

Prohibition of Attacks on Nuclear Facilities, With Emphasis on the US Attack on Iranian Nuclear Facilities (Original Research)

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Abstract

Given that preventing nuclear facilities from becoming battlefields during armed conflicts is of critical importance in international law, the United States military attack on Iran's nuclear facilities would raise serious concerns regarding a clear violation of established international norms. This research, using a descriptive-analytical method and library resources, seeks to answer this fundamental question: what is the legality of the United States military attack on Iran's nuclear facilities within the framework of international law and whether the preemptive or preventive use of force can be considered as legitimate legal defense within the framework of customary and contractual international law? The results of the research show that in the absence of clear evidence of an imminent attack or authorization by the UN Security Council, such an attack would be considered an illegal act of aggression. In addition, the US action is a clear example of unilateralism and a clear violation of the guarantee of implementation of the violation of safeguards provisions based on the collective security system. A system in which the Board of Governors is responsible for determining violations and violations of safeguards obligations, and the Security Council is responsible for determining the measures to be taken and how to apply penalties for violations of nuclear obligations.

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Introduction

In the age of nuclear technology, no concern is more important than nuclear security,¹ and no action is more provocative or dangerous than the deliberate targeting of nuclear facilities. The foundation of nuclear security lies in effective physical protection of nuclear facilities, advanced oversight of nuclear activities, and international cooperation in response.² The international community has developed a body of rules for nuclear security and physical protection of nuclear facilities that are intended to protect nuclear infrastructure from military attack.³ Despite the emergence of an international nuclear security regime, the history of nuclear energy tells a different story. From the Israeli destruction of Iraq's Osirak reactor in 1981 to the recent US attacks on Iran's Fordow,⁴ Natanz and Isfahan facilities in 2025, all demonstrate that great powers have tended to resort to unilateralism rather than international cooperation in response to non-compliance with nuclear commitments,⁵ and have challenged the existing international order by circumventing international norms in the face of perceived existential threats. This historical record of attacks paints a concerning picture of a dangerous precedent being set and the gradual normalization of the use of force.⁶ This is despite the fact that many legal scholars believe that the US attack is not only a violation of the principles and rules related to the security of nuclear facilities, but also a clear violation of the country's right to the peaceful development and use of nuclear knowledge under international law, including Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Legal scholars who support the right to nuclear energy argue that access to reliable and sustainable energy sources is necessary and

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4. Anthony Damato, "Israeli Air Strike Upon The Iraqi Nuclear Reactor." *American Journal of International Law* 77, no.3 (1983): 1-20.

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6. Matthew C. Waxman, "The Use of Force Against States that Might Have Weapons of Mass Destruction," *Michigan Journal of International Law* 31, 1 (2009): 34. Aust, H. P, Article 51, in Bruno Simma et al. (eds), *The Charter of the United Nations: A Commentary*, Oxford: Oxford University Press, 4th edition, 2024.

essential for the full enjoyment of human rights, including economic and social rights and civil and political rights.⁷

Research Gap and Objective

As a starting point for the present analysis, jurists such as Professor Schachter,⁸ Professor Bout,⁹ Professor Murphy,¹⁰ Leo Gross¹¹ and Daniel Bethlehem¹² argue that the development of weapons of mass destruction (especially nuclear) technology that are immediately available and lack traditional warning signals of impending attack necessitates the use of force. However, this very argument for a broad interpretation of the use of force and the extension of the concept of self-defense in time create a dangerous precedent and circumvent international norms in the face of perceived existential threats.

Methodology

This research, using a descriptive-analytical method and using documentary sources, seeks to answer the fundamental question: What is the legality and consequences of the United States military attack on Iran's nuclear facilities under international law?

Key Findings

The US attack on the Fordow, Natanz and Isfahan facilities was cited as preventive measures against possible future threats. This is despite the fact that there is no evidence that Iran has or will have any imminent nuclear weapons attack on the US or Israel. On the other hand, The doctrine of preventive self-defense has been explicitly rejected by the vast majority of states;¹³ hence, it cannot be considered part of customary international law.

7. Daniel, Bodansky, *The Nuclear Proliferation Challenges*. (Cambridge University Press, 2007): 45. Dinah Shelton, *International Law and Human Rights*. (Oxford University Press, 2009): 201. Lars Lofquist, "Is there a universal human right to electricity?", *The International Journal of Human Rights* 24, 6 (2019): 711-723. Adrian J, Bradbrook & Judith G., Gardam, Cormier Monique, "A Human Dimension to the Energy Debate: Access to Modern Energy, *Energy & Natural Resources* 26, 4, (2008): 526-552. Yinka, Omorogbe, "Universal Access to Modern Energy Services: The Centrality of the Law", in Yinka Omorogbe and Ada Ordor, (eds) *Ending Africa's Energy Deficit and the LAW: Achieving Sustainable Energy for All in Africa* (Oxford University Press, 2018), 11.

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Therefore, military attacks on Iranian nuclear facilities in the context of preventive or preemptive defense are completely illegal. In addition, the US attack on Iran's nuclear facilities is unjustifiable and illegal within the framework of international law on the use of force, international humanitarian law, international human rights law, international environmental law, international treaty law, customary international law, and the international nuclear security regime.

Contribution to the Field

This study contributes to the field by challenging the "preventive self-defense" argument in the specific context of hardened, underground nuclear facilities. The United States military attack on the nuclear facilities of the Islamic Republic of Iran without the authorization of the Security Council and in the absence of clear evidence of an imminent threat from the Islamic Republic of Iran is a clear example of the use of force and unlawful aggression. Unilateral military actions seriously undermine the international legal order and create a dangerous precedent.

Conclusion

Within the framework of international nuclear law, even if a country's nuclear program is contrary to safeguards obligations and therefore a threat to peace and security, no country has the right to establish and enforce guarantees for the implementation of violations of safeguards regulations without the permission of the Security Council and under the pretext of the doctrine of non-proliferation or the doctrine of preventive self-defense. Because the authority to determine a violation of nuclear obligations is the Agency and the authority to determine a threat to peace and security is the Security Council. Arbitrary interpretation of international rules, unilateral implementation of international law and military action against emerging threats weaken the principle of prohibition of the use of force, weaken the collective security system, weaken multilateral mechanisms and destabilize the international legal order.

Keywords

Nuclear Facilities, Armed Conflicts, Principle of Prohibition of the use of Force, Aggression, International Humanitarian Law, Self-Defense.

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