on establishing a WMDFZ in the Middle East by exploring possible pathways to a working and sustainable treaty crafted for the region. We argue that such a treaty could be achievable through a binding legal umbrella document that would cover all points defined by states in previous resolutions. We analyse some elements for such a treaty by highlighting core elements that negotiations should face in their discussions.

We build our argumentation on a series of discussions and round tables previously held by the Middle East Treaty Organization (METO), a civil society organisation, with diplomats and experts, since 2014 (Dolev, Kiyaei, and Robinson 2021; Bandarra and Dolev 2021; Rauf 2021; Ingram and Kiyaei 2019; Al Assad 2021). This article uses, therefore, inductive methodology based on a detailed description of a case of Track 1.5 negotiation to understand the role of civil society in promoting diplomatic discussions in the field of WMD non-proliferation and disarmament in the Middle East. We also build on current developments at the diplomatic and political level to draw perspectives for future negotiations. In that regard, we address issues like sequencing and previous initiatives that were developed to foster negotiations for the zone. We also introduce METO’s Draft Treaty approach as a venue for showing possibilities how a legal instrument for a WMDFZ in the region would look like.

For this article, we consider track 1.5 discussions the meetings hosted by a civil society organization (i.e. METO) involving civil society, academics, and policy-makers (i.e. diplomats) in their personal capabilities (meaning, non-official representation). Those negotiations situate in-between Track 1 discussions – covering government-to-government negotiations aiming at specific policy-related objectives – and Track 2 discussions – covering traditional non-official discussions held by non-government actors. Track 1.5 and 2 discussions mostly differ due to the necessary presence of negotiators and policy-makers in 1.5 discussions.

Track 2 discussions may be guided by a series of different objectives. As highlighted by Dalia Kaye (2007), those discussions do not necessarily aim at providing solutions to Track 1 negotiators – policy-makers with negotiation power granted by states or interna-
tional organisations. They could have different objectives, including building trust and define regional security problems. Those objectives are crucial to foster a process of socialisation of participating elites and filtering local influences that may shape the process discussions (Kaye 2007, 28). They also promote the creation of forums where solutions for policy deadlocks maybe discussed in an open environment (Wolleh 2007).

¹For a theoretical discussion on Track 1.5 and Track 2 discussions, see Jones (2020) and Wolleh (2007).
Track 1.5 discussions situate in-between tracks 1 and 2. A key difference concerns the necessary presence of negotiators and policy-makers in part of the discussions. It is, therefore, policy-oriented in its essence (Wolleh 2007), targeting specific issues and intending to promote the discussion of outcomes that aim to support Track 1 negotiations. Such support does not mean, however, a formal bond between Track 1 and Track 1.5, but rather a convergence in the objectives of discussing and promoting specific policy goals. METO, for example, as seen below, promotes the creation of environment and forums where the establishment of a WMDFZ in the Middle East (specific policy goal) can be discussed in an open and inclusive manner by civil society, experts and policy-makers (negotiators under Track 1).

We divided this article into three parts. First, we trace a brief diplomatic history of the negotiation process, surrounding the WMDFZ in the Middle East and highlight some obstacles encountered in that process. It also covers current events, particularly since 2019. The second part reports the developments and discussions conducted by what we call “the civil society track” of discussions, sponsored by the Middle East Treaty Organization (METO). Being a major civil society organisation created with the ambition to promoting the WMDFZ in the Middle East, METO offers a crucial case study for future research on the role of civil society in disarmament and non-proliferation politics. The last part addresses some key elements for an effective WMDFZ treaty, as discussed in numerous track 1.5 and 2 meetings and consultations over several years. This part is divided into five subsections, addressing (1) structure of the treaty, (2) role of the intergovernmental regional organisation, (3) suitable regional verification mechanisms, (4) disarmament and dismantlement, (5) procedure and external influences.

**Negotiating the Zone: A Brief History and Current Developments**

As of 2022, there are nine NWFZs, establishing a sizeable institutional network covering all the Southern Hemisphere and Central Asia, plus the Seabed, Outer Space and the Moon. Most states parties to the NPT are also part of such zones, recognising the mutual regional benefits they can reap by building trust and cooperation among member states. When in largely inhabited regions, these zones arose out of initiatives from states within the concerned regions, sometimes in the face of scepticism or even resistance from the nuclear weapon states (NWS), many of which were, at first, unconvinced about purposes of such treaties. This scepticism is still apparent in NWS’ lacklustre efforts to ratify and implement most of the protocols for those treaties, thereby providing assurances that such zones’ nuclear-free status will be respected.

Due to its unique geopolitical situation, the Middle East is essential for ensuring the global effectiveness of non-proliferation efforts. Making it free from WMD is, therefore, a key international priority for years (Bandarra and Dolev 2021). Early appeals for a NWFZ in the region date back to the 1950s and 1960s, through a manifesto led by Israeli scientists and an incipient Soviet proposal in the United Nation (UNIDIR 2021). The idea gained shape in 1974, when Iran and Egypt first introduced a resolution calling for a NWFZ in the Middle East to the UN General Assembly. This proposal was expanded in 1990 to include chemical and biological weapons, as well as delivery systems. The idea of a WMDFZ in the Middle East, the first of its kind globally, including 22 Arab countries plus Iran and Israel, was born.
In 1995, the NPT review conference agreed on extending that treaty indefinitely. Among the key elements leading to that decision was adopting a resolution calling for “the establishment of an effective verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems” (UN 1995). This resolution, co-sponsored by all NWS, provides a legal framework that guides subsequent negotiations for the WMDFZ. It also provides legitimacy to the decision to expand the NPT, as it is widely regarded as politically linked to that extension (Rauf 2021).

Since then, the NPT has become inexorably linked to the fate of the WMDFZ negotiations. Most Arab States, in particular, regularly attempt to operationalise the 1995 call in vain, due to strong opposition by the United States and allies, accompanied with the fact that the only Middle Eastern state possessing nuclear weapons is not part of the NPT framework, and therefore not part of the discussion. The 2000 NPT Review Conference reaffirmed the 1995 resolution, stating that it will be “valid until its goals and objectives are achieved” (UN 2000). Practical steps towards this commitment would, however, only come through the 2010 NPT Review Conference, when states parties called on the UN Secretary-General to convene a conference to negotiate a WMDFZ by 2012. Finland’s Ambassador Jaakko Laajava was appointed to serve as a facilitator, and Finland would host the conference. The years 2013 and 2014 saw considerable progress in the negotiations when Israel and Iran participated in informal meetings held in Geneva and Glion. Despite the facilitator’s best efforts, countries from the region failed to agree on an agenda, let alone on any critical issues concerning the zone. Frustration rapidly arose due to lack of progress and this series of talks was abandoned. The 2015 NPT Review Conference discussed once again a “new plan moving forward on a conference to establish the zone” (ACA 2018). This document was not adopted due to objections by the United States, the United Kingdom and Canada.

Little progress within the NPT framework, as well as criticism of the suitability of that forum for covering the WMDFZ talks, led countries to pursue other avenues of negotiations. In this context, the UN General Assembly approved in 2018 a resolution calling for a negotiating conference on establishing a WMDFZ in the Middle East, which held sessions in November 2019 and 2021. To the surprise of sceptics, participation in this conference has been robust, including all 22 Arab League member states, Iran, and four NWS, plus many international organisations and civil society. The United States and Israel were the only countries to decline attendance.

In the 2019 meeting, presided by Jordan, countries from the region discussed in good faith some of the key challenges facing the creation of the zone at the technical and the security level. A political declaration was adopted in which countries emphasised their intention to achieve a legally binding treaty to establish the zone “in an open and inclusive manner with all invited States”, leaving the door open to Israel and the United States to participate in subsequent conferences (UN 2019a). Countries also agreed on an agenda for the following conference, scheduled for November 2020 but postponed to 29 November to 3 December 2021 because of the COVID-19 pandemic.

The second session, held under the presidency of Kuwait, reaffirmed the commitment “to undertaking effort to continue to move the process forward in an open and inclusive approach”, as highlighted by Ambassador Al-Otaibi of Kuwait (UN 2021a). UN Secretary-General Antonio Guterres added that “strong political will, together with the
international community’s support, can transform the vision of a Middle East free of nuclear weapons and other weapons of mass destruction into a reality” (UN 2021b). Abdulla Shahid, then present of the UN General Assembly, highlighted that “many naively assume that being in possession of [nuclear] weapons makes them safer, when the actual result is the opposite. […] [The] possession by one state incentivizes others to produce them, resulting in a security dilemma that threatens to envelop the entire world in a mushroom cloud” (UN 2021c).

Key statements from the region include the Jordanian emphasis on the role of a “platform for contributing to the promotion of peace and security in the Middle East region and the world at large” (Jordan 2021) and Morocco’s statement underlining that the “humanitarian consequences of the use of this type of weapon are undeniable, and the idea of this impact must mobilise us all to take the necessary steps to hasten the establishment of [the Zone]” (Morroco 2021). Both statements recall the geopolitical reasoning and ambition behind the WMDFZ proposal. Also worth highlighting was the Qatari statement, proposing steps to strengthen the process, including intersessional “open-ended working groups to study and develop ideas about verification, control and inspection mechanisms; defining the elements of the treaty; the protocols to be attached and other issues that require study and dialogue […] [as well as] stud[ies on] the national needs and the required regional expertise and to consider setting up an intensive program to build national capacities to implement the commitments contained in such treaties” (Qatars 2021).

The second session ended in a celebratory environment. Egypt recognized the open space for dialogue and the “opportunity for everyone to express their views”. The Iranian delegation supported the “adoption of several decisions during this session of the conference, including the adoption of the Rules of Procedure and establishing a working committee for the intersessional process that will support the effective and efficient procession of the conference”, while admitting that “the conference’s success will be in jeopardy as long as Israel refuses to participate while the US supports it and does not cooperate with the conference” (UN 2021f).

The negotiating parties adopted the final report by consensus. It includes an agreement on the Rules of Procedure, thematic areas, and continuing the discussion through intersessional meetings (UN 2021d). The thematic areas include but are not limited to principles and objectives; core obligations related to nuclear, chemical, and biological weapons, including verification; transparency and security through the implementation of the treaty; definitions, clarifications, consultations and cooperation; peaceful uses and international cooperation; institutional arrangements, entry into force and dispute settlement; protocols including security assurances; and other relevant issues (Dolev, Kiyaei, and Robinson 2021). Those core areas show a pathway to define the next political process leading to a Middle East free of WMD. In the next section, we address some elements associated with that ambition, focusing on possible solutions derived from civil society discussions.

**METO and the Civil Society Track**

Despite optimism on current developments, the negotiation process for a WMDFZ in the Middle East has been marked for decades, by disagreements on details and choreography. Dialogue in the region is beset by multi-dimensional conflicts and additional complexities
that frustrate efforts to find appropriate venues and frameworks to facilitate honest communication. Even if there are sound technical solutions for verifications and disarmament, political challenges remain when trust between once warring countries and rivals in the region is weak. In that regard, Track 1.5 and 2 negotiations sponsored by civil society organisations provide a useful tool to facilitate communication and to inspire relevant stakeholders to find creative solutions that may work in the medium and long run.

The root of the pessimism over the realisation of a WMDFZ in the Middle East lies in the widespread perception that a viable zone requires a level of cooperation that is beyond the current capabilities of the states in the region; regional mistrust, conflicts, non-state actors and the absence of Israel from the international negotiations. To address these issues, civil society sponsors of Track 1.5 and Track 2 discussions have focused efforts to progress on bringing together official and unofficial interlocutors of conflicting states in the belief that this will create the necessary trust (Rauf 2021; Cronberg 2017). Most of these efforts have focused on establishing the diplomatic and political conditions first, as a contribution to firming up the commitment in international fora to formal negotiations and then establishing the relevant institutions.

Track 1.5 and 2 negotiations in the region are not new. An elucidative example includes expert-level meetings held in the early 1990s under the Arms Control and Regional Security in the Middle East (ACRS). Even if not leading to tangible results, the ACRS process provided a relevant forum to discuss broader issues necessary to the development of confidence-building measures necessary for a peaceful environment in the region. A critical discussion was that of sequencing – consisting of the ever-present chicken-egg question of whether peace or disarmament would come first (Taha 2021; Landau 2001). Those negotiations showed that negotiations are possible but should concentrate in solutions and consensual points first, before venturing into deadlocks, as suggested by an anonymous participant of the METO-sponsored process.2

In this section, we trace the 1.5 track meetings and negotiations held over the years by METO over the issue of a viable WMDFZ in the Middle East. METO is one of the few civil society organisations working on promoting disarmament and non-proliferation in the Middle East and the only one whose main goal addresses. It offers, therefore, a crucial case study for understanding the role of civil society in promoting discussions and negotiations in WMD non-proliferation and disarmament negotiations.

METO was created from a group of experts and activists that aimed to press for a more inclusive and efficient negotiations towards a WDMFZ in the Middle East. For that group, pessimism and frustration are an additional impediment to the negotiation process and derive from the irregular and lengthy progress of negotiations, as highlighted in the section above. Addressing these issues requires broad and inclusive dialogue under multiples perspectives. With that in mind, METO was created by “a core group of civil society individuals from the region [that] have come together with international experts and diplomats to work up a draft treaty text, for the express purpose of facilitating a more constructive approach toward the zone where the emphasis is on process”. (Ingram and Kiyaei 2019).

2For further discussions on the ACRS group, see Wilson Center (2021).
The draft treaty approach became a key aspect of METO’s work. It consists of the writing and discussion of an evolving text that may serve as an example of a possible legal instrument for the zone. The draft treaty is an evolving and draft-only text that could serve to support Track 1 negotiations by offering possible pathways on how the zone could look like. It is a conversation starter, rather than an imposition. Discussions advanced by the treaty are, therefore, more important than the treaty itself, as highlighted by one participant of a METO-sponsored discussion. This drafting and discussion process is sponsored by METO and it intends to draw ideas and possible pathways to support diplomatic efforts towards the creation of the zone.

Even though this process started in 2014, the structure of a civil society-sponsored Track 1.5 of negotiations emerged only around 2016, when a group of experts and activists started to survey best practice in existing NWFZs with the aim to develop a possible text for a WMDFZ in the Middle East. The main ambition was to bring elements together that could support negotiators and bring optimism to Track 1 negotiations. The primary source for discussion was the 2009 Pelindaba Treaty, covering the African countries, some of which overlap with the WMDFZ proposal. By meeting and operating remotely over many months, the group came up with a first version of a workable draft treaty whilst also slowly establishing a network of colleagues.

By leaping in and discussing the elements of a draft treaty, participants of closed round tables and expert meetings identified the challenges and possible resolutions. Those discussions were held under Chatham House rules, meaning that direct quoting of what was discussed and naming participants is omitted – it is relevant to highlight, however, that these meetings tend to be inclusive in terms of gender representation and geographic localization, including specific meetings with policy-makers and experts from countries participating in Track 1 negotiations.

Considering multiple obstacles in the context of solutions requires participants to think outside of the box, in looking for how to collaborate with possible opponents. The aim is that by drawing in as many people across differing perspectives as possible, participants can cooperatively identify “the features and elements of an inclusive treaty” that would build an environment of trust among countries and envision the technical and working arrangements needed for effective WMD non-proliferation. (Ingram and Kiyaei 2019)

The first public explanation of the draft treaty leading to the METO-sponsored civil society track occurred in May 2017, alongside the NPT Preparatory Committee in Vienna, Austria. At this meeting, countries were presented a first version of a possible treaty for a WMDFZ in the Middle East, crafted over the previous year. This meeting recalled some of the key concerns people had concerning this process and defined hopes and avenues to tackle political obstacles. Later in October, the civil society track resumed with a second session, under the sponsorship of the Irish delegation to the UN, in parallel to the First Committee meeting. Ireland would later support METO reporting process twice a year at both the NPT Preparatory Committee and other UN meetings. The process continued in January 2018, when a number of advisors, experts, diplomats and activists met in Edinburgh, under the auspices of the Scottish Campaign for Nuclear Disarmament and the municipality of Edinburgh to trawl through the elements of a draft treaty for a WMDFZ in the Middle East, addressing critical challenges and exploring constructive proposals.
As stated above, this draft treaty model was intended as the beginning of a conversion, casting light on possibilities for the zone. It should be sufficiently credible to draw people into a process and start to build confidence, to have clarity in identifying the key challenges, and to be inclusive in the manner in which it tackled the controversial aspects. The network of activists and experts who would create METO hoped that by having a text, stakeholders and policy-makers would be encouraged to focus on challenges in the text and engage in constructive dialogue, rather than on political obstacles that supposedly prevent a text from even being drafted. This was not about being in denial about the political obstacles. It was, instead, about suspending the ambition to directly resolve each and every resentment, by imagining and constructing the technical and working arrangements that would be needed for reassuring countries in an environment marked by mistrust.

By the time states met in Geneva for the 2018 NPT Preparatory Committee, a second version of a draft treaty was formally presented for an audience of over a hundred diplomats attending the discussions. With an Iranian, Israeli, and Arab speakers on the panel, civil society gave a message of vision, possibility, and optimism. One anonymous ambassador from an NWS commented it was the most positive meeting he had attended in the whole two weeks, and was astounded that it was one devoted to the Middle East. A month later, the group hosted a major three-day roundtable in Zurich, Switzerland, with around 40 participants from many Arab states, including Egypt and Saudi Arabia, from Israel, and Iran, as well as European countries, Russia and the United States. The process continued over the year with two further roundtables held in London at King’s College and Chatham House on possible mechanisms of compliance for nuclear, biological and chemical weapons, and then months of follow-up research and meetings with experts. After that process in Zurich and London, Draft Treaty 3 came into being, with a lean model that relies heavily on existing international organisations such as the International Atomic Energy Agency (IAEA) and the Organisation for the Prohibition of Chemical Weapons (OPCW) while also building capacity and trust in the region. This text was later circulated among diplomats from the zone and made available online to the general public.

Between 2019 and 2021, the group was institutionalised under the name of the Middle East Treaty Organization (METO), in reference to the ambition to create a regional inter-governmental organisation for the Middle East. METO set a new modus operandi in adaption to the COVID-19 pandemic. It used social media and digital technologies extensively to promote dialogue between countries of the region and generate new ideas regarding education on WMD non-proliferation and a new version of the draft treaty. It also broadened its reach by creating a university network to mobilise students from around the world in the pursuit of global and regional disarmament, and expanded its reach through publications and a podcast series (“In the Zone”). This multilevel campaigning and education strategy shows the role of civil society in mobilising policymakers, academia, and public opinion in achieving non-proliferation and disarmament goals. This role has strengthened over the last years, particularly concerning WMD, and is also in tune with the activities of other organisations like the International Physicians

Draft Treaty 3 is available at [www.wmd-free.me/home/draft-treaty/](http://www.wmd-free.me/home/draft-treaty/).
Draft Treaty 4 is also available at [www.wmd-free.me/home/draft-treaty/](http://www.wmd-free.me/home/draft-treaty/).
for the Prevention of Nuclear War (IPPNW), the International Campaign to Abolish Nuclear Weapons (ICAN), and Abolition 2000, all of which entered into partnership with METO. The work of those institutions offers a relevant and under-studied research agenda in the field of non-proliferation and disarmament studies.

Among key highlights directly associated to the draft treaty process, in September 2021, METO sponsored a round table with international experts on the evolving draft treaty. Discussions focused on possible alternatives and verification mechanisms that could work for the region, with particularly relevant and innovative insights concerning biological and chemical materials. Those developments and fresh ideas were presented to and discussed with diplomats, academia, and civil society during a side event at the UN General Assembly First Committee in October 2021, co-sponsored by the Irish delegation to the UN. In the month following, METO also hosted a closed meeting for diplomats participating in the UN Conference on a WMD-Free-Zone in the Middle East entitled “Thematic Elements of a WMDFZ Treaty for the Middle East”, which was also online. In the next section, we address some of the key elements held in the civil-society track described above, with a particular focus on the points of consensus⁵

**Elements of a Draft Treaty**

The civil society track described above envisioned workable solutions for achieving a Middle East free of WMD. The main ambition was to show that a discussion focused on solutions, rather than obstacles, could contribute to foster progress and avoid deadlocks among negotiations that have hampered process on the diplomatic progress for decades. By focusing on solutions and by promoting an inclusive process with multiple actors, the civil society track sponsored by METO and associated partners has contributed to uncover some key elements that should be kept in mind in the next steps of the negotiations, particularly within the conference on the WMDFZ held by the UN. In this section, we focus on five elements that were extensively discussed in the process described above: (1) structure of the treaty, (2) role of the intergovernmental regional organisation, (3) suitable regional verification mechanisms, (4) disarmament and dismantlement, (5) procedure and external influences.

**One Treaty, or More?**

The starting point was discussing what shape should a regional legal framework banning WMD from the Middle East would take. This is not as straightforward as one could first imagine. Some analysts argue “for a series of topic-specific treaties – starting, for example, with a prohibition on chemical or nuclear weapons, or a limited sub-regional WMDFZ covering only the Persian Gulf” (Bandarra and Dolev 2021; NYT 2021; Greene 2013). The proposal of having a series of interconnected limited treaties that would, as a whole, create the WMDFZ in the Middle East was at times recalled by some participants in the discussions held within the civil society track. On the positive side, that approach has some advantages, like focusing discussions on small parts where consensus is more likely. On the negative side, however, it risks “dividing energies and singling out specific

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⁵For more information about the draft treaty and the METO Project: meto@wmd-free.me.
countries in the process” (Bandarra and Dolev 2021). An exclusive focus on chemical weapons would most likely be rejected by countries like Egypt that bind their accession to the Chemical Weapons Convention (CWC) to Israel’s renunciation of nuclear weapons. A limited WMDFZ covering Gulf States only would leave aside relevant players like Egypt, Israel, Syria, and Libya.

Most participants agreed, therefore, that an umbrella treaty covering all three kinds of WMD, as indicated by the mandate of the WMDFZ conference held in the UN (UN 2019a, 2021d), would be a promising pathway to The Zone. Such a treaty should cover all three WMD categories and create an institution to ensure compliance with the treaty’s obligations. This umbrella would cover, as agreed in the UN Conference, all 22 members of the Arab League plus Iran and Israel, as also defined in previous resolutions (UN 2021d, 1995). Participants in the civil society track agreed, however, that neighbouring countries should also be included in the process, even if in a limited way or through protocols. Those include countries with nuclear weapons like Pakistan and NATO allies like Turkey.

In a region heavily affected by the previous use of chemical weapons (Jakob 2019; Zanders 2001), by previous cases of secret nuclear programmes (Müller and Schmidt 2010), by a substantial arms market, and by non-state actors, the establishment of an umbrella treaty with three pillars of negotiation – nuclear, chemical, and biological – has at least two significant geopolitical implications. First, when successful, it will provide viable and innovative regional compliance solutions to tackle the spread of chemical and biological weapons – none of which are currently handled by regional organisations or treaties. This is particularly relevant concerning biological weapons, for which there are currently no verification mechanisms in place beyond peer-reviewing and reporting systems (Wunderlich, Müller, and Jakob 2021; Zanders 2001). A viable regional solution for all three pillars should, therefore, not only ease proliferation concerns in the Middle East but also provide innovative solutions that could be exported to other regional contexts.

Second, addressing all three categories of WMD should provide momentum for all states to join all the major WMD conventions – namely, the Biological Weapons Convention (BWC) and the CWC, the NPT, and the recent Treaty on the Prohibition of Nuclear Weapons (TPNW). This momentum addresses policies of cross-thematic bargaining held by countries which bound their accession to a given treaty to another’s ratification of another convention. An example of that is Egypt, which bound its accession to the CWC to the Israeli adhesion to the NPT and the Comprehensive-Nuclear-Test-Ban Treaty (CTBT). Having three pillars of negotiation also assures Israel that the WMDFZ process is about regional stability, not about singling out one country. A common negotiation process, therefore, makes political sense, the differences between the three categories of WMD notwithstanding. In concrete terms, in order for the Zone to be established, Israel would have to join either the NPT or the TPNW; Egypt and Israel would have to join the CWC; and Comoros, Djibouti, Egypt, Israel, Somalia, and Syria would have to join the BWC.

The fourth category of elements addressed in the 1995 proposal issued after the NPT Review and Extension conference is delivery systems: missiles, submarines, and air crafts. Some issues covering those systems include not only their dual use and their massive proliferation in the Middle East but also the difficulty to decide when they are applicable
for the treaty, and when they are “merely” conventional weapons. This intractable geopolitical issue once paralysed the whole negotiation process. Since without WMD, delivery systems are just conventional weapons, the group involved in the METO-sponsored process decided to postpone discussions on delivery systems and connect it to wider regional security issues to be discussed in a parallel process. The group also discussed the issue of emerging disruptive technologies that could also deliver mass destructive impact. Discussions were not continued to avoid losing focus and will also be discussed in the context of regional security at a later stage.

A Regional Organisation

From the start, the draft treaty envisioned the creation of a new regional intergovernmental institution – a “Middle East Treaty Organisation” (METO) – that would collaborate with global institutions such as the IAEA and CWC and focus on building capacity within the region for verification and inspections. The need for such an organisation was justified because there is no current regional institutional framework that covers all 24 proposed member-states of the zone. There is, therefore, no existing framework that could implement the treaty effectively, as there were in other contexts with existing organisations like ASEAN, under which umbrella the Bangkok Treaty is implemented, and the African Union, in the case of the Pelindaba Treaty.

Most discussions were held on the general role and responsibilities of such an organisation, including degrees of institutionalisation and verification capabilities. The proposed regional organisation should not attempt to substitute nor overlap with existing international obligations, but rather to complement and reinforce global commitments at the regional level. It was regarded as necessary for trust-building and to provide a forum where countries build capacity and discuss relevant topics for the due implementation of the treaty. This organisation would also have additional obligations concerning implementation and verification, educational programmes for capacity building, creating a regional network, strengthening national capabilities, and other related projects. Discussions also followed how this organisation should be implemented. Many participants agreed, for example, that the idea of having that organisation established as a preparatory commission before the treaty entered into force would strengthen the objectives of a treaty. This outlined vision for an intergovernmental organisation is in line with current proposals, like the one presented by the Qatari speech at the 2021 session of the WMDFZ conference in the UN (Qatar 2021) and by a working paper issued by Egypt previously to that conference (UN 2021e).

Verification Mechanisms at the Regional Level

Key for the implementation of the treaty was how to develop a robust legal and institutional mechanism that would prevent countries from breaching their obligations. Each category of WMD – nuclear, chemical and biological – have their own regime, with differing levels of verification and inspections. While nuclear weapons non-proliferation is regulated by a mixture of global and regional institutions, with the cornerstone being the International Atomic Energy Agency, no verification mechanisms exist to tackle biological weapons.
Establishing a workable verification system that covers all three categories presents deeply complex technical challenges and requires significant financial and human resources to provide assurance against non-compliance. However, this all becomes critical when trust is low. In that regard, most discussions addressed how states could develop a workable cooperative regime that could build confidence among states. Delivering verification under the circumstances where countries do not trust each other is deeply problematic, and provides strong motive for setting up a regional body tasked with building up the capacity and conducting verification activities.

Global institutions such as the IAEA and the Organisation for the Prohibition of Chemical Weapons (OPCW) possess relevant expertise and experience to provide the necessary tasks of verification, inspection and other practices. They also already conducted relevant technical studies aimed at developing proper verification modalities applicable to the region, which should be applied and operationalised (IAEA 1989). It will, therefore, be necessary to call upon them throughout the process. It may also be appropriate to develop these capabilities at a regional level within the proposed intergovernmental organisation.

We could imagine three models for verification systems applicable to the zone. These models are based on how the regional and global regimes for WMD non-proliferation and disarmament intersect (Bandarra and Dolev 2021). The first model is based on an almost exclusive reliance on international regimes. In that scenario, a regional Middle Eastern Organisation would act as a registry and a coordinator between states’ international institutions. Institutionalisation could be low and countries could pursue ideas like monitoring and reporting through ad hoc expert groups or ministerial meetings. This model, followed by NWFZs in Central Asia and the South Pacific, has the advantage of being cost saving, but it also does not address the imbalance between the three pillars of negotiations and it would miss an opportunity to create a forum that could create new trust among countries in the region.

The second model creates a regional commission to regulate the implementation of the treaty, but with no standing capacity of its own for conducting regular inspections. Like in examples such as the NWFZs in Africa, Southeast Asia and Latin America, this commission would be able to request inspections by competent international organisations (i.e. the OPCW and the IAEA) and appoint members to ad hoc verification missions. A door would also be left open to create a verification mechanism, if necessary. The full implementation of this model is, however, made difficult due to the lack of international verification mechanisms for biological weapons, notwithstanding current discussions on the matter (UNODA 2021). This model would consequently risk not achieving its full potential when considering all three pillars of negotiations.

The third model advances on the previous one by creating a regional verification and compliance system. There is no NWFZ in place with such an ambition, despite the bilateral experience between Argentina and Brazil. The main disadvantage of this model is the need to develop and establish a whole new system from the ground and build the necessary bureaucratic capacity. This is, however, also an opportunity to create a novel system with related innovations that could innovate in all three pillars, particularly concerning chemical and biological verification mechanisms. Participants, advisors to the drafting process, diplomats in their own capacity from the zone, academics and activists that joined the civil society track were optimistic about the
potentials for this last model, which was adopted in the latest version of the draft treaty, presented in 2021. Some participants emphasised that such a model would strengthen regional security and countries’ capabilities to implement international obligations. This latter feature is especially important for the least developed countries with limited capacity.

A verification system at the regional level could be implemented through multiple avenues. It could, for example, be based on a monitoring system which activates inspection missions only in case of suspicions being raised. It could also be based on the principle of mutual inspections, with verification missions visiting all states regularly. Such missions would be carried out by the regional organisation and could be composed of inspectors from member states, by international inspectors, or by a combination of both. They could also be interdisciplinary, in terms of combining expertise from all three categories of WMD, and promote intersectional learning, in cooperation and complementarity with well-established international regimes. It would, therefore, expand international obligations and save costs at global institutions like the IAEA and the OPCW. Concerning biological weapons, this model created a unique opportunity to create early warning systems to avoid the outbreak of infections. Such a system could serve as a litmus test for a global verification regime of biological materials and would, therefore, deserve global spotlight, even if limited on the geographic scope.

Those three models show possibilities that countries can get inspiration from when negotiating a WMDFZ Treaty for the Middle East. During the whole process and the Track 1.5 and 2 meetings, members of METO and participants made it clear that no model is better than the other. All have advantages and disadvantages and it is up to states to decide which model they are willing to choose. METO-sponsored negotiations work therefore, with all models simultaneously in multiple versions of the draft treaty. Regardless of which model countries choose, however, three main elements should be addressed for an effective verification system for a WMDFZ treaty. First, the regional organisation should ensure that countries follow treaty obligations and guidelines on the safety of nuclear, chemical, and biological materials. This is vital to ensure that dual-use materials are only used for peaceful purposes. A regional organisation could also adapt those guidelines to the regional specificities of the Middle East, in order to ensure compliance. Those specificities address not only geopolitical issues, particularly in conflict areas, but also environmental and geographical conditions, like water security and human safety. Second, a regional verification system should support and strengthen national capacities to implement international obligations. States would support in crafting institutional and bureaucratic elements that ensure safety and non-proliferation of covered dual-used materials in a transparent and accessible way that is also sustainable in the long run. Levelling countries’ capacity to ensure safety of nuclear, chemical, and biological weapons also ensures the region as a whole, possesses similar capabilities and promotes the creation of a scientist’s network – an epistemic community – that may act as a further obstacle to further proliferation. Third, the verification system should support reporting and exchange of information among member states. Exchange of information in a transparent and structured way is key to promote dialogue, dissolve rivalries, and avoid being trapped in the prisoner’s dilemma.
**Disarmament and Dismantlement**

A fourth issue constantly raised in the civil society track meetings was how to deal with disarmament and dismantlement of existing WMD programmes. This is a key consideration in the Middle East, a region already deeply affected by the use of chemical weapons and by nuclear proliferation. Besides Israel, other countries, like Iraq, Libya and Syria, already sponsored secret nuclear programmes aiming at weaponization. This scenario provides extra challenges, but also opportunities for the zone, as none of the existing NWFZs has involved member states in possession of nuclear weapons. In other words, none had to deal with disarmament and dismantlement of WMD arsenals.

How to proceed with disarmament issues, both of the Israeli nuclear weapon programme and possible residual chemical weapon programmes, remains a question of procedure and chronology. Should a WMDFZ follow a similar path as existing NWFZs, requiring states to unilaterally disarm before joining the treaty? Or should the treaty itself provide the means and requirements to ensure disarmament? In that case, weaponised states would join first the WMDFZ treaty; only then the interregional organisation would decide on a timetable for dismantlement.

**Procedure and External Influences**

Power within the region is very unbalanced. On the one hand, Israel possesses significant military and political influence, largely by virtue of its alliance with the United States. The Arab League represents by far the majority of the region’s population, but it is far from united, and the legitimacy of many of its governments is fragile. Like Israel, Iran often finds itself isolated, but has built up a culture of self-sufficiency independent from outside powers. Extra-regional states, furthermore, have had a big impact upon the region, and any approaches will need to involve key stakeholders such as the United States, Russia, China and European states. The nuclear armed states will also need to provide security assurances to states within the zone, a process governed by additional protocols to the relevant treaty.

In such a context, setting up any processes or regional organisation requires careful planning to ensure all parties that their voices will be heard and accounted for in all disputes in a fair and structured way. Those geopolitical and international relations considerations are the core of most procedural decisions to be taken in a WMDFZ Treaty. It is hard to imagine any procedures that garner sufficient respect from all parties unless they operate on the basis of consensus. Yet consensus offers a veto power to all parties who have demonstrated a tenacious willingness to exercise it unless they can be absolutely sure that they benefit from change with minimal risk. The regional organisation would risk falling in the same trap that led to the fall of the League of Nations (Claude 1969). An intermediate approach, that would, however, counter for differences among states is needed both in terms of procedural matters when the regional organisation is functioning, but also in terms of practical issues, like entry into force and amending procedure.

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6South Africa, the only country to have given up its atomic arsenal (former-Soviet countries aside), dismantled her nuclear weapons facilities prior to joining the Pelindaba Treaty. Article 6 of the Pelindaba Treaty creates an obligation to disarm and dismantle existing nuclear explosive devices, but without providing a timetable or a procedure for that.
Recent political developments that ease tensions in the region may provide further momentum to achieving new and innovative solutions for such procedural questions. Those changes include the Abraham Accords, which formalised relations between Israel and four other countries of the proposed zone, the new government coalition in Israel, the prospects of a US return to the Joint-Comprehensive Plan of Action (JCPOA) – the nuclear agreement with Iran –, the rapprochement between Iran and Saudi Arabia, progress on the peace talks in Libya, and the Russian invasion of Ukraine. Those events provide prospects for further dialogue between key players from the region and should provide momentum to progress on negotiations for the zone.

Conclusion

Establishing a WMDFZ in the Middle East is one of the few issues in which there is relatively established consensus among countries from the region. This article contributed to push discussions towards that goal through an inductive analysis of the negotiations held by METO under a Track 1.5 negotiations. In that regard, this article also contributes to discussions on those types of negotiations, which are little explored by current literature. Unlike Track 1 and Track 2 decisions, Track 1.5 aims at fostering discussions and uncovering solutions to specific aims, like, for instance, the establishment of a WMDFZ in the Middle East.

Discussions held under the METO-sponsored discussions led to the suggestion that an enforceable and effective WMDFZ Treaty for the Middle East, establishing a regional intergovernmental organisation capable of monitoring the peaceful uses of nuclear, chemical, and biological technologies, would contribute to achieving an environment of peace and stability in the region and beyond. From a region of concern harmed by an arms race and the use of chemical weapons, the Middle East would again become a region of peace that pushes innovation and develops creative new ideas to tackle systemic concerns like non-proliferation and disarmament. The matter of the chicken-egg question of sequencing between the creation of institutions and the establishment of peaceful environment in the region was not overlooked, but rather regarded as concomitant process. Most participants in the discussions agreed, however, that an early institutional development of a WMDFZ would push the creation of confidence building and trust necessity to install a desired long-lasting peace in the region.

The idea of a WMDFZ is not new. It is almost 50 years since it was first presented at the UN General Assembly officially, through a joint-proposal by Iran and Egypt. Since then, the diplomatic process has gone through a few ups and many downs. Many people involved in that process appear pessimistic about the viability of The Zone and believe that the issue has been responsible for the failure of several global negotiations under the framework of the NPT. The root of the problem lies in the widespread perception that such a zone requires a level of cooperation that is beyond the capabilities of states in the region because of ideological and religious conflict, strong national assertiveness that undermines regional cooperation, the particular dynamics of Israel's strategic relationship with its neighbours, and most countries’ tendency to adopt independent security policies based upon maximizing their military capabilities.
Despite those obstacles, current developments like the establishment of the UN conference on the establishment of a WMDFZ in the Middle East have shown that progress is a matter of good faith and political will in an inclusive and open process. They also contribute to solve issues like sequencing by showing that parallel peace talks among countries and the creation of a WMDFZ could be achieved simultaneously – and even reinforce one another.

This paper also highlighted some of the key topics and discussions held by civil society and experts under the auspices of the Middle East Treaty Organization (METO). Since 2014, that group of experts and activists promote targeted discussions and debate on the many avenues that could lead to a working WMDFZ draft treaty for the Middle East. These discussions are implemented with the support of METO’s draft treaty strategy, which consists of developing an evolving text of a draft treaty that would show states possible pathways to inspire and support states in Track 1 negotiations. The draft treaty, now in its fourth version, is an outcome of several rounds of discussions and may serve as a useful tool to assist policy-makers working on a final document within the Track 1 at the UN.

Key elements that were discussed in that process include (1) the structure of the treaty, (2) the role of the intergovernmental regional organisation, (3) suitable regional verification mechanisms, (4) disarmament and dismantlement procedures, (5) procedure and external influences. Those elements were extensively discussed in the METO-process and provide, as showed in this text, a useful map to avoid impasse on discussions and focus on possibilities for establishing the zone.

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