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ORIENTALISM AS A FACTOR IN THE DEVELOPMENT OF INTERNATIONAL LAW ON NUCLEAR SECURITY

ABSTRACT: Orientalism refers to the discursive process through which Western societies construct a spatial imaginary of the "Orient" or the East. This conceptual framework can be useful in analyzing contemporary nuclear relations. The dichotomy between nuclear powers and Third World states stems directly from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), whose provisions established which states were granted the status of nuclear powers. Consequently, all other countries—those that did not possess nuclear weapons at the time the treaty was adopted—were denied such a status.

In the decades that followed, several Third World states developed their own nuclear programs, including India, Pakistan, North Korea, Israel, and Iran. Some of these countries never accepted the provisions of the NPT, while others later withdrew from the obligations they had undertaken. This paper investigates the role of Orientalism as a contributing factor in the development of international law on nuclear security. It analyzes how Orientalist viewpoints have shaped the formation of international legal norms, with particular emphasis on their disproportionate effects on Third World states. The paper concludes by underscoring the need to reassess existing paradigms in international relations in order to reduce geopolitical tensions and enhance global nuclear security.

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1. Introduction

Throughout human history, nuclear weapons have been used twice – to bring an end to World War II. The bombings of Hiroshima and Nagasaki in 1945 demonstrated the devastating power of nuclear weapons. The consequences were not only immediate in terms of human and material losses but also had lasting effects in the years that followed. The Cold War ensued, named precisely because the two nuclear superpowers – the United States and the Soviet Union – possessed weapons of mass destruction but did not use them. The strategy of deterrence proved effective, and while nuclear weapons continued to be developed and refined, they were not deployed in conflicts. During the Cold War, two additional European countries began developing their own nuclear programs. The United Kingdom conducted its first nuclear test in 1952, followed by France in 1960. Shortly after these successful tests by European states, the People's Republic of China became the fifth country to successfully carry out nuclear testing in international relations. In 1968, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was adopted. The treaty established rights and obligations for states that had already developed nuclear weapons as well as for those that had not. However, some countries – India, Pakistan, and Israel – chose not to accept the treaty. Each of these nations cited different political, military, and security concerns as reasons for their rejection. On the other hand, North Korea, despite being a signatory to the NPT, withdrew in 2003 and subsequently began conducting nuclear tests. Although Iran remains a signatory, there are significant concerns that it is developing nuclear capabilities for military purposes. These states do not hold the status of nuclear powers and are not part of the "Nuclear Club" – a group consisting of the five states that possessed nuclear weapons at the time of the NPT's adoption. A direct consequence of the NPT has been the emergence of a new (nuclear) dimension in the dichotomy between the West and the East in international relations. The objective of this paper is to explore and analyze this dichotomy as it exists in contemporary nuclear relations. Accordingly, the methodological approach is based on the qualitative analysis of relevant legal, political, and theoretical sources. Using the historical-comparative method, the development of nuclear programs in different states is analyzed, while discourse analysis is employed to understand how orientalist stereotypes are manifested and sustained in contemporary international nuclear security law.

To that end, the first section of the paper introduces the concept of Orientalism. The second section focuses on the development of nuclear programs during the Cold War and major initiatives in the post-Cold War era. The third section examines how Orientalism manifests in contemporary nuclear relations. Finally, the paper concludes with key findings and includes a list of references used in the research.

2. Edward Said's Orientalism

The process of constructing and reinforcing one's own identity in relation to the Other has been present throughout human history. While the Other is often characterized as backward, rural, and uncivilized, the Self is portrayed with diametrically opposite qualities. Various dichotomies have existed, among which the West-East divide appears to be the most dominant. Historically, this divide has applied to societies that coexisted but differed in political, religious, or cultural terms (Todorova, 2006, p. 61). In his 1978 work Orientalism, Edward Said (2008) describes the British colonization of Egypt from 1882 to 1914. The concept of Orientalism is best illustrated through a speech by Arthur Balfour and the Earl of Cromer, a British politician and consul in Egypt, stating: "We are not in Egypt only for the Egyptians, although we are there for them; we are also there for Europe as a whole" (p. 48). Here, ruling over the Other is presented as a service – something that benefits not only the Egyptians but also the Europeans. The characteristics attributed to the Other, in this case, the Egyptians, serve to legitimize British control over Egypt.

Orientalism is often equated with colonialism, which was a dominant practice in the 19th century. However, Orientalism is a more enduring discourse, with colonialism being just one of its many manifestations, albeit the most well-known (Tepšić & Vukelić, 2019). Similarly, Patrick Geary (2007) notes that Orientalism as a discourse dates back to antiquity or biblical times when societies were divided into two groups – those considered constitutive and biological or civilized and barbaric. The concept of Orientalism also shares similarities with humanitarian interventionism. Within this discourse, the West is seen as progressive, and "(...) given that we produce abundantly and possess so many rights in the West, we must find markets to which we can export these products and rights" (Duzinas, 2009, p. 118). The relationship between the West and the Other, in this case, can also be viewed as a variation of Orientalism or as a "relationship between a weak and a strong partner" (Said, 2008, p. 57). Over time, some scholars have discussed the reproduction

of Orientalism, a concept that seeks to explain various discourses from the former Yugoslavia in the 1990s. This concept suggests that post-Yugoslav states, having themselves been Orientalized, began applying Orientalist discourse to their neighbors (Bakić-Hayden, 2006).

It is important, however, not to conflate the concept of Orientalism with similar discourses. Said (2008) offers three somewhat different explanations of Orientalism, while warning that they overlap. The broadest definition describes Orientalism as "a style of thought based on an ontological and epistemological distinction made between the Orient and (most often) the Occident" (p. 11). The academic definition considers an Orientalist to be any scholar who teaches, writes about, or researches the Orient, with Orientalism being the product of their work. Lastly, Said defines Orientalism as "a Western style of domination, restructuring, and possessing authority over the Orient" (p. 11). This conceptualization of Orientalism provides a foundation for examining other diverse practices and discourses in international relations. One of its variations is nuclear Orientalism, which will be discussed in the following sections. Before that, however, it is necessary to present the development of nuclear weapons and the initiatives aimed at nuclear disarmament.

3. From the first use of nuclear weapons to the present

To ensure the end of World War II, the United States used nuclear weapons. The consequences were enormous, not only in terms of human and material losses but also in their impact on the environment and public health. This was followed by a period known in history as the Cold War. Instead of open military conflict, the United States and the Soviet Union engaged in a competition for military technological advancement and an ideological struggle for influence over other states. Until 1949, when the Soviet Union successfully conducted its first nuclear test, the United States remained the only country in possession of nuclear weapons. The fact that both superpowers possessed nuclear weapons and that their potential use could result in mutual destruction led to the development of the concept of deterrence in international relations. Deterrence was based on "threatening the other side with nuclear retaliation should they cross a certain line perceived as endangering vital interests" (Trapara, 2012, p. 111). The closest moment to a nuclear conflict between the United States and the Soviet Union during the Cold War was the Cuban Missile Crisis of 1962.

In literature and international legal instruments, different definitions of nuclear weapons exist. The Treaty for the Prohibition of Nuclear Weapons

in Latin America and the Caribbean (1967) defines nuclear weapons as "any device capable of releasing nuclear energy in an uncontrolled manner and possessing characteristics suitable for use in armed conflicts. A means of transport or launching such a device is not included in this definition if it is separable from the device". Analyzing this definition, Professor Hrnjaz (2014) argues that a comprehensive definition must also include the means of delivery and methods of nuclear energy release. Meanwhile, some scholars differentiate between nuclear and atomic weapons, treating nuclear weapons as a subset that includes thermonuclear and neutron weapons (Manojlović, 2009). Others classify nuclear weapons as weapons of mass destruction due to the severe consequences of their use (See, for example: Panofsky, 998).

During the Cold War, various international legal instruments were adopted to regulate nuclear weapons. These include: the Partial Test Ban Treaty (1963), the Treaty on the Non-Proliferation of Nuclear Weapons (NPT, 1968), the Anti-Ballistic Missile (ABM) Treaty (1972), the Strategic Arms Limitation Treaties (SALT I, 1972 and SALT II, 1979). Additionally, international agreements established nuclear-weapon-free zones in Latin America and the Caribbean, the South Pacific, Southeast Asia, and Africa (For more details, see Goldblat, 1997; Raičević, 2000). Following the bombings of Hiroshima and Nagasaki and the realization of the devastating consequences of nuclear weapons, an anti-nuclear movement emerged during the Cold War. This movement criticized nuclear weapons development and testing, significantly influencing public opinion and political decisions regarding nuclear arms control.

Despite these efforts, the number of nuclear-armed states continued to grow in the 1950s and 1960s. The United Kingdom conducted its first nuclear test in 1952, followed by France in 1960 and China in 1964. When the NPT was adopted in 1968, these five states were recognized as nuclear-weapon states based on their possession of nuclear weapons at the time. The treaty obligated these states to reduce their nuclear arsenals, while non-nuclear-weapon states could only use nuclear energy for peaceful purposes. Despite the large number of signatories, India, Pakistan, and Israel refused to join the NPT, arguing that it effectively established a system of global "nuclear apartheid" (Gusterson, 2006, p. 2). North Korea, initially a signatory, withdrew from the treaty in 2003 and subsequently developed its nuclear program. Iran, although a signatory, has been subject to significant scrutiny due to suspicions that it is developing nuclear capabilities for military purposes.

One of the defining features of the post-Cold War era regarding nuclear weapons is the expansion of nuclear energy use – both for peaceful purposes

and in terms of increasing the quantity and quality of nuclear arsenals (Vukadinović, 2006, p. 130). Several major international agreements were adopted in this period: the Strategic Arms Reduction Treaty (START I, 1991), the Strategic Arms Reduction Treaty (START II, 1993), the Comprehensive Nuclear-Test-Ban Treaty (1996), the New START Treaty (2011), the Treaty on the Prohibition of Nuclear Weapons (2017). In 2009, the United Nations Security Council adopted Resolution 1887, emphasizing nuclear non-proliferation and disarmament efforts. The legality of nuclear weapon use was brought before the International Court of Justice (ICJ) in the late 20th century. While the Court's conclusions were complex, they indicated that there is no absolute prohibition in international law against the use of nuclear weapons (For more details, see: Legality of the threat or use of nuclear weapons. Advisory opinion of 8 July 1996).

4. Orientalism in contemporary nuclear relations

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) establishes the rights and obligations of two groups of states: those that possess nuclear weapons and those that do not. A direct consequence of the treaty is that states attempting to develop nuclear weapons outside this framework are considered "rogue states; dangerous nations driven by passion and irrationality, the antithesis of rational, security-oriented nuclear-armed states" (Urwin, 2016, p. 239). Based on this perception, India, Pakistan, Iran, and North Korea are viewed as rogue states in contemporary nuclear relations. Meanwhile, Israel never accepted the 1968 treaty and did not officially confirm or deny the possession of nuclear weapons. However, the classification of Third World states as underdeveloped compared to the five recognized nuclear powers represents Said's Orientalism in a different context (Gusterson, 1999). Nuclear Orientalism is another variation of Orientalism, serving as a means to prevent nuclear proliferation. This is evident in the fact that the NPT granted nuclear power status to China and Russia – two historical victims of Orientalism (For more details, see, for example: Nojman, 2011). The Western members of the Nuclear Club have skillfully used nuclear Orientalism to deny states that had not developed nuclear weapons before 1968 the opportunity to become "legitimate" nuclear actors.

This nuclear Orientalism is based on four assumptions (Gusterson, 2006): Third World countries are too poor to afford nuclear weapons; Deterrence in the Third World is inherently unstable; Third World governments lack the technical competence to manage nuclear weapons; Third World regimes lack

the political maturity to be trusted with nuclear weapons. The relationship between the five recognized nuclear powers and Third World states can be described as "police over criminals, men over women, and adults over children" (Gusterson, 1999, p. 131). When discussing Third World states and nuclear weapons, two common fear-inducing narratives emerge: Terrorist groups will acquire nuclear weapons and use them to harm the West; A nuclear incident in the Third World will trigger World War III (Williams, 2011). These scenarios stem from perceptions that Third World states are too anarchic and underdeveloped to regulate their internal affairs, let alone guarantee the security of their nuclear infrastructure. However, it is crucial to consider the political and social specificities of each so-called rogue state in contemporary nuclear relations.

India justified its first nuclear test by invoking the idea of "nuclear apartheid" – a reference to the ongoing exclusion and marginalization of non-Western nations in a global order dominated by privileged Western states (Biswas, 2001, p. 495). India's relationship with Pakistan is highly complex. These two countries have a long history of hostility and frequent conflicts, further complicated by the fact that both possess nuclear weapons. Their nuclear capabilities significantly impact regional geopolitical dynamics, reinforcing a strategy of deterrence in South Asia. For Pakistan, several red lines must not be crossed by India: Invasion and occupation of a significant portion of Pakistan, destruction of most of Pakistan's land and air forces, a blockade significantly reducing Pakistan's supplies, and political destabilization of Pakistan; unofficially, threats to Pakistan's control over its part of Kashmir and attacks on its nuclear facilities (Liebl, 2009). According to Šabanić (2016), if regional and international tensions continue to escalate alongside Pakistan's internal instability, there is a significant likelihood of a fifth war between India and Pakistan, which would have global repercussions. A nuclear exchange in such a conflict would have catastrophic global consequences.

Although North Korea signed the NPT in 1968, it withdrew in 2003. Some scholars argue that North Korea's nuclear weapons program is driven by "the desire of a closed and highly paranoid leadership to restart a military adventure against the South while using nuclear deterrence to prevent U.S. intervention" (Vukadinović, 2006, p. 7). North Korea conducted its first nuclear test in 2006, officially entering the group of nuclear-armed states, but not the Nuclear Club. This is evident in UN Security Council Resolution 1718 (2006), which was passed in response to North Korea's test. Scholars have also examined the link between regime type and nuclear proliferation, concluding that "no democratic state without nuclear weapons has ever launched a secret nuclear program after

ratifying the NPT" (Sagan, 2011, p. 238). This aligns with the fact that North Korea's regime is classified as totalitarian and that its nuclear weapons program was likely developed in secrecy even while it was still an NPT member.

Iran's longstanding anti-Western stance has fueled U.S. concerns about its growing influence in the Middle East. Additionally, fears arise from Iran's alleged ties to various terrorist groups in the region and the fact that Iran's political system is fundamentally different from the Western model. This reflects the persistent Orientalist framework, where "(Western) secularism is celebrated as a marker of progressive modernity, made possible through the simultaneous construction and condemnation of (Third World) fundamentalism" (Biswas, 2002, pp. 200–201). Iran frequently blames the West for various incidents. For instance, several Iranian nuclear physicists were assassinated in bombings across Tehran, with Iran accusing the U.S. and Israel (Bubnjević, 2023, p. 300). In 2010, a cyberattack on Iran destroyed over 1,000 centrifuges and extracted sensitive information from its nuclear program (Putnik, 2022, p. 119). When it comes to containing Iran's nuclear program, a significant diplomatic initiative was the Joint Comprehensive Plan of Action (JCPOA), signed in 2015. However, three years later, the United States unilaterally suspended its implementation. Analyzing Iran's nuclear program, Stojanović (2022) argues that Iran has achieved the status of a latent nuclear power, which on the Middle Eastern geopolitical stage "contributes to strategic stability by breaking Israel's nuclear monopoly" (p. 204).

A particularly problematic aspect of Middle Eastern security is that Israel never signed the NPT. The state neither confirms nor denies possessing nuclear weapons, maintaining a policy of nuclear opacity – "the undeclared construction, possession, and/or proliferation of nuclear weapons" (Žirovčić, 2009, p. 91). Israel plays a key role in Middle Eastern security, particularly in countering Iranian influence and terrorist groups. The Israeli-Palestinian conflict, which has lasted for decades, has recently escalated into a war between Israel and Hamas in Gaza. This conflict is further complicated by Iran's indirect involvement, as Tehran provides political, military, and financial support to Hamas and other Palestinian groups. Iran views this support as part of its broader strategy to expand its influence in the Middle East and counter Israel and the United States. Given the heightened tensions, there is a real risk of regional escalation, particularly if Iran directly joins the conflict. The biggest concern is that Israel is widely believed to possess nuclear weapons, while Iran remains under intense international scrutiny over its nuclear program. If Iran successfully develops nuclear weapons, the balance of power in the Middle East could be significantly altered.

5. Conclusion

The consequences of nuclear weapon use became evident after 1945. Since then, nuclear weapons have not been deployed in conflicts, yet several states continue to possess them. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) granted nuclear-weapon status to states that had developed such weapons by 1968. At the same time, the treaty imposed restrictions on all other nations, limiting their use of nuclear energy to peaceful purposes. As a result, the only "legitimate" nuclear powers are the United States, France, the United Kingdom, Russia, and China. However, today there are also rogue states – countries that developed nuclear weapons after 1968. This status applies to India and Pakistan, two neighboring states engaged in territorial disputes. The primary concern is not only their classification as developing Third World countries but also the fear that any conflict between them could escalate into a nuclear confrontation. Similarly, North Korea holds rogue-state status in contemporary nuclear relations. In this case, the primary concern is North Korea's political system, which fundamentally differs from Western values. Finally, the most feared rogue state is Iran, a Middle Eastern country that has pursued an anti-Western policy for decades and seeks to expand its influence in the region. Iran's alleged ties to religious extremism and terrorist organizations further alarm Western nations. The situation is further complicated by the West's tacit approval of Israel's nuclear arsenal, particularly by the United States. This raises a critical question at the heart of nuclear Orientalism: Why can Israel possess nuclear weapons, but Iran cannot? It appears that nuclear orientalism serves as a tool used by the original Nuclear Club, particularly the United States, to justify the prevention of nuclear proliferation. It is simply another variation of Orientalism, reflecting the selective use of Orientalist arguments to serve geopolitical interests. The result of this nuclear Orientalism, particularly by the Western powers of the Nuclear Club, is evident in today's Middle Eastern crisis, where instability has persisted for decades. Israel possesses a nuclear arsenal and holds a unique strategic position in the region, while Iran continues to face international scrutiny regarding its nuclear program. With the ongoing conflict in Gaza between Israel and Hamas, tensions between Iran and Israel have escalated further. Recent developments, combined with provocative statements from leaders on both sides, have increased the likelihood of a larger regional conflict. Escalation remains a real possibility, with the potential to draw in neighboring states as well as Western powers – particularly the United States. The stakes are too high, considering the catastrophic consequences the world

witnessed in 1945, not only for Japan but for global security as a whole. In this regard, the political and practical implications of this research point to the need for reexamining the existing criteria of the international nuclear order, particularly in the context of applying double standards. Removing orientalist narratives from international nuclear security law is a key step toward establishing a fairer, and thus more sustainable, international order. Future research should include a deeper analysis of international discourses and perceptions of nuclear threats, especially from the perspective of Global South countries, in order to build a more inclusive and effective understanding of nuclear security in the contemporary world.

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ORIJENTALIZAM KAO FAKTOR U OBLIKOVANJU MEĐUNARODNOG PRAVA O NUKLEARNOJ BEZBEDNOSTI

APSTRAKT: Orijentalizam predstavlja diskurzivan proces konstrukcije prostornog imaginarijuma, odnosno Orijenta ili Istoka od strane zapadnih društava. Stoga, orijentalistička matrica može biti korisna u sagledavanju savremenih nuklearnih odnosa. Kada se govori o nuklearnoj proliferaciji, dihotomija nuklearne sile – države Trećeg sveta predstavlja direktnu posledicu Ugovora o neširenju nuklearnog oružja. Odredbe Ugovora definisale su kojim državama pripada status nuklearnih sila. Samim tim, sve ostale zemlje, odnosno one koje nisu posedovale nuklearno oružje prilikom usvajanja Ugovora nisu imale pravo na takav status. Međutim, pojedine države Trećeg sveta su narednih decenija razvile svoje nuklearne programe. U tu grupu država spadaju Indija, Pakistan, Severna Koreja,

Izrael i Iran. Neke od njih nikada nisu prihvatile odredbe Ugovora o nešireњu nuklearnog oružja, dok su pojedine obustavile obaveze preduzete Ugovorom. Rad teži da istraži ulogu orijentalizma kao faktora u oblikovanju međunarodnog prava o nuklearnoj bezbednosti. S tim u vezi, analizira se uticaj orijentalističkih stavova na formiranje međunarodnih pravnih normi, s posebnim fokusom na njihove disproporcionalne efekte na države Trećeg sveta. Zaključak rada ukazuje na neophodnost preispitivanja postojećih paradigmi u međunarodnim odnosima kako bi se smanjile geopolitičke tenzije i poboljšala globalna nuklearna bezbednost.

Ključne reči: *nuklearni orijentalizam, nuklearno oružje, Zapad, države Trećeg sveta.*

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