

MP-IDSA *Issue Brief*

Will the 2026 NPT Rev Con Resolve the 'Inalienable Right to Nuclear Energy' Dilemma?

Hina Pandey

April 23, 2026

S*ummary*

The 11th NPT Review Conference, scheduled from 27 April to 22 May 2026, will take place in the shadow of the Iranian nuclear crisis, the suspension of cooperation between the US and Russia, the withering away of nuclear restraint, and a deep divide between the NNWS and NWS over balancing disarmament and peaceful energy commitments. In such a chaotic setting, will the State Parties to the Treaty be able to achieve cohesion and resolve a crucial dilemma regarding Article IV of the NPT?

More than half a century ago, the Nuclear Non-Proliferation Treaty (NPT) entered into force, becoming one of the world’s (almost) universally adhered-to treaties. With 191 State parties as of today, the NPT has often relied on their support as a crucial pillar of the global non-proliferation regime. Their support for the NPT remains; however, consensus within the NPT has failed to address today's nuclear challenges substantially.

Failing NPT Rev Cons

The last two NPT Review Conferences (Rev Cons, 2015, 2022) have failed to produce any consensus-based outcome document. This implies 10 years of intense work on preparatory committees and subsequent Rev Con deliberations, resulting in a gap between the stated goals and actual progress.

The upcoming Rev Con scheduled from 27 April to 22 May 2026, in its Provisional Agenda (*Reflections by the Chair of the Preparatory Committee – First Session 2025*), notes that “... consecutive failures by Review Conferences... to reach consensus have negatively affected the full implementation of the Treaty...”¹ and expressed hope for achievement of Treaty’s main goals of, “...non-proliferation of nuclear weapons including non-use and their eventual elimination, as well as the inalienable right to the peaceful uses of nuclear energy....”² and to advance discussion on other issues such as disarmament accountability and transparency; negative security assurances; the legitimate right of developing States towards the full access of means and technological information for peaceful nuclear energy purposes.

Notwithstanding the flawed hierarchical categorisation of NPT’s ‘nuclear haves and have nots’, the NPT has stood for the *grand bargain* of the State parties’ ‘pursuit of peaceful nuclear energy’ *vis-à-vis* ‘forgoing the right to possess nuclear weapons’ as a quid pro quo (in equity). As per the *grand bargain*, the non-nuclear-weapon states (NNWS) are to gain two kinds of rewards under the NPT—(i) Cooperation in civilian nuclear energy under Article IV of the Treaty, and (ii) a perceived security from the eventual realisation of the goal of disarmament as obligated upon the nuclear-weapon state (NWS) under Article VI of the Treaty. How this balance has been sustained is an important measure of the NPT's success.

¹ [“Final Report of the Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”](#), Preparatory Committee for the 2026 Review Conference of NPT, 9 May 2025; [“Reflections by the Chair of the first session of the Preparatory Committee on Potential Areas for Focused Discussion at the Second Session of the Preparatory Committee for the 2026 Review Conference the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”](#), NPT, 11 August 2023.

² Ibid.

In the past 55 years, while the NNWS has kept their end of commitment (mostly), the NWS that are supposed to pursue negotiations in good faith on, “...effective measures relating to cessation of arms race at an early date and to nuclear disarmament...”³, on the contrary, have given way to collapse of arms control, nuclear arsenal modernisations, re-thinking of nuclear doctrines- including nuclear sharing and overall weakening of the norms of nuclear restraint.⁴ Iran, as a NNWS, on the other end of the *grand bargain*, was one of the first countries to have ratified the NPT, to voluntarily forgo its right to nuclear weapons in exchange for the promise of nuclear energy. It signed the NPT on the very day it opened for signatures on 1 July 1968 and subsequently ratified it on 2 February 1970 with the signing of the comprehensive safeguard agreement, subjecting the programme to international inspection three years later (1973).⁵

Right to the ‘Inalienable Right’: Article IV Dilemma and Debate

Iran’s pursuit of ‘right to enrichment’ (permitted under the NPT, as claimed by Iran) has been a source of irritation for the NPT since the 2000s. Of course, the case of Iran’s enrichment is not straightforward. As an NPT NNWS State Party, it has challenged the existing norm of ‘denial of enrichment and reprocessing’ and, with the conclusion of the JCPOA, normalised it while remaining under the IAEA safeguards. Is this unusual? Yes, but is it entirely wrong? Maybe not. Article IV of the NPT states,

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty....⁶

Further para 2 of the same, provides for all the Parties to *undertake* and *facilitate* ‘fullest possible exchange’ of equipment, materials, scientific and technological information to promote further development of peaceful applications of nuclear energy, especially in the territories of NNWS parties to⁷ the NPT.

³ [“Text of the Treaty on the Non-Proliferation of Nuclear Weapons \(NPT\)”](#), UN Office of Disarmament Affairs, 1 July 1968.

⁴ [“World Nuclear Forces”](#), SIPRI.

⁵ David Patrikarakos, *Nuclear Iran: The Birth of an Atomic State*, I.B. Tauris Publishers, 2012, pp. 53–57.

⁶ [“Treaty on The Non-Proliferation of Nuclear Weapons”](#), INFCIRC/140, International Atomic Energy Agency, 22 April 1970.

⁷ Ibid.

Unfortunately, the text of the Treaty (Article IV) neither specifically recognises the right to uranium enrichment nor explicitly prohibits it. Thus, the ambiguity about Article IV’s ‘inalienable right to peaceful nuclear energy’ has been interpreted as ‘to pursue all steps of fuel production, including uranium enrichment’ by Iran. Is this legally incorrect? Perhaps not. Interpretations of the State Parties differ. The US position on Article IV, as also reflected in its *Statement to the 2005 Review Conference of the NPT*, argues that ‘right to peaceful nuclear energy’ is not ‘unconditional’⁸ and contingent upon Article I and Article II of the NPT. The language of the text of the Treaty, however, categorically mentions the word “inalienable right”, which means “something that cannot be taken away or given away” by the possessor. By some definition, in international law, “inalienable rights... are those rights that cannot be surrendered, transferred, or revoked... often include the right to life, liberty, and personal security...”.⁹ Interestingly, the doctrine and tradition of inalienable rights is vast—anything from Bill of Rights (1791) to Universal Declaration of Human Rights (1948) can be categorised as inalienable rights—including rights to life, liberty, and the security of person, the right to freedom of conscience and religion, the right to work and just remuneration, the right to education, etc.¹⁰

This is where the debate begins—the traditional doctrine of ‘inalienable rights’ (especially about right to life) is challenged on the basis that, circumstances are conceivable under which, “...it would be just to deprive a man of his life or liberty, and...therefore, a mistake to suppose that each man has an inalienable right to these goods...”.¹¹ Furthermore, that “inalienability of the right (to life) is incompatible with the principle that, society can justifiably demand the sacrifice of some lives for the sake of general security or for the sake of maintaining this and other guaranteed rights...”.¹² Some have gone far ahead to suggest that, inalienable right is, “...exactly one such right - namely, the right of each man to the protection of his moral interests, his person, and estate...”.¹³ Extrapolate this to the State Parties to the NPT, the pursuit of ‘inalienable right’ to enrichment (nuclear energy) by Iran, thus seems a task.

In addition, those who closely observe the politics of nuclear energy have argued that discriminatory structures persist between nuclear energy suppliers and recipient

⁸ Christopher Ford, “[Statement to the 2005 Review Conference of the Treaty on the Nonproliferation of Nuclear Weapons](#)”, Bureau of Verification and Compliance, 18 May 2005.

⁹ T. Walsh, “[What is the Difference Between Universal Rights and Inalienable Rights?](#)”, *Bromundlaw.com*, 8 June 2024.

¹⁰ B.A. Richards, “Inalienable Rights: Recent Criticism and Old Doctrine”, *Philosophy and Phenomenological Research*, Vol. 29, No. 3, March 1969, pp. 391–404.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

countries (developed and developing, respectively). Analysts highlight that “advanced industrial countries with interest in and capacity to engage in sensitive nuclear activities may enjoy a broader *inalienable right*... and (NNWS) are treated less preferentially regarding peaceful use of nuclear energy”.¹⁴ This further raises three crucial questions for the future of NPT. First, should indigenous (sensitive) nuclear programmes/activities fall outside the scope of Article IV of the NPT; two, the question of very legitimacy of supplier/developed countries on exercising sensitive nuclear export control over developing countries and third, if the developing countries have the right to engage in ‘peaceful’ sensitive nuclear activities given the changing definition of such activities.¹⁵

The case of Iran, however, is not export control specific but relates to the pursuit of indigenous enrichment—“...enriching uranium to 60 per cent, significantly beyond the 3.67 per cent permitted under the JCPOA and far beyond enrichment levels considered necessary for civilian purposes...”.¹⁶ Iran has done so as both a protest and a negotiating tactic following the US’s withdrawal from the JCPOA and the lack of sanctions relief. The most recent estimates (2025) of the IAEA suggest that Iran stands in breach of its non-proliferation obligations, and it has

...significantly ramped up production of enriched uranium, with a total stockpile of 440.9 kilograms of up to 60 per cent HEU, 184.1 kilograms up to 20 per cent, 6,024.4 kilograms up to 5 per cent, and 2,391.1 kilograms up to 2 per cent...

The US–Israel coordinated airstrikes to “...ensure that Iran does not obtain a nuclear weapon...”¹⁷ occurred within 48 hours of Oman’s Foreign Minister’s claim that US–Iran talks made significant progress, with a resumption of consultations in the subsequent week.¹⁸ Fast forward two weeks, and we find an advance submission of a Working Paper to the upcoming NPT Conference 2026, dated 19 March 2026, by Iran reiterating its position on the realisation of Article IV of the NPT. Iran argues that ‘inalienable right’ to nuclear energy under Article IV of the NPT, “...is not merely a privilege but a fundamental objective that must be upheld without any condition or discrimination...”,¹⁹ and that “measures taken by the State Parties to prevent

¹⁴ X. Zhang, “[‘Inalienable Right’ to Peaceful Use of Nuclear Energy and the Changing Nuclear Nonproliferation Regime](#)”, in *Law and Politics in Peaceful Use of Nuclear Energy*, 2024, pp. 1–13.

¹⁵ Ibid.

¹⁶ “[Israel-Iran 2025: Developments in Iran’s Nuclear Programme and Military Action](#)”, UK Parliament - House of Commons Library, 24 June 2025.

¹⁷ Jacob Magid, “[Full Text of Trump’s Declaration of ‘Major Combat Operations’ Against Iran](#)”, *The Times of Israel*, 28 February 2026.

¹⁸ “[Minister Says Significant Progress in US–Iran Negotiations](#)”, Foreign Ministry of Oman, 26 February 2026.

¹⁹ “The Inalienable Right to Develop Research, Production and Use of Nuclear Energy for Peaceful Purposes and Realization of Article IV”, Working Paper, NPT/CONF.2026/WP.21, submitted by the

proliferation of nuclear weapons should not restrict or hamper the exercise of the inherent rights of developing States Parties to develop nuclear energy for peaceful uses...”.²⁰

Further, the *Working Paper* citing Final Documents of the Review Conferences (1985, 2000 and 2010), has emphasised that inalienable rights of the State Parties apply to “...all areas of nuclear activities and technology for peaceful purposes, including enrichment and reprocessing activities and technologies...”.²¹ What remains interesting is that the Provisional Agenda adopted for the NPT 2026 Rev Con has also specifically highlighted the ‘Final Document of NPT Rev Con 2000’ and the ‘Follow-Up Actions Rev Con 2010’ as part of its current Agenda. Both these documents, have highlighted the “...implementation of the provisions of the Treaty relating to the inalienable right of all parties ...to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II...”.²² Further, on the theme of pursuit of peaceful nuclear energy, the 2010 NPT Review Conference Action Plan too emphasised on a, “country’s sovereign choices... to be respected without jeopardising ...its fuel cycle policies...”.²³

Similarly, the Group of Non-Aligned State Parties to the NPT in their current Working Paper ‘The Inalienable Right to Develop Research, Production and Uses of Nuclear Energy for Peaceful Purposes’, to the NPT Rev Con 2026 have asserted that, “...each State party to the Treaty has the sovereign right to define its national energy policies including fuel-cycle policies, in accordance with its national requirements and its rights and obligations under the Treaty...”.²⁴ In addition, in the Summary of the Record of the First Meeting of General Debate of Preparatory Committee for 2026 NPT Rev Conference, the Group of Non-Aligned States reiterated their support for the inalienable right to peaceful nuclear energy of each State Party without discrimination, with emphasis on the exclusive competence of the IAEA to verify the compliance of NPT State Parties. The Group, however, called for the full implementation of the Joint Comprehensive Plan of Action (JCPOA) concerning the

Islamic Republic of Iran to the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), 19 March 2026.

²⁰ Ibid.

²¹ Ibid.

²² [“Final Report of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”](#), United Nations Digital Library, 20 May 2019.

²³ [“2010 NPT Review Conference Action Plan”](#), Reaching Critical Will.

²⁴ [“The inalienable right to develop research, production and uses of nuclear energy for peaceful purposes : working paper / submitted by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”](#), Working Paper submitted by the Members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 1 April 2025; [“Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”](#), NPT, 13 September 2023.

Iranian nuclear programme. Similarly, ASEAN too acknowledged the ‘inalienable right to peaceful nuclear energy’ position. The problem here is not the agreement on the guarantee of ‘inalienable right’ to peaceful nuclear energy, but on defining the scope and limits to what should be included or lack thereof within its framework.

This debate, however, is not new; the disagreements are more pronounced. The 10th Review Conference (2000) also revealed deep disagreement over the balance between the inalienable rights of all NPT State Parties and those of developed (supplier) countries. The Group of Non-Aligned States view the export control on peaceful nuclear energy as “... politically motivated restrictions that seriously hamper the developing countries from exercising their inalienable right...”²⁵ to use nuclear energy for peaceful purposes as unacceptable.

Military Solution for Non-Proliferation: A Strategic Blunder and Weakening of the NPT

The stagnancy in the aspect of realisation of ‘inalienable right’ to nuclear energy in the NPT Review Conferences is not new, nor is the idea and use of State-sanctioned use of force on nuclear infrastructures to delay or undo a country’s nuclear capabilities or latency. However, it is also true that such actions do not permanently address the fate of nuclear proliferation. Striking facilities and nuclear infrastructure are not only problematic at the tactical level in terms of aggravating nuclear risks and potential unintended consequences, but they may also push a State to pursue the weapons option at the strategic level too.

Amidst the US–Israel–Iran crisis, some Iranian media reports claimed that “Iran has fast-tracked a bill proposing its exit from the NPT”.²⁶ In addition, a possible hypothesis based on OSINT technical analysis published by *The Bulletin of Atomic Scientists* suggests that, “...Iran may have transferred a large portion—potentially all—of its stockpile of highly enriched uranium at 60 per cent to Isfahan in 2025...”²⁷ six or seven months before the current airstrikes. If that is the case, then one of the most consequential consequences of the US–Israel airstrikes is the loss of bargaining power for the US. We have already seen that more than 21 hours of Islamabad talks have returned to the earlier position on enrichment. Indeed, the door to diplomacy is open; however, it has always been open through the JCPOA as well. It would not be

²⁵ Sergey Batsanov, Vladislav Chernavskikh and Anton Khlopkov, “[10th NPT Review Conference: Why It Was Doomed and How It Almost Succeeded](#)”, *Arms Control Today*, Vol. 52, No. 8, October 2022, pp. 13–19.

²⁶ “[Bill to Quit NPT, Overhaul Nuclear Policy Submitted in Iran](#)”, *Iran International*, 28 March 2026.

²⁷ François Diaz-Maurin, “[Analysis: Iran Likely Transferred Highly Enriched Uranium to Isfahan Before the June Strikes](#)”, *Bulletin of Atomic Scientists*, 29 March 2026.

surprising if the US replaces ‘JCPOA’ with ‘JCPOA 2.0’ after (i) JCPOA’s initial successful implementation; (ii) US military losses; (iii) growing trust deficit among the European allies; (iv) severe reputational costs; (v) degradation of nuclear security and nuclear safety in the region; (vi) overall damage to the non-proliferation regime by pushing Iran closer to withdrawal and (vii) driving the world into a potential impending economic crisis.

The issue that merits attention is that, amidst all this, a dangerous precedent has been set—a military attack on an NPT country engaged in diplomacy, which essentially implies a failure of the US’s trust in the institution. Finally, the question of whether the NPT Review Conference will be able to resolve the dilemma of the inalienable right to nuclear energy—the short answer is that it is highly unlikely. The current Review Conference is taking place against the backdrop of multiple nuclear issues, in the most politically divisive setting. Amidst the politically charged division, it would be really difficult to produce a consensus document, let alone resolve the dilemma.

About the Author

Dr. Hina Pandey is Research Fellow at the Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi.

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