ISU Journal of Law (ISSN: 3079-7586 & E-ISSN: 3079-7594)

Volume: 01, Issue: 01, 2026 Web: www.isu.ac.bd/journal

RESEARCH ARTICLE

The Future of Nuclear Non-Proliferation Treaty through the Lens of the Iran–Israel Conflict

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ABSTRACT

This paper explores the escalating conflict between Iran and Israel in the context of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), with particular emphasis on Iran's potential withdrawal from the treaty and its implications for international law and the global nuclear non-proliferation regime. The study adopts a doctrinal legal method, drawing on primary legal sources, including the NPT and relevant international instruments selected for their authority and relevance, while secondary academic sources support legal interpretation and contextual analysis. The paper finds that the legal justification of self-defence invoked by the US and Israel requires an assessment of whether the scale, objectives and duration of the military response satisfy the requirements of necessity and proportionality, or whether it has been employed to legitimise broader strategic objectives against a comparatively weaker State[2]. Continued military pressure from nuclear-armed States may deepen Iran's sense of strategic vulnerability, strengthen arguments for nuclear deterrence, and weaken its commitment to remain within the NPT. Despite extensive scholarship on nuclear non-proliferation and Iran's nuclear programme, this paper offers a critical perspective by arguing that the NPT may reinforce power asymmetries between Nuclear Weapon States (NWS) and Non-nuclear Weapon States (NNWS), undermining the equitable application of the global non-proliferation regime. Normative conclusions are drawn through treaty interpretation, recommending equitable nuclear governance, consistent non-proliferation obligations, and meaningful diplomacy.

ARTICLE HISTORY

Received: May, 2026
1st Revision: July, 2026
Accepted: August, 2026
Online Publication: September, 2026

KEYWORDS

Iran–Israel Conflict, Nuclear Non-Proliferation Treaty (NPT), Self-Defence, Nuclear Deterrence, International Nuclear Law

1. Introduction

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) serves as the principal international framework for limiting the spread of nuclear weapons, encouraging the peaceful use of nuclear energy, and advancing nuclear disarmament as part of the broader objective of general and complete disarmament. The NPT was signed by the Islamic Republic of Iran in 1968, and

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[2] Edmarverson A. Santos, 'Self-defence in International Law' Diplomacy and Law <https://www.diplomacyandlaw.com/post/self-defense-in-international-law> accessed 11 August 2026

its Article II prohibits the country from acquiring nuclear weapons, as well as from seeking or receiving assistance in the creation of nuclear weapons.[3]

While Iran is engaged in an intensifying military conflict with the US and Israel, the Iranian government claims that its parliament is crafting legislation to withdraw from the NPT, despite the fact that it has adhered to the provisions of the NPT for a long time and has done so consistently.[4] This calls for an examination of the possible causes and consequences of the existing power struggle between nuclear-armed States and non-nuclear-weapon States revolving around the NPT framework and its influence on global jurisprudence.

The NPT is supposed to serve as an equitable and consistently applied legal framework for nuclear non-proliferation. However, it is seen that the power asymmetries and geopolitical interests undermine its legitimacy and effectiveness. In particular, Iran's potential withdrawal requires an examination of whether the security concerns of NNWS are adequately addressed within the existing nuclear governance framework and whether the differential treatment of NWS and NNWS contributes to the erosion of confidence in the international law governing the non-proliferation regime. Furthermore, it is to be analysed if powerful Western states use non-proliferation mechanisms as a tool to restrict sovereign access to peaceful nuclear technology.

There could be broader legal and security implications for the NPT regime in the future if other non-nuclear-weapon States perceive existing treaty commitments as insufficient to safeguard their sovereignty and national security. This, in turn, could weaken confidence in the non-proliferation framework and encourage reconsideration of nuclear policy among NPT States Parties.

2. Research Methodology

This research uses a qualitative doctrinal legal method to examine the Iran–Israel conflict within the NPT framework. It relies mainly on primary legal sources, including the NPT, the United Nations Charter, IAEA reports, safeguards agreements, UN Security Council documents, and relevant international legal instruments. Scholarly articles, legal commentaries, and reliable reports from authentic sources are used as secondary sources.

The study also applies comparative and analytical methods to assess the legal positions of Iran, Israel, and the United States in the nuclear non-proliferation regime. Relevant NPT provisions and rules on the use of force are analysed alongside the theories of the Security Dilemma, TWAIL, and power asymmetry

[3] 'Treaty on the Non-Proliferation of Nuclear Weapons (NPT)' (United Nations Office for Disarmament Affairs) <https://disarmament.unoda.org/wmd/nuclear/npt/> accessed 29 June 2025.

[4] Yashraj Sharma, 'What is the NPT, and why has Iran threatened to pull out of the treaty?' *Al Jazeera* (17 June 2025) <https://www.aljazeera.com/news/2025/6/17/what-is-the-npt-and-why-has-iran-threatened-to-pull-out-of-the-treaty> accessed 11 August 2026

to evaluate the legitimacy and future effectiveness of the nuclear non-proliferation regime.

3. Conceptual and Theoretical Framework of the Study

A number of legal concepts require clarification in order to assess the Iran–Israel disputes within the framework of international nuclear law and to understand the legal implications of Iran's potential withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Accordingly, this chapter examines the conceptual and theoretical foundations of the study through separate subchapters, addressing the key legal concepts and analytical theories necessary to assess Iran's position under the NPT, nuclear deterrence, power asymmetry, and the broader implications of the Iran–Israel dispute.

(I) Conceptual Analysis

(a) The Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) seeks to prevent the spread of nuclear weapons, promote nuclear disarmament, and facilitate cooperation in the peaceful use of nuclear energy. Opened for signature in 1968 and entering into force in 1970, the Treaty has 191 States Parties, while India, Israel, and Pakistan have never joined it.[5]

The NPT also establishes an international safeguards system administered by the International Atomic Energy Agency (IAEA). Through inspections and verification measures, the IAEA seeks to ensure that nuclear materials intended for peaceful purposes are not diverted for military use, while preserving States Parties' access to peaceful nuclear technology.[6]

(b) Nuclear-Weapon States (NWS) and Non-Nuclear-Weapon States (NNWS)

The NPT divides its States Parties into two groups: nuclear-weapon states (NWS), comprising the United States, Russia, China, France, and the United Kingdom, and non-nuclear-weapon states (NNWS). The NWS undertake commitments toward nuclear disarmament, while the NNWS agree not to manufacture, acquire, or otherwise pursue nuclear weapons. Articles I and II further require NWS not to assist NNWS in obtaining nuclear weapons and oblige NNWS to refrain from receiving or developing such weapons.[7]

Unofficially known as the 'Nuclear Club', the United States, Russia, the United Kingdom, France, China, India, Pakistan, Israel, and North Korea have around

[5]'Treaty on the Non-Proliferation of Nuclear Weapons (NPT)' (International Atomic Energy Agency) <https://www.iaea.org/publications/documents/treaties/npt> accessed 29 June 2025.

[6]'History of the IAEA' (International Atomic Energy Agency) <https://www.iaea.org/about/overview/history> accessed 29 June 2025.

[7]Arms Control Association 'The Nuclear Non-proliferation Treaty (NPT) at a Glance' <https://www.armscontrol.org/factsheets/nuclear-nonproliferation-treaty-npt-glance> access 10 August 2026.

15,850 nuclear weapons, 4,300 of which are operationally deployed. The United States and Russia alone have more than 90% of the world's nuclear weapons.[8]

(c) Nuclear Deterrence

Deterrence and defence are core elements of the North Atlantic Treaty Organization's (NATO) overall strategy to prevent conflict and war.[9] Nuclear deterrence is the strategic principle that the threat of devastating nuclear retaliation discourages states from initiating a nuclear attack. However, there are questions as to whether nuclear deterrence is sufficient, effective, just, or ethical. For instance, nuclear deterrence depends on maintaining a credible threat of nuclear retaliation, requiring some weapons to remain ready for use. Critics argue that this doctrine is inherently dangerous because any nuclear exchange could cause massive civilian harm, radioactive fallout, economic disruption, forced migration, and potentially severe global climatic consequences.[10]

(d) Power Asymmetry in Nuclear Governance

Power asymmetry in nuclear governance arises where stronger States possess significantly greater military and political capacity than States subject to non-proliferation pressures.[11] This creates unequal risks in nuclear cooperation, as weaker States may become increasingly vulnerable after restricting or abandoning their nuclear capabilities, while stronger States bear comparatively limited costs if cooperation subsequently collapses. In the case of Iran, this imbalance may undermine confidence in security assurances and reinforce concerns that compliance with nuclear restrictions could weaken its strategic position. Accordingly, power asymmetry may contribute to distrust and challenge the perceived legitimacy and stability of the international non-proliferation regime.[12]

3.1. Theoretical Analysis

(a)The Security Dilemma and Realism Theory

The security dilemma arises when measures taken by one State to strengthen its security are perceived as threatening by others, prompting countermeasures that ultimately reduce the security of the original State.[13] Realism theory explains the security dilemma as arising from uncertainty regarding the intentions of other States. Offensive realists argue that states can never be certain whether another state is genuinely defensive or may later become aggressive, so they tend to prepare for worst-case scenarios. Defensive realists, by contrast, argue that states

[8]'Nuclear Risks Grow as New Arms Race Looms—New SIPRI Yearbook Out Now' (*Stockholm International Peace Research Institute*, 16 June 2025) <https://www.sipri.org/media/press-release/2025/nuclear-risks-grow-new-arms-race-looms-new-sipri-yearbook-out-now accessed> 25 July 2025.

[9] Strategic Deterrence, 'Keeping Our Nation and Our World Safe' <https://www.nato.int/en/what-we-do/deterrence-and-defence/natos-nuclear-deterrence-policy-and-forces> accessed 11 August 2026.

[10] ICAN, 'Five Myths of Nuclear Deterrence' <https://www.icanw.org/deterrence_myths> accessed 4 August 2026.

[11] Tongfi Kim, 'Asymmetric Strategic Problems in Nuclear Non-proliferation' (2014) 14 *International Relations of the Asia-Pacific* 191 < https://academic.oup.com/irap/article-abstract/14/2/191/732699 > accessed 5 August 2026.

[12] Ibid.

[13] Britannica, 'Security Dilemma' <https://www.britannica.com/topic/security-dilemma> accessed 7 August 2026.

may reduce uncertainty by altering their military posture and providing credible reassurance.[14] This dilemma is particularly relevant to Iran's nuclear position, as perceived military vulnerability may strengthen the strategic appeal of nuclear deterrence and affect Iran's continued commitment to the NPT.

(b) Third World Approaches to International Law (TWAIL) Theory

Third World Approaches to International Law (TWAIL) theory constitutes an academic initiative aimed at revealing the inequities, disparities, and inconsistencies embedded in international law that undermine the interests of the Third World.[15] It strives to challenge the presuppositions and assertions of impartiality, equity, and systematicity that law is expected to represent, thus undermining the veneer of colonialism, dominance, Eurocentrism, and universality that shapes and governs the dialog and practice of international law. Iran's nuclear initiative frequently faces scrutiny and sanctions, whereas Israel's unacknowledged nuclear arsenal is predominantly overlooked by Western nations.[16] This targeted enforcement underscores the double standards and dominant tactics criticized by TWAIL.

4. International Legal Framework Governing Nuclear Non-Proliferation: Iran, Israel and the United States

This chapter examines the principal international legal instruments- the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the International Atomic Energy Agency (IAEA) safeguards protocols - governing the nuclear activities and non-proliferation obligations of Iran, Israel, and the United States. Furthermore, relevant provisions of the NPT are analysed in a comparative manner between Iran, Israel, and the USA.

4.1. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

The USA is a founding member and is recognized as one of the five official nuclear-weapon states under the NPT, Iran is a signatory, and Israel did not sign the NPT.[17] The core provisions relevant to the study can be stated to be Articles I, II, III, IV, VI, IX and X.[18]

[14] Evan Braden Montgomery, 'Breaking Out of the Security Dilemma: Realism, Reassurance, and the Problem of Uncertainty' (2006) 31(2) *International Security* 151 < https://doi.org/10.1162/isec.2006.31.2.151> accessed 7 August 2026.

[15] Makau W Mutua, 'What Is TWAIL?' (2000) 94 *Proceedings of the ASIL Annual Meeting* 31 <https://digitalcommons.law.buffalo.edu/journal_articles/560> accessed 4 August 2026

[16] Usaid Siddiqui, 'Double Standards? Why Israel's Nukes Get a Pass While Iran is Scrutinized' *Al Jazeera* (15 April 2026) <https://www.aljazeera.com/news/2026/4/15/double-standards-why-irans-nukes-are-scrutinised-israel-gets-a-pass> accessed 5 August 2026

[17] 'What is the Nuclear Non-Proliferation Treaty?' *Reuters* (15 June 2025) <https://www.reuters.com/world/europe/what-is-nuclear-non-proliferation-treaty-2025-06-16/ > accessed 7 August 2026.

[18] *Treaty on the Non-Proliferation of Nuclear Weapons* (adopted 1 July 1968, entered into force 5 March 1970) <https://archive-disarmament.unoda.org/wmd-2/nuclear/npt/text/> accessed 12 August 2026.

- Article I

Nuclear-weapon States' main non-proliferation commitments are under Article I. It forbids NWS parties, including the US, from transferring nuclear weapons or control over them, directly or indirectly, or from helping NNWS produce or acquire them. The NPT imposes reciprocal but differentiated obligations: Iran, as a NNWS, is barred under Article II from acquiring nuclear weapons, while the US, as a NWS, is prohibited under Article I from supporting their acquisition.

- Article II

Iran agrees not to receive, manufacture, or acquire nuclear weapons or other nuclear explosive devices, or to seek or receive assistance in their production. The fundamental ban on Iran's nuclear activities is in Article II. Iran's peaceful nuclear programme must follow its non-proliferation obligations.

- Article III

Iran, a non-nuclear-weapon State party, must accept IAEA safeguards to ensure its nuclear activities are peaceful and nuclear material is not transferred to weapons. Iran must allow safeguards on relevant nuclear material and activities on its territory or jurisdiction.

- Article IV

Article IV grants Iran the right to develop, research, manufacture, and use nuclear energy peacefully in accordance with Articles I and II. Iran has a treaty-based right to peaceful nuclear technology, including nuclear material, equipment, and scientific and technological information exchange. This right balances Iran's right to peaceful nuclear development with its commitment to prevent proliferation, making it important to its nuclear programme.

- Article VI

According to Article VI, NNWS such as Iran undertake not to acquire nuclear weapons, whereas NWS such as the United States undertake to pursue negotiations in good faith towards nuclear disarmament. Although the NPT has been relatively effective in constraining proliferation, its disarmament pillar has stagnated, producing an imbalance between the treaty's obligations and contributing to a growing legitimacy deficit. The long-term resilience of the NPT depends, among other factors, upon restoring reciprocity between NWS and NNWS.[19] The absence of such symmetry becomes relevant to assessing Iran's confidence in the existing non-proliferation regime and, ultimately, its potential reliance on Article X.

- Article IX

Article IX illustrates how the legal framework of the international nuclear governance regime incorporates power imbalance. Article IX (3) only

[19] Manuel Herrera, 'What Future for the NPT?: Scenarios for the Treaty Going Forward' (2026) 9 *Journal for Peace and Nuclear Disarmament* (Suppl 1) 63 <https://doi.org/10.1080/25751654.2026.2639044> accessed 12 August 2026.

acknowledges those states with NWS status that produced and detonated a nuclear weapon or other nuclear explosive device before January 1, 1967, despite the Treaty's formal openness for signature to other states. This condition prevented later nuclear-armed states from obtaining the same legal status under the Treaty while institutionalising the privileged position of the current nuclear powers. Furthermore, the designation of the US, the USSR, and the UK as Depositary Governments demonstrates the special institutional standing given to large countries.[20]

Depositary Governments are the governments officially appointed to hold, manage, and keep the formal records of an international treaty.[21] Thus, Article IX reflects a nuclear order characterised simultaneously by universal participation and unequal legal status, reinforcing the broader power asymmetry at the centre of international nuclear governance.

- Article X

Under Article X (1) of the NPT, Iran may exercise its sovereign right of withdrawal where it considers extraordinary events related to the subject matter of the Treaty to have jeopardized its supreme interests. To exercise that right, Iran must provide three months' advance notice to all NPT States Parties and the UN Security Council and must identify in that notice the extraordinary events on which its decision is based. Withdrawal operates prospectively and does not extinguish legal responsibility arising from obligations applicable before the withdrawal becomes effective.

If Iran withdraws from the NPT, the bedrock of the international non-proliferation regime, it will be the second state to do so, after North Korea illegally withdrew without proper notice in 2003.[22] The North Korean precedent demonstrates the uncertainty surrounding the enforcement of Article X. Although North Korea initially invoked the withdrawal procedure in 1993, its 2003 declaration of withdrawal with only one day's further notice generated legal controversy.[23] Iran, therefore, would face strong diplomatic pressure to comply strictly with Article X's three-month notice requirement if it sought to withdraw from the NPT.

[20] IAEA, 'NPT Turns 40: Bedrock of Non-Proliferation Regime Marks 40th Anniversary' <https://www.iaea.org/newscenter/news/npt-turns-40> accessed 12 August 2026.

[21] Richard Caddell, 'Depositary' (*Max Planck Encyclopedia of Public International Law*, June 2006) <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e694> accessed 15 July 2026.

[22] Libby Flatoff, 'Iran Threatens to Withdraw from the NPT' *Arms Control Today* (May 2026) <https://www.armscontrol.org/act/2026-05/news/iran-threatens-withdraw-npt> accessed 10 August 2026.

[23] International Atomic Energy Agency, *Report by the Director General on the Implementation of the Resolution Adopted by the Board on 6 January 2003 and of the Agreement between the IAEA and the Democratic People's Republic of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons* (GOV/2003/4, 22 January 2003) <https://www.iaea.org/sites/default/files/gov2003-4.pdf> accessed 12 August 2026.

4.2. International Atomic Energy Agency (IAEA) Safeguard Agreement with Iran

Under Article III of the NPT, NNWS are required to conclude comprehensive safeguards agreements with the IAEA. Iran is a NNWS and therefore has a legally binding Comprehensive Safeguards Agreement with the IAEA. Its nuclear programme has been subject to extensive verification, and IAEA reports have identified unresolved safeguards questions concerning previously undeclared nuclear material and nuclear-related activities or locations.[24]

5. Legal, Strategic and Security Dimensions of Iran's NPT Membership and Impact on International Law

This chapter presents a comprehensive and in-depth analysis of the critical factors that have contributed to the Islamic Republic of Iran's declared inclination to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). It explores the multifaceted legal, strategic, and security dynamics that have influenced Iran's growing disillusionment with the treaty, particularly in light of perceived double standards and breaches of international norms by nuclear-armed states. In doing so, this chapter aims to offer an understanding of Iran's nuclear posture and the broader geopolitical consequences of a potential withdrawal, not only for regional stability in the Middle East but also for the international non-proliferation regime as a whole.

5.1. The development of Nuclear Facilities in Iran and Legal Implications

Iran's nuclear activities began with significant Western assistance. In 1957, Iran and the United States entered into nuclear cooperation within the broader framework of the United States' Atoms for Peace policy. During the rule of Shah Mohammad Reza Pahlavi, Iran subsequently pursued an ambitious civilian nuclear-energy programme. Following the Islamic Revolution of 1979, however, cooperation between Iran and the United States largely collapsed.[25]

Western countries have been concerned that Iran could utilize its nuclear programme to create atomic weapons using highly enriched uranium ever since the revolution that turned the country into an Islamic Republic.[26] Iran has insisted, meanwhile, that it has no intention of developing nuclear weapons. It has vowed

[24]International Atomic Energy Agency, *NPT Safeguards Agreement with the Islamic Republic of Iran: Report by the Director General* (GOV/2026/8, 27 February 2026) <https://www.iaea.org/sites/default/files/gov2026-8.pdf> accessed 12 August 2026.

[25] Hossein Mousavian, 'The Iranian Nuclear Dispute: Origins and Current Options' *Arms Control Today* (August 2012) <https://www.armscontrol.org/act/2012-07/iranian-nuclear-dispute-origins-and-current-options> accessed 10 August 2026.

[26] Mostafa Salem, Helen Regan and Lou Robinson, 'Everything You Need to Know about Iran's Nuclear Program' (CNN, 13 June 2025) <https://edition.cnn.com/2025/06/13/middleeast/iran-nuclear-program-explainer-intl-dg> accessed 20 July 2026.

not to develop a bomb as a signatory to the UN's Nuclear Non-Proliferation Treaty (NPT).[27]

Concerns regarding Iran's compliance developed after the IAEA identified previously undeclared nuclear material and activities.[28] The dispute consequently became a question concerning Iran's performance of its legally binding safeguards obligations. The dispute was partially addressed through the Joint Comprehensive Plan of Action (JCPOA) of 2015, agreed between Iran and China, France, Germany, Russia, the United Kingdom, the United States, and the European Union.[29] The arrangement substantially restricted Iran's enrichment programme and introduced extensive verification measures in return for sanctions relief.

The United States withdrew from the JCPOA in 2018 and reimposed economic sanctions.[30] Iran subsequently reduced its implementation of various nuclear-related commitments and, from February 2021, ceased implementing certain JCPOA verification measures, including provisional application of the Additional Protocol.[31] Nevertheless, Iran's underlying Comprehensive Safeguards Agreement remained legally binding. Furthermore, the weakening or collapse of the JCPOA did not extinguish Iran's obligations under its safeguard's agreement.

5.2. Iran- Israel Conflict 2025

Israel carried out targeted killings of senior military officers and nuclear experts on June 13, 2025, in addition to attacking multiple Iranian military and nuclear installations. Israel's assaults had resulted in over 70 fatalities and over 320 injuries. In a prepared statement, Israeli Prime Minister Benjamin Netanyahu stated that the strikes were intended to damage Iran's ballistic missile and nuclear manufacturing facilities.[32] The principal legal framework governing these attacks is *jus ad bellum*, particularly Articles 2(4) and 51 of the United Nations Charter.[33] The IAEA Board of Governors found that Iran's repeated failures to provide full and timely cooperation concerning undeclared nuclear material and activities

[27]Mostafa Salem, Helen Regan and Lou Robinson, 'Everything You Need to Know about Iran's Nuclear Program' *CNN* (New York, 13 June 2025) <https://edition.cnn.com/2025/06/13/middleeast/iran-nuclear-program-explainer-intl-dg> accessed 17 July 2025.

[28] Paul K Kerr, *Iran's Nuclear Program: Tehran's Compliance with International Obligations* (Congressional Research Service, CRS Report No R40094, 7 August 2025) <https://www.congress.gov/crs-product/R40094> accessed 11 August 2026.

[29] Acronym Institute for Disarmament Diplomacy, 'Serious Concern' as the IAEA Addresses Iran's Nuclear Programme, IAEA Board of Governors Meeting <https://www.acronym.org.uk/old/archive/docs/0403/doc05.htm> accessed 9 August 2026.

[30] World Nuclear Association, 'Nuclear Power in Iran' <https://world-nuclear.org/information-library/country-profiles/countries-g-n/iran> accessed 30 July 2026.

[31]Arms Control Association, 'IAEA Investigations of Iran's Nuclear Activities' <https://www.armscontrol.org/factsheets/iaea-investigations-irans-nuclear-activities> accessed 30 July 2026.

[32] Lazar Berman, 'Netanyahu Claims 'Historic Victory,' Says 'We Sent Iran's Nuclear Program Down the Drain'' *The Times of Israel* (Israel, 25 June 2025) <https://www.timesofisrael.com/netanyahu-claims-historic-victory-says-we-sent-irans-nuclear-program-down-the-drain/> accessed 19 July 2025.

[33]United Nations, 'Chapter VII: Article 51' *Repertory of Practice of United Nations Organs* <https://legal.un.org/repertory/art51.shtml> accessed 17 July 2026.

constituted non-compliance with its safeguard's obligations.[34] The Board further found that the IAEA was unable to verify that there had been no diversion of nuclear material required to be safeguarded and that the Director General was therefore unable to provide assurance that Iran's nuclear programme was exclusively peaceful.

These findings demonstrate that the legal controversy surrounding Iran was not based exclusively on Western political suspicion. Iran was subject to specific treaty and safeguards obligations, and the competent international verification body formally concluded that important obligations had not been fulfilled. However, a finding of safeguards non-compliance does not automatically create a right for individual States to employ military force. International enforcement of non-proliferation obligations operates through an institutional legal framework. Whether military force may lawfully be used is governed separately by the United Nations Charter and customary international law.[35] Consequently, Iran's breach of safeguards obligations cannot, by itself, constitute legal authority for Israel or the United States to attack Iranian territory. This distinction is fundamental to assessing the events beginning on 13 June 2025.

Therefore, the existence of enrichment capacity, stockpiles of enriched uranium, ballistic missiles or safeguards violations may be highly relevant to a security assessment, but they do not necessarily establish the imminence of an armed attack for the purpose of Article 51.

5.3. USA Participation in the Conflict:

The controversy deepened when the United States directly entered the hostilities. On 22 June 2025, United States forces attacked the Iranian nuclear facilities at Fordow, Natanz, and Isfahan.[36] The IAEA subsequently confirmed that all three nuclear sites had been struck. The Agency also reported that nuclear material had been present at the targeted locations, although Iranian authorities reported no increase in off-site radiation levels.[37]

The United States subsequently submitted a letter dated 27 June 2025 to the President of the Security Council stating that its military actions had been conducted pursuant to Article 51 of the UN Charter and in exercise of the inherent right of self-defence.[38] This notification is important because Article 51 requires

[34] Bethany Bell and David Gritten, 'Watchdog Finds Iran Failing to Meet Nuclear Obligations' *BBC News* (12 June 2025) <https://www.bbc.com/news/articles/ce3v6w2qr12o> accessed 12 August 2026.

[35] Edmarverson A Santos, 'Article 2(4) of the UN Charter Explained' *Diplomacy and Law* (26 July 2026) <https://www.diplomacyandlaw.com/post/article-2-4-of-the-un-charter-explained> accessed 13 August 2026.

[36] Mohanad Hage Ali, 'The United States Has Attacked Iran's Nuclear Facilities' *Carnegie Endowment for International Peace* <https://carnegieendowment.org/middle-east/diwan/2025/06/the-united-states-has-attacked-irans-nuclear-facilities> accessed 18 July 2026.

[37] International Atomic Energy Agency, 'Update on Developments in Iran' (Press Release 54/2025, 22 June 2025) <https://www.iaea.org/newscenter/pressreleases/update-on-developments-in-iran-5> accessed 18 July 2026.

[38] The United States Mission to the United Nations addressed to the President of the Security Council, UN Doc S/2025/426 (27 June 2025) <https://digitallibrary.un.org/record/4084793> accessed 19 July 2026.

measures taken in self-defence to be reported to the Security Council. However, notification does not itself determine the legality of the underlying use of force. The substantive requirements of self-defence, particularly the existence of the relevant armed attack, necessity, and proportionality must still be satisfied.[39]

The NPT, IAEA safeguards, and Security Council procedures provide institutional mechanisms for addressing suspected nuclear proliferation. If States circumvent those mechanisms through unilateral military action, the authority of the safeguards system itself may be weakened. The IAEA suspended in-field verification activities because of the security situation and eventually withdrew its inspectors for safety reasons. Iran subsequently enacted domestic legislation on 2 July 2025 suspending cooperation with the Agency.[40] The IAEA maintained that Iran's safeguards agreement could not simply be suspended through domestic legislation and continued to seek arrangements for the resumption of inspections. This creates a contradiction in which military action meant to stop nuclear proliferation may actually make it harder to monitor and verify a country's nuclear programme.

5.4. Structural Inequality within the Nuclear Non-Proliferation Regime

The Iran dispute must also be located within the broader legal structure of the NPT. One recurring criticism of the treaty is that it creates different legal categories of States.[41] This can be supported by the provision in Article IX(3), which defines nuclear-weapon States by reference to whether they manufactured and exploded a nuclear weapon or other nuclear explosive device before 1 January 1967. Consequently, China, France, Russia, the United Kingdom, and the United States possess recognised nuclear-weapon-State status under the Treaty, whereas other States Parties are prohibited from acquiring nuclear weapons.[42]

However, the recognised nuclear-weapon States do not possess an unlimited treaty right to maintain nuclear arsenals indefinitely. Article VI of the NPT requires all parties to pursue negotiations in good faith concerning cessation of the nuclear arms race and nuclear disarmament.[43] The asymmetry therefore lies not simply in the existence of different categories but also in disagreement

[39] Chris O'Meara, *Necessity and Proportionality and the Right of Self-Defence in International Law* (Oxford University Press 2021) <https://doi.org/10.1093/oso/9780198863403.001.0001> accessed 18 July 2026.

[40] UNN, 'IAEA Halted Inspections in Iran for the First Time in 20 Years: The Reason' (17 July 2025) <https://unn.ua/en/news/iaea-halted-inspections-in-iran-for-the-first-time-in-20-years-the-reason> accessed 01 August 2026.

[41] Boubacar Sidi Diallo, 'The Binding Force of International Legal Standards in the Face of the Recurrent Practice of Soft Law' (2017) 7 *Przegląd Prawniczy Uniwersytetu im. Adam Mickiewicza* 79 <https://doi.org/10.14746/ppuam.2017.7.05> accessed 6 August 2026.

[42] International Atomic Energy Agency, 'Treaty on the Non-Proliferation of Nuclear Weapons (NPT)' <https://www.iaea.org/topics/non-proliferation-treaty> accessed 16 July 2026.

[43] Daryl G Kimball, 'The NPT and the Conditions for Nuclear Disarmament' *Arms Control Today* (April 2019) <https://www.armscontrol.org/act/2019-04/focus/npt-and-conditions-nuclear-disarmament> accessed 13 August 2026.

concerning the adequacy and pace with which the disarmament component of the NPT has been implemented.

Since Israel is not a party to the NPT, it is not bound by the NPT's prohibition applicable to non-nuclear-weapon States Parties and is not subject to a comprehensive NPT safeguards agreement covering its entire nuclear programme.[44] Iran, by contrast, remains an NPT party and is subject to legally binding comprehensive safeguards.

This comparison demonstrates a structural difficulty in the non-proliferation regime. A State that remains within the NPT may face extensive inspection, verification, and enforcement mechanisms, while a State remaining outside the Treaty is not subjected to equivalent NPT obligations.[45] This does not mean that Iran is entitled to disregard its own treaty obligations because another State has remained outside the regime. Under the principle *pacta sunt servanda*, Iran remains bound by the treaties to which it has consented. Nevertheless, the unequal coverage of the regime is relevant when examining its legitimacy, effectiveness, and political acceptance.

The same distinction should replace broader assertions that the United States simply decides which States are allowed to possess nuclear weapons.[46] The hierarchy originates partly from the structure of the NPT itself, particularly Article IX(3), while political power, such as permanent membership and veto authority in the Security Council, may significantly affect how international rules are enforced.

5.5. Palestine, Gaza and the Question of Selective Application of International Law

Israel's conduct in the Occupied Palestinian Territory is subject to international humanitarian law, international human rights law, and other relevant principles of international law. In its 19 July 2024 Advisory Opinion, the International Court of Justice addressed the consequences arising from Israel's policies and practices in the Occupied Palestinian Territory and concluded, among other matters, that Israel's continued presence in the Occupied Palestinian Territory was unlawful.[47] Separately, proceedings brought by South Africa against Israel under the Genocide Convention remain before the International Court of Justice.[48] The

[44] Usaid Siddiqui, Double Standards? Why Israel's Nukes Get a Pass While Iran Is Scrutinised' *Al Jazeera* (15 April 2026) <https://www.aljazeera.com/news/2026/4/15/double-standards-why-irans-nukes-are-scrutinised-israel-gets-a-pass> accessed 8 August 2026.

[45] Ibid.

[46] George Perkovich, *Do Unto Others: Toward a Defensible Nuclear Doctrine* (Carnegie Endowment for International Peace, 1 April 2013) <https://carnegieendowment.org/russia-eurasia/research/2013/04/do-unto-others-toward-a-defensible-nuclear-doctrine> accessed 10 August 2026.

[47] UN Secretary-General, 'Advisory Opinion of the International Court of Justice on the Obligations of Israel in Relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in Relation to the Occupied Palestinian Territory' UN Doc A/79/588 (19 December 2024) <https://www.un.org/unispal/document/report-of-the-secretary-general-icj-19dec24/> accessed 10 August 2026.

[48] Edmarverson A Santos, 'South Africa's Genocide Case Against Israel' *Diplomacy and Law* (3 May 2026) <https://www.diplomacyandlaw.com/post/south-africa-s-genocide-case-against-israel> accessed 13 August 2026.

Court has ordered provisional measures, but these orders should not be described as a final judicial finding that Israel has committed genocide.

This situation is relevant because of the question of consistency in the application and enforcement of international law. Iran and other States may argue that Western governments vigorously enforce non-proliferation rules against Iran while failing to respond with comparable effectiveness to alleged violations of international humanitarian law or other international obligations by allied States. However, such an argument does not legally exempt an Iranian breach of the NPT or its safeguards agreement. Nor would alleged violations committed by Israel create a legal right for Iran to acquire nuclear weapons.

However, perceived selectivity can affect the legitimacy and credibility of international institutions. An international order depends not only on the existence of rules but also upon their consistent application. Where similarly important international obligations appear to produce significantly different enforcement responses depending upon the identity and political position of the State concerned, questions of equality, institutional legitimacy, and power asymmetry inevitably arise.[49]

5.6. Impact on the International Jurisprudence and Community

Iran's possible withdrawal from the NPT would have consequences extending well beyond its bilateral disputes with Israel and the United States. From the perspective of international nuclear law, such a withdrawal could significantly affect the credibility, stability, and effectiveness of the global non-proliferation regime. The implications would be particularly serious if withdrawal were followed by the development of nuclear weapons or by a substantial reduction in international verification of Iran's nuclear activities.

A nuclear-armed Iran could alter the strategic balance of the Middle East and intensify the security concerns of neighbouring States. Countries that perceive Iran as a strategic threat might reconsider their reliance on conventional defence arrangements or external security guarantees and could seek alternative deterrence capabilities.[50] Although such proliferation is not inevitable, Iran's departure from the NPT could therefore increase pressure on the existing regional security architecture and contribute to a broader security dilemma in which measures adopted by one State for its own protection generate greater insecurity among others.

The NPT is founded upon a balance between non-proliferation obligations, access to peaceful nuclear technology, and commitments concerning nuclear

[49] Godswill Owoche Antai, 'The Politics in Enforcement of International Law: Israel-Gaza in Perspective' (2025) 6(1) *KIU Interdisciplinary Journal of Humanities and Social Sciences* 347 <https://doi.org/10.59568/KIJHUS-2025-6-1-24> accessed 13 August 2026.

[50] Institute for National Security Studies (INSS), 'Iran Nuclear Policy' <https://www.inss.org.il/publication/iran-nuclear-policy/ accessed> 14 July 2026.

disarmament.[51] If a major NPT State Party were to conclude that remaining within the treaty no longer served its supreme national interests, particularly following military attacks on its nuclear facilities and the deterioration of diplomatic arrangements, other States might increasingly question whether the existing non-proliferation framework provides sufficient security and political benefits to its members. Iran's withdrawal could therefore create a precedent with broader political significance, even though Article X expressly recognises a right of withdrawal subject to specified procedural requirements.

Withdrawal from the NPT would not necessarily resolve all questions concerning Iran's existing safeguards obligations, nuclear material previously subjected to safeguards, or obligations arising from other international instruments. Nevertheless, a reduction in IAEA access would make it more difficult for the international community to obtain reliable information concerning the location, quantity, and use of Iran's nuclear material. Such uncertainty could increase mistrust, encourage worst-case security assessments, and heighten the risk of further military confrontation.

The 2025 attacks on Iranian nuclear facilities raise concerns about whether military coercion can undermine nuclear non-proliferation. If Iran views international monitoring as offering no protection from external attack, such strikes may strengthen arguments for an independent nuclear deterrent.[52] Thus, actions intended to prevent proliferation may instead increase the perceived value of nuclear weapons and weaken confidence in the treaty-based nuclear order.

Iran's possible withdrawal would furthermore raise significant questions for international peace and security under the United Nations Charter. Increasing uncertainty regarding Iran's nuclear capabilities could lead to further preventive or anticipatory military strategies, greater regional militarisation, and intensified competition among Iran, Israel, the Gulf States, and external powers. Such developments would increase the possibility that nuclear proliferation concerns become intertwined with wider regional conflicts, thereby making diplomatic settlement considerably more difficult.

The humanitarian consequences of a major regional escalation must also be considered, although predictions concerning State collapse or refugee movements should be treated cautiously. Iran has a population exceeding 90 million, and any prolonged conflict resulting in large-scale internal displacement or cross-border

[51] Office of the Historian, US Department of State, 'The Nuclear Non-Proliferation Treaty (NPT), 1968' <https://history.state.gov/milestones/1961-1968/npt> accessed 11 August 2026.

[52] Kristen E Eichensehr, 'Targeting Tehran: Assessing the Lawfulness of Pre-emptive Strikes Against Nuclear Facilities' (2006) 11 *UCLA Journal of International Law and Foreign Affairs* 59 <https://openyls.law.yale.edu/bitstreams/3fb5c61a-1490-4eeb-99e2-c5b5f6ba3404/download> accessed 28 July 2026.

migration could place substantial pressure on neighbouring States and the international refugee protection system.[53]

Furthermore, the Iranian nuclear crisis illustrates the difficulty faced by the international community in balancing non-proliferation, State sovereignty, collective security, and the peaceful settlement of disputes. Excessive pressure may strengthen Iranian perceptions that nuclear deterrence is necessary for national survival, while inadequate enforcement of safeguards obligations may weaken confidence in the effectiveness of the NPT.[54] A sustainable response therefore requires more than preventing Iran from acquiring nuclear weapons. It also requires maintaining credible safeguards, addressing regional security concerns, protecting the integrity of international legal institutions, and preserving meaningful incentives for States to remain within the non-proliferation regime.[55]

Accordingly, Iran's possible withdrawal from the NPT should not be regarded solely as a national decision concerning its nuclear programme. It would represent a broader challenge to the international nuclear legal order. It may set a precedent for withdrawal for other States which are questioning whether treaty-based non-proliferation provides greater security than nuclear deterrence.

6. Conclusion

The Iran–Israel conflict demonstrates that the future of nuclear non-proliferation depends not only on preventing the spread of nuclear weapons but also on maintaining confidence in the fairness and credibility of the NPT regime. Iran remains legally bound by its NPT and safeguards obligations unless it lawfully withdraws under Article X. At the same time, military attacks on Iranian nuclear facilities, the unequal legal status of NWS and NNWS, and the different treatment of States inside and outside the NPT raise broader concerns about power asymmetry and consistent application of international law.

Iran's withdrawal from the NPT could weaken IAEA verification, increase regional insecurity, and encourage other States to reconsider their own nuclear policies. However, withdrawal would not automatically justify the development of nuclear weapons or remove responsibility for obligations arising before withdrawal became effective. The long-term strength of the non-proliferation regime therefore requires not only effective safeguards and compliance by NNWS but also meaningful disarmament efforts by NWS, consistent application of

[53] Internal Displacement Monitoring Centre, 'Conflict and Violence Become the Leading Driver of Internal Displacements' (12 May 2026) <https://www.internal-displacement.org/news/conflict-and-violence-become-the-leading-driver-of-internal-displacements/> accessed 15 July 2026.

[54] John Carlson, 'Is the NPT Still Relevant? – How to Progress the NPT's Disarmament Provisions' (2019) 2(1) *Journal for Peace and Nuclear Disarmament* 97, 97–113 <https://doi.org/10.1080/25751654.2019.1611187> accessed 20 July 2026.

[55] Tanya Ogilvie-White, 'International Responses to Iranian Nuclear Defiance: The Non-Aligned Movement and the Issue of Non-Compliance' (2007) 18 *European Journal of International Law* 453 <https://doi.org/10.1093/ejil/chm027> accessed 11 August 2026.

international law, respect for peaceful nuclear rights, and sustained diplomacy. Without greater balance and reciprocity, the Iran–Israel conflict may further weaken confidence in the NPT and increase the strategic attraction of nuclear deterrence.