US-Saudi Arabia Nuclear Cooperation

Another Threat to the Nuclear Non-Proliferation Regime

Philipp Sauter

29.07.2026 doi: 10.59704/561f9cbacf1eb5c9

On 22 July 2026, the US administration announced a nuclear deal with Saudi Arabia. Under this deal, the US will provide support to the Golf country to establish a civilian nuclear programme. Given the nuclear-induced tensions in the Middle East and the scope of the agreement, this newly formed cooperation may cause another threat to the nuclear non-proliferation regime.

The Basis of the Nuclear Non-Proliferation Regime

The nuclear non-proliferation regime is based on the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT). All States in the world except India, Pakistan, Israel (all possessing nuclear weapons) and South Sudan have signed the treaty, with North Korea withdrawing in 2003.

According to its Articles I and II, it is only the US, Russia, the UK, France and China that are allowed to develop and possess nuclear weapons, while all other States in the world are limited to civilian nuclear programmes. According to its Articles IV and V, each State Party to the NPT has the inalienable right to develop research, production and use of nuclear energy, while international cooperation especially from nuclear weapon states such as the US is encouraged.

To ensure that civilian programmes remain purely civilian, non-nuclear weapon states have to conclude so-called safeguards agreements with the International Atomic Energy Agency (IAEA), headquartered in Vienna. This requirement is found in Article III of the NPT. All non-nuclear weapon states have concluded Comprehensive Safeguards Agreements (CSAs), which are all based on the same model agreement which has been drafted in the early 1970s.

The clandestine nuclear weapons programme in Iraq in the 1980s showed the shortcomings of the CSAs as they did not provide the IAEA with the required level of authority to detect Iraq's nuclear programme. As a consequence, the IAEA's Board of Governors – the Agency's highest policy-making body – adopted in the 1997 the Additional Protocol to the CSAs which significantly extended the IAEA's safeguarding authority. The Additional Protocol is in force with 144 States and Euratom. Neither Iran nor Saudi-Arabia have concluded an Additional Protocol with the IAEA.

The Current State of the Nuclear Non-Proliferation Regime

The NPT has never been perfect and will never be. However, the last decade has caused additional stress for the non-proliferation regime, especially due to the situation in the Middle East.

When Iran agreed to the Joint Comprehensive Protocol of Action (JCPoA, also called Iran Nuclear Deal) in 2015, hopes were high that the risk of further nuclear weapons in the region (next to Israel) has been averted.

However, in 2018 the US unilaterally withdrew from the agreement under the first Trump administration. Following this withdrawal, Iran had resumed its nuclear programme beyond the restrictions imposed by the JCPoA. These nuclear activities finally culminated in June 2025 with the IAEA's Board of Governors' resolution stating that Iran is in non-compliance with its obligations assumed under its safeguards agreement required by the NPT. This non-compliance first triggered the joint US-Israel strikes in June 2025 and then later was used as a justification for the Iran war that started in March 2026. As acts of retaliation, Iran and its proxies have also attacked Saudi Arabia and

sparked a regional conflict. Given that there was neither an authorisation by the UN Security Council nor does non-compliance with safeguards obligations amount to an armed attack in the sense of Article 51 of the UN Charter, military actions against Iran – contrary to the arguments presented by the US and Israel – are illegal acts of aggression and several violations of international law.

In addition, earlier this year all state parties to the NPT have held a Review Conference, which takes place every five years to review the operation and implementation of the treaty. After four weeks of discussions, the Review Conference ended without any document. The biggest point of contention was Iran's nuclear programme. The failure of the conference to agree even on a legally non-binding outcome document, and this for the third time in a row, highlights the deep tensions that exist among State Parties towards the state of nuclear non-proliferation.

To summarize, the non-proliferation regime is already damaged, especially by the nuclear situation in the Middle East. The US-Saudi nuclear cooperation might trigger the next step of escalation and could severely damage the international non-proliferation regime, as further explained below.

Why the US-Saudi Deal Matters

On the first sight, the US-Saudi nuclear cooperation is a cooperation for a civilian nuclear programme. This is well within the rights of Article IV and V of the NPT. There are, however, two aspects which cause concern for the international non-proliferation regime.

First, the US will provide Saudi Arabia with its own enrichment technology. In other nuclear cooperations, such as the US-UAE Cooperation Agreement signed in 2009, the US provides the recipient country with uranium enriched to levels necessary for nuclear power plants. While only the uranium isotope U-235 can be used for chain reactions, its natural abundance is at about 0.72% and must be increased to roughly three to five percent for nuclear fuel and roughly 95% for nuclear weapons. Providing a country with enrichment capabilities is also providing a country with latent capabilities to enrich uranium to weapon grade. It must be noted, however, that there are several other non-nuclear weapons states with their own enrichment capacities, such as, for example, Germany, the Netherlands or Japan. However, Iran's enrichment capacities and its limitations were a key factor in the JCPoA, highlighting the relevance of domestic uranium enrichment capacities in non-proliferation discussions.

Second, unlike previous nuclear cooperation agreements, the US does not require Saudi Arabia to adopt the Additional Protocol to the CSA. As mentioned above, this Protocol was introduced after the limitations of the safeguards regime were shown in another Middle Eastern country (Iraq). The Protocol increases the level of oversight exercised by the IAEA and is referred to as the *Gold Standard* in safeguards. Since its adoption in 1997, nuclear weapon states (including the US) as well as non-nuclear weapon states have continuously highlighted the need for the universalization of the Additional Protocol.

This abandonment of requiring the adoption of the Additional Protocol is a deep blow for the safeguards regime. It deviates from decades of global efforts to increase the overall level of ensuring nuclear non-proliferation. One can only speculate why the US has taken this path. One possible explanation is the overall distrust shown by the Trump administration towards international organizations. The US claims that a bilateral safeguards agreement will ensure the purely civilian nature. Bilateral safeguards agreements between the US and recipient countries were commonly used before the NPT was concluded, however safeguards agreements have been internationalised for good reasons: Transparency, international confidence-building and a maximum level of oversight.

Taken individually, both exceptions that the US has taken are a cause of concern. In combination, they are even more worrisome. Saudi Arabia will possess capabilities to enrich uranium, in theory to levels necessary for nuclear weapons, and the IAEA's oversight is limited. Two important guardrails for civilian nuclear programmes are removed.

This is even more worrisome given statements by Saudi Arabia's Crown Prince, that once Iran has nuclear weapons, Saudi Arabia would follow suit. While the current state of Iran's nuclear capabilities remains opaque and the chances of a near-term conclusion of a new Iran nuclear deal are dim, the possibility cannot be disregarded that Iran might acquire nuclear weapons in the near future. If so, the US-Saudi nuclear deal would hand Saudi Arabia not only the perfect starting position for its own nuclear programme, but would also put another nail in the coffin of the international non-proliferation regime.

ABOUT THE AUTHOR

Philipp Sauter

Philipp Sauter, lawyer and physicist, is the Research Group Leader of the Junior Research Group on Legal Questions of Fusion Energy at the University of Würzburg as well as a Senior Research Fellow at the Max-Planck-Institute for Comparative Public Law and International Law in Heidelberg.Philipp Sauter, lawyer and physicist, is the Research Group Leader of the Junior Research Group on Legal Questions of Fusion Energy at the University of Würzburg as well as a Senior Research Fellow at the Max-Planck-Institute for Comparative Public Law and International Law in Heidelberg.

SUGGESTED CITATION

Sauter, Philipp: US–Saudi Arabia Nuclear Cooperation: Another Threat to the Nuclear Non-Proliferation Regime, Verfassungsblog, 29.07.2026, doi: 10.59704/561f9cbacf1eb5c9.

Licensed under CC BY-SA 4.0.

Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20260730-145232-0.