



# LEGAL DUALITY IN ADDRESSING NUCLEAR WEAPONS POSSESSION

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Article history:	Abstract:
<b>Received:</b> 14 <sup>th</sup> August 2025 <b>Accepted:</b> 11 <sup>th</sup> September 2025	Global politics often reflect a glaring inconsistency in how nuclear weapons proliferation is addressed. While some nations are condemned, others are overlooked or even supported. This selective approach weakens the integrity of the global non-proliferation regime and heightens the risk of a renewed arms race. It also underscores the influence of major powers and deepens global instability. Without fair standards and a serious commitment to disarmament, nuclear proliferation will remain a grave threat to humanity. As this double standard stands among the most pressing challenges to international security, it must be confronted through a just and effective global framework that ensures comprehensive and equal treatment of the nuclear issue in all its dimensions.
<b>Keywords:</b> Nuclear Weapons, Possession Rights, International Confrontation, Global Justice, International Equality, Treaties, Enforcement Mechanisms.	

## 1. INTRODUCTION

In a world shaped by geopolitical contradictions, the double standards in the international handling of nuclear proliferation stand out as one of the most controversial issues. While some states face harsh sanctions based merely on suspicions surrounding their nuclear programs, others with actual nuclear arsenals are tolerated without accountability. This inconsistency is not only a violation of the principles of justice and equality under international law, but also a serious threat to the stability of the global order.

Such double standards are rooted in selective criteria that reinforce the dominance of major powers. Some nations are prohibited from developing nuclear capabilities, while others are allowed to retain and even modernize their vast arsenals. Nuclear weapons, when held by certain countries, are seen as instruments of global security, but when in the hands of others, they are perceived as a threat to international peace. This contradiction undermines the credibility of non-proliferation efforts and may drive more states to seek nuclear weapons as a means of ensuring survival in an unbalanced global system.

This raises fundamental questions: Why are some countries permitted to possess weapons of mass destruction while others are not? How does this disparity affect the credibility of international organizations such as the United Nations? And what are the broader implications of such a selective approach for global stability?

This study explores the roots, manifestations, and consequences of these double standards in an effort to better understand one of the most pressing threats to international security today.

## 2. RESEARCH METHODOLOGY

This study adopts a comprehensive approach to examine the international double standards concerning nuclear weapons. It combines legal, political, and comparative analysis in order to reach conclusions that may contribute to a broader discussion on reforming the nuclear non-proliferation regime toward greater balance and fairness.

## 3. RESULTS AND DISCUSSION

The global issue of nuclear weapons possession remains deeply controversial, oscillating between legitimacy and illegitimacy<sup>1</sup>. Such possession is often justified by the deterrence theory, one of humanity's oldest concepts<sup>2</sup>, which solidified into a strategic doctrine after the United States dropped atomic bombs on Japan at the end of World War II. This event heightened the threat perception among the U.S.'s rivals, encouraging many states to pursue weapons of mass destruction as a deterrent<sup>3</sup>.

<sup>1</sup> Srogosz, T. (2016). Possession of nuclear weapons—between legality and legitimization. *International and Comparative Law Review*, 16(1), 7-21.p.7.

<sup>2</sup> Jamal Al-Din M. Mousa, *The Next Nuclear War*, Egyptian General Book Organization, Egypt, 1986, p.1

<sup>3</sup> Abdulrahman Saeed Al-Kuwari, A. S. Al-Kuwari, "Nuclear Deterrence Strategy and Its Impact on Nuclear Proliferation," *Journal of Humanities and Natural Sciences*, vol. 2, no. 10, pp. 81–103, 2021, p.81.

Since the bombings of Hiroshima and Nagasaki, which caused devastating destruction and long-lasting radioactive contamination affecting humans, animals, plants, and the environment<sup>4</sup>, the international community has been deeply concerned about nuclear weapons. Efforts have been made to protect the environment by preventing possession or use of such weapons<sup>5</sup>.

However, this study reveals significant contradictions and double standards in the application of international law regarding nuclear weapons possession<sup>6</sup>. The findings highlight uneven enforcement of non-proliferation norms: the five permanent UN Security Council members (P5) enjoy recognized nuclear legitimacy under the NPT treaty, while countries like Iran and North Korea face severe sanctions despite North Korea not being a party to the treaty. Israel, possessing an undeclared nuclear arsenal, faces little international pressure, reflecting clear geopolitical bias<sup>7</sup>.

Additionally, Israel's cyberattacks on nuclear facilities worldwide increase risks and complicate global nuclear security<sup>8</sup>. Political interests further skew international law: Western-backed sanctions on Iran under UN Resolution 2231 contrast with leniency toward India and Pakistan due to strategic alliances. Trust in the international system is eroded, as seen in the U.S. withdrawal from the Iran nuclear deal (JCPOA) in 2018, exposing the vulnerability of nuclear agreements to political changes<sup>9</sup>. This echoes the deadlock of 1965, when countries failed to agree on nuclear non-proliferation<sup>10</sup>.

The NPT treaty itself suffers structural flaws: Article 9 permits nuclear states to retain arsenals while prohibiting others from acquiring them, perpetuating inequality. Article 6's disarmament obligation is unfulfilled, as nuclear powers continue modernizing their weapons, notably U.S. and Russian programs. Major powers undermine the system through veto use in the Security Council, protecting their interests—for example, Russia and China's opposition to sanctions on North Korea<sup>11</sup>.

Double standards are also evident in crisis responses, such as the 2003 U.S. invasion of Iraq justified by the unfounded claim of weapons of mass destruction, alongside relative global silence on Israel's nuclear program and the International Criminal Court's absence from addressing these issues<sup>12</sup>.

### **The findings indicate that**

The analysis reveals a systematic double standard in applying international law, where sanctions serve as selective punishment against certain states while violations by others are overlooked due to strategic alliances. The legitimacy crisis of the international nuclear regime is evident as the NPT treaty has lost credibility because nuclear states fail to disarm. Meanwhile, the Treaty on the Prohibition of Nuclear Weapons (TPNW), effective since 2021, is rejected by all nuclear-armed countries which highlights their continued dominance and fuels the nuclear arms race. This double standard may drive countries like Iran, Saudi Arabia, and Turkey to pursue nuclear weapons for their security. North Korea's 2003 withdrawal from the NPT exemplifies the regime's failure to manage crises. Furthermore, the principle of equality in international law is undermined by Western dominance, particularly by the United States and the European Union, in Security Council decisions and the IAEA, severely compromising neutrality.

### **CONCLUSION**

This double standard in dealing with nuclear weapons reflects the dominance of major powers and deepens global instability due to the lack of fair standards and real commitment to disarmament. The threat of nuclear proliferation remains an existential danger to humanity. As this double standard is one of the gravest global security challenges, it requires a genuine and effective response based on international justice and equality. This includes reforming the NPT treaty, obligating nuclear states to gradually disarm by enforcing Article 6, establishing an independent international monitoring mechanism to inspect nuclear programs, ensuring fair application of sanctions with uniform standards for all countries (including Israel, India, and Pakistan), limiting the use of veto power in the Security Council on nuclear issues, strengthening multilateral diplomacy, involving all parties in disarmament negotiations such as reviving the Iran

<sup>4</sup> Právělie, R. (2014). Nuclear weapons tests and environmental consequences: a global perspective. *Ambio*, 43(6), 729-744, p. 729.

<sup>5</sup> Marzooq and Abdul Qader, "International Legal Protection of the Environment from the Risks of Nuclear Weapon Explosions," *Journal of Law and Humanities*, vol. 18, no. 1, pp. 382–399, 2025.p.382)

<sup>6</sup> Louka, E. (2011). Nuclear weapons, justice and the law. Edward Elgar Publishing, p.1.

<sup>7</sup> A. S. Al-Kuwari, "Nuclear Deterrence Strategy and Its Impact on Nuclear Proliferation," *Journal of Humanities and Natural Sciences*, vol. 2, no. 10, pp. 81–103, 2021,p.25.

<sup>8</sup>M. A. Hamed, "Nuclear Weapons and Cybersecurity in Asia," *Asian Horizons*, vol. 7, no. 12, pp. 31–68, 2023, p.32.

<sup>9</sup> A. Alhadi, A. J. Gibran, Rababa'a, and A. M. Musharraf, "International Responsibility for Violating the Nuclear Non-Proliferation Treaty: A Foundational Study," Ph.D. dissertation, Naif Arab University for Security Sciences, 2018,p.30.

<sup>10</sup>R. E. Muhammad, A. Karim, R. Imam, and A. D. Muhammad, "Obstacles to Reaching the Nuclear Non-Proliferation Treaty Agreement 1965–1966," *Al-Insaniyat*, no. 62, pp. 247–270, 2024, p.247.

<sup>11</sup> M. R. M. Abdul Hafiz, "International Humanitarian Law and the Ban on Nuclear Weapons," *Journal of Jurisprudential and Legal Studies*, vol. 9, Jan. 2022, pp. 56–56, p.58.

<sup>12</sup> Abdul Qader and Zarqeen, "The Use of Nuclear Weapons from the Perspective of the International Criminal Court," *Journal of Humanities Research and Studies*, vol. 5, no. 1, pp. 58–68, 2014 , p.58.

nuclear deal, supporting the Treaty on the Prohibition of Nuclear Weapons (TPNW) as a fairer alternative, increasing international transparency, publishing regular reports on global nuclear arsenals, and imposing sanctions on states refusing international inspections.

## **SUMMARY**

The double standards in the international approach to nuclear weapons represent more than a legal issue, they expose a global system lacking justice and transparency, with the International Atomic Energy Agency showing bias toward the EU and the United States. Without fundamental reform, this system will continue to fuel global instability and raise the risk of nuclear proliferation or use. Achieving comprehensive disarmament with fair enforcement mechanisms remains the only viable path to lasting global security. In a world where nine countries possess nuclear weapons while others are forbidden even to consider them, true international justice cannot be realized.

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