International Negotiations: Language in Crisis and Conflict Handling Negotiations, and vice versa

A conceptual study on international crisis/conflict negotiations considered in Wittgensteinian, Austinian and Derridean terms

With reflections on the cases of Oslo 1 Accords 1993 and Rambouillet Negotiations 1999

Stefan Vucic

Supervisor: Per Jansson
Examiner: Mikael Blomdahl
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ABSTRACT

The thesis presents a conceptual study engaging the theories emerged in the philosophy of language and the theories of international relations and negotiations into a single framework. The framework comprises the concepts developed by L. Wittgenstein, J. L. Austin, and J. Derrida whose relevance has been identified through searching for the zone of common grounds in which they could contribute to the theoretical knowledge on international negotiations in crisis and conflict handling contexts. It has accordingly been developed following the lines of the IR/negotiations theoretical set, but also adjusted by considering two relevant empirical cases. The said Wittgenstein-Austin-Derrida framework has been assigned the mission to study language as a tool in crisis/conflict negotiations, but likewise to consider crisis/conflict negotiations in the framework of language. This implies the post-structuralist approach to the international affairs, which enables the possibility of deconstructing the matter on its textual/discursive components. On such grounds, it perceives the ‘text’ as a source of political power, i.e. as a pattern which comprises the present institutions. By virtue of assigning new meanings to the ‘text’, it regards discourses as that what creates agencies in international relations.

Keywords: NEGOTIATIONS, DIPLOMACY, CRISIS & CONFLICT HANDLING, WARFARE AND PEACE-MAKING, MEDIATION, POWER, LANGUAGE, PRAGMATICS, (META)DISCOURSE, SEMANTICS, MESSAGE, MEANING, INTENTION, COMMUNICATION, POST-STRUCTURALISM.

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<tr>
<td><strong>DOP</strong></td>
<td>Declaration of Principles (referring to <em>Israel-Palestine Liberation Organization Agreement 1993</em>)</td>
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<tr>
<td><strong>FRY</strong></td>
<td>Federal Republic of Yugoslavia</td>
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<td><strong>IR</strong></td>
<td>International Relations</td>
</tr>
<tr>
<td><strong>KLA</strong></td>
<td>Kosovo Liberation Army</td>
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<td><strong>NATO</strong></td>
<td>North Atlantic Treaty Organization</td>
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<tr>
<td><strong>OSCE</strong></td>
<td>Organization for Security and Co-operation in Europe</td>
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<tr>
<td><strong>PIJ</strong></td>
<td>Palestinian Islamic Jihad</td>
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<td><strong>PLO</strong></td>
<td>Palestinian Liberation Organization</td>
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<tr>
<td><strong>R2P</strong></td>
<td>‘Responsibility to Protect’</td>
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<tr>
<td><strong>UK</strong></td>
<td>United Kingdom</td>
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<td><strong>UN</strong></td>
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<td><strong>UNSC</strong></td>
<td>United Nations Security Council</td>
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<td><strong>US</strong></td>
<td>United States</td>
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<td><strong>ZOPA</strong></td>
<td>Zone of Possible Agreement</td>
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1 INTRODUCTION

When one discusses negotiations and conflict handling approaches in a conceptual framework or attempts to determine a strategic approach in practical sense, it is rarely the case that language appears to be in the focus among the aspects which are being taken into consideration on such occasions. It is rarely the case too that one would make an effort to claim audaciously that language is insignificant in that context. It is the case however that language is rather an implied component and that it is taken for granted that it will follow if all other constituents of the strategy are properly set. Namely there is an awareness and consensus that language is found as an intermediary tool at the most executive level in any kind of interhuman communication, and certainly too in political forms of it. As such, language has been at the same time an important object of enquiry within linguistics and philosophy in general. Now, the question is whether those findings have been acknowledged by the other fields, such as international relations in this case, and to what extent are they applicable.

It is also the case that language used in diplomacy is defined by a specific form. It stems from the established tradition of diplomatic correspondence which is in accordance with the nature of the aims and purposes of diplomacy, i.e. with the institution of diplomacy. Furthermore, the practice of diplomacy reflects a very formalised set of principles. Likewise, diplomatic language, as one of the integral parts of those principles, appears to be limited and formalised, and, as such, it fits into the institutionalised set of practices which may also be called routines or rituals. This alludes that the actual bearer of meaning of the messages which are being conveyed in such a context is the form in which those practices are being expressed.

In the context of this research there is no point in claiming that the form is more or less important than the content of the practises. However, it will be argued that the form has an essential function of transferring the contents of diplomatic practices. The form will be regarded as a constant (but possibly not a definite constant) which safeguards the established practices, while the content will be taken as a variable which is adjusted according to the specificity of the context and whose meaning may be achieved only through the form in which it is to be expressed. In acknowledging the said, this thesis is envisaged as a study on language in international crisis/conflict negotiations but also on the negotiations in language. It will aim to inspect how relevant the theories developed within linguistics and philosophy of
language may be in the context of negotiations for the purpose of understanding and managing conflicts.

For the purpose of demonstrating the relevance and applicability of such an intertheoretical interaction, the study will consider two empirical cases: 1) the negotiations which led to the Oslo 1 Accord in 1993 (Israel-PLO), and (2) the Rambouillet Negotiations on Kosovo crisis in 1999 (Yugoslavia/Serbia-KLA). The function of the two cases in this study is to provide the discursive material of negotiations which will be analysed in lines with the theoretical framework. Regarding the motivation for selecting these two cases in particular, it may be found in the fact that the outcome of one may be deemed as successful, in terms of that both parties signed the agreement and thus, at least temporarily, minimised the crisis, while the other ends up with no-agreement which then leads to escalation of an armed conflict.

1.1 Scope and argument

Considering that the study is designed as a conceptual problem, it imposes the question of the motivation for such a pursuit and what contribution cognitive-linguistic theories can make for the negotiations and conflict handling research area. This thesis will aim to examine the possibility of such a relationship, i.e. if the perspective which the cognitive-linguistic theories enable would be operable in the given context of international relations. For the purpose of handling such a problem and achieving the proposed aim, the question which will motivate the process appears in the following form: *In what aspects does the understanding of philosophy of language theories and of the principles of pragmatics contribute to our knowledge on crisis/conflict handling negotiations?*

In addition to that, for the same purpose the thesis will aim to exploit the mentioned empirical cases by inspecting the question: *What do the processes of Oslo 1 Accords 1993 and Rambouillet Conference 1999 reveal about the relation between language use and crisis/conflict handling negotiations?*

The premise which reveals the ontological departure used in this study, simultaneously motivates another important ambition set in the thesis. It is the assertion that language is not only a simple tool of expression, but also the only conceptual framework through which the reality is grasped and being created. Specifically, in the context of crisis/conflict handling negotiations, the aim of such an argument would be to enable asking the question: What
reality do we want to achieve? This may be regarded as the most fundamental question which negotiating sides ask both themselves and each other. Accordingly, it suggests that post-structuralism will play a significant role in providing the setting in which the formulated problem can be operable and sensical.

1.2 Literature/theory and material overview and their legitimacy for the study

1.2.1 Philosophy of language and linguistics

Although negotiations in general concern very existing and acute problems, i.e. the problems of the ‘real-world’ rather than conceptual ones, it should also be noted that the very act of negotiations, e.g. where two parties sit and talk with each other, concerns primarily the issue of contesting opposed perceptions on the actual issue. It suggests that any plausible form of handling the problem which is being negotiated needs to be set in the cognitive-linguistic scope and then reconsidered in the same framework. Any solution which may possibly follow would likewise appear in the grammatical form of a favourable outcome which is yet not actual. In other words, it first appears in language in form of a proposition as a cognitive picture of ‘a possible state of affairs’ (Wittgenstein remark 520) (Wittgenstein, 2009, p. 150e). Such a picture consists of and implies certain actions by the involved parties in order that the reached conceptual solution may be actualised. As it will be argued in the later text, negotiations will be considered as the art of ‘possible’ in terms of reconsidering/renegotiating the reality within the limitations set by the actuality of the issue which is being negotiated. In the basis of this pursuit lies the concept of language-games developed by Ludwig Wittgenstein which is then applied to the problem formulated in this study.

In addition to Wittgenstein’s analytical study on language, the thesis delves into John L. Austin’s theory of speech acts, inspecting the relevance of locutionary, illocutionary and perlocutionary acts in the context of crisis/conflict handling negotiations. The emphasis in this instance will be placed on the effects which follows from speech acts and the variability of them depending on in which form a speech act has been performed. The function of both Wittgenstein’s and Austin’s takes on language is to bring in the core substance of the theory of pragmatics whose abstracted principles may find their relevance in the aims and mission assigned to crisis/conflict handling negotiating processes.
1.2.2 The role of critical theories: J. Derrida and deconstruction

The work of Jacques Derrida ‘Of Grammatology’ presents a criticism on the established order and concepts, i.e. the reality, which are described, reflected or generated in language, i.e. text, and, as such, it may be regarded as the basis of his theory of deconstruction. In this thesis, its function is primarily intended for determining the ontological and epistemological capacities of certain concepts which are subject to the analysis. It concerns the matter of comprehension of what grammatical properties of language have in setting the boundaries of what is apprehensible and how it affects the perception of the concepts and structures forming the reality which then govern all human action and interaction, but whose only dimension of existence is text/language. In other words, it considers epistemological dimension of language which generates knowledge and thus the idea of what is ‘true’, but also, in a like manner considers it to be an instrument of power that shapes the reality.

1.2.3 Negotiations and conflict resolution theories

On the other counterpart of the theoretical spectre of this study are the theories relating to the act of negotiations and the process of crisis and conflict handling. Their function is to define the exact context in which the previously mentioned set of theories will find its application. They delineate the rules in accordance to which the said affairs are being operated and specify the aims and mission of such affairs. When speaking specifically of the function of those theories perceived as an element of the construction of this study, they determine which aspects of the cognitive-linguistic theories ought to be abstracted and thence transposed and fused within the new framework.

For the purpose of establishing the theoretical context in accordance with the lines suggested in the previous paragraph, different set of approaches will be considered in this study. Primarily, the theories of peace and conflict studies, and in particular those referring to the practice of negotiation and mediation, provide the essential theoretical layer for understanding the nature of international conflicts and the role and aim of negotiations in that context. In addition to that, alternative dispute resolution approach will be consulted as well. It is a set of theories enabling a somewhat specific and less formal approach to solving a conflict.
1.2.4 The empirical material

The most relevant material to the actuality in the practical field is found in the text building up the two empirical cases in this study. In order to inspect what role the linguistic/pragmatic tools (employed both by the parties and mediators) had in determining the outcome of the processes, the analysis takes into consideration the discursive material of the negotiations. The material consists of the texts of the agreements which were or were not signed, of the official correspondences between the parties which have been made available to the public, of the press statements which were made by the negotiators during the processes, as well as of the secondary literature in form of analyses of the cases. Hence, in lines with the theoretical framework, the discursive material will be analysed through the method of critical discourse analysis.

1.3 Justification for the legitimacy of the study

International negotiations are regarded in this study as a practice and a process. The study suggests perceiving that practice in the Wittgenstein-Austin-Derrida framework, developed in the Chapter 3.1, or, in simple terms, perceiving it as a text. The interest of perceiving the process/practice of international crisis and conflict negotiations in a textual/discursive framework, and studying its textual components, is found in the premise that it may add to perceptual apprehension of the underlying issues and to developing modalities of handling conflicts.

The suggested approach builds upon the idea of perceiving the structure of a conflict as a text, i.e. perceiving the points of Johan Galtung’s conflict triangle – (a) attitude, (b) behaviour and (c) contradiction, which is used as the foundational structure for explaining conflicts in peace and conflict studies area (Aggestam & Höglund, 2017, pp. 28–29), as components of a text (in Derridean terms), or of language (in Wittgensteinian terms). Accordingly, the discussion on negotiation theories (Chapter 3.2) considers certain aspects and strategies for conflict management developed within that field and examines their discursive dimension. Likewise, as a reaction to the dominant assumptions in international relations originating from the realist school, this study approaches the notion of power as a discourse and thus attempts to exploit such perspective in the context of international negotiations.
The contribution of installing the perceived issue in the Wittgenstein-Austin-Derrida framework is anticipated in enabling the possibility to ‘read’ the components of a crisis/conflict and of its perceptual underlying issues. In that manner it also aims to emphasise the significance of discursive framing and reformulating the contradicting ‘realities’ which constitute a conflict, and which is generally being materialised in form of prospective agreements.

1.4 Limitations of the study

Approaching the matter of this study in the said manner however also sets limitations which the given construction of the thesis implies. One of the main challenges which is being encountered during the research process from the beginning to the end is the pursuit of proving the validity of arguments for certain assertions. Although they are relevant and also imposed by the post-structuralist approach, they may positively be disputed from other theoretical approaches. It is indeed a normalcy that different perspectives fundamentally tend to collide and dispute each other on certain matters. In this case however the struggle will be justifying simultaneously the relevance of post-structuralism for international relations, and the relevance of the arguments of which post-structuralism approves in this study.

Considering that the subject of this study are crises and conflicts in international relations, being very complex phaenomena which require a structured approach and multi-level reconsideration in order to be successfully handled, it is also worth acknowledging that this study is not competent to provide an overall solution to how crises and conflicts ought to be managed and hence it will neither attempt to do so. Therefore too, the thesis will engage into the discussion on the two empirical cases used in the analysis only within the limits relevant to the language in this context, i.e. to the discursive material which they themselves provide. This study provides no motive for explaining or discussing the external aspects which had led to such situations or their consequences.

1.5 Disposition

Chapter 1 on INTRODUCTION introduces and defines the problem and scope of the research. It announces the material that is going to be assessed and indicates the limitations which the said organisation of the study implies.
Chapter 2 on METHODOLOGY AND METHODS discusses the implication of the proposed research question and aim of the study in relation to the methodological approach to the subject. Further discussion reflects on how the said construction determines the epistemological and ontological scope of the study.

Chapter 3 on THEORETICAL APPROACH assesses the two theoretical traditions with reference to the formulated problem of the study. It aims to delineate the relevance of the theories of linguistics for the negotiation theories in the crisis/conflict context.

Chapter 4 on ANALYSIS aims to identify relevant reflections on the previously discussed theory in the said context by discussing the examples of two empirical cases.

Chapter 5 on FINDINGS summarises the arguments in line with the structure of the established theoretical framework and thus refers back to the research questions and aims of the study.

Chapter 6 on CONCLUSIONS presents the ending remarks on the relevance of the study and thus aims to motivate possibilities for further research on the said issue.
2 METHODOLOGY AND METHODS

2.1 Conceptual framework and case study

In this thesis there are two constituent sets of material which require different approaches in terms of methods. One of them is theory itself, i.e. various theories from two disciplines from which the concepts inherent to the research problem are to be deduced. Another set consists of discursive material that discloses the two empirical examples of crisis handling negotiations. Accordingly, the context requires use of different tools which may utilise the material for the purpose of this research.

In strategic terms the research is a qualitative study. Its conceptual dimension is manifested through inspecting two theoretical traditions in a common context. The common context is provided by two empirical cases in which the theories find their relevance and in which the abstracted concepts, inherent to those theories, are being analysed.

In addition to the process of abstraction of relevant concepts in the theoretical discussion, the analysis is going to employ a case study research strategy to establish the applicability of the theoretical framework in the context relevant to this study. That applicability will serve as the basis for emergence of findings relevant to the research questions as well as for development of conclusions. A ‘case’ can denote a specific defined problem found in various forms (Vennesson, 2008, p. 226). The two cases considered in this instance are empirical cases which may be defined as events and processes. It follows that a case study is explained as a research strategy with the aim to deduce certain insights which, when developed and installed in a theoretical framework, could be applied to a wider set of comparable cases belonging to the relevant category (Ibid.). Vennesson argues (Ibid.) that the case may influence the conceptual framework in two ways. Primarily, it acts as an opposition to the conceptual construction and, by being a reflection-provider, it requires from the conceptual framework to adjust itself for the sake of consistency. Additionally, it asks from the conceptual framework in which it is being considered to provide a solution or an explanation which can be universally applied to other relevant cases. In the instance of this study, it suggests that the Wittgenstein-Austin-Derrida framework is simultaneously being framed and defined by the international crisis/conflict theories and by the two empirical cases in order that such a framework may be employed as a competent tool serving the proposed aims of the research.
This then alludes that this may primarily be considered a theory-led study with a reflectional interaction provided by the analysis of the two empirical cases. Their purpose is subordinated to the theoretical discussion. It follows that the two empirical cases are going to be considered each following the model of a research design known as a ‘theory-guided case study’, corresponding to what has been suggested by Jack S. Levy (2009, p. 73): “Theory-guided/idiographic case studies also aim to explain and/or interpret a single case, but that interpretation is explicitly structured by a theory or well-developed conceptual framework that focuses attention on some theoretically specified aspects of reality and neglects others.”

2.2 Critical discourse analysis

In order to investigate the discursive aspect of the cases, the tool of critical discourse analysis will be used. The said method has for its function to approach the discursive material of the two empirical cases in a framework that is implied by the common grounds of the language theories and international negotiations theories. It is the approach through which the identified concepts stemming from two respective theoretical bases may communicate and integrate into a new framework.

It may be further argued that presence of this method in a study which deals with matters of language in various social contexts is rather implicit. In this instance it is foremostly inherent to the matters of ontology and epistemology imposed by such kind of a study. The fact that the research assesses cognitive-linguistic theories on the one hand, and explores the possibilities of their interference into the theories of negotiations and conflict handling on the other, implicates that the latter set of theories will be encountered with the questions motivated by critical discourse analysis approaches. It first of all perceives the practice of negotiations as an act, or a process, of formulating a certain discourse which is meant to make a wanted effect. Accordingly, it is consistent with the three questions which discourse analysis approach is concerned with, and which Potter sets forth in Bryman’s Social Research Methods (2012, p. 529): 1) What is this discourse doing? 2) How is this discourse constructed to make this happen? And 3) What resources are available to perform this activity? Those questions may be regarded as fundamental when approaching the discursive material of the two cases in the section of analysis.
2.3 Ontological and epistemological implications

Considering the aims which have been assigned to this thesis, it will be of great value to justify the ontological and epistemological departures. The questions which are being imposed by ontological and epistemological approaches, such as 1) What is reality? and 2) How is something known? are universally departures for any research process (della Porta & Keating, 2008, pp. 21–22). For this study, they are not only departures, but they rather deal with the very research problem in a more direct manner if perceived from a holistic perspective. In addition to determining the existential limitations of the problem and of what can be known about it, the analysis of the matters which are subject to this study simultaneously provide discussion on ontological and epistemological matters as well. Hence, the research requires a serious consideration of ontological and epistemological paradigms in order to produce sensical conclusions and to be operable in accordance with established research criteria.

The point here is that the cognitive-linguistic theories, which are also subject to this study, tend to inspect reality in terms of exploring the limits of what is conceivable and thus also questioning if there is any reality possible which is not in-language. Forasmuch as the cases in the analysis are going to be approached by means of critical discourse analysis, it presumes post-structuralist perspectives on the relation among the components that are subject to the study.

According to the said perspective, language is seen as a tool with power capacity (Hansen, 2016, pp. 101–102). Hence it may be argued that negotiations are a process which generates a discourse, and thus also provides power capacity, as well as that negotiations are a discourse within which that power is being actualised. This corresponds to Bauböck’s remark (2008, p. 50) on one of the forms of political power in which she paraphrased Foucauldian stance on this matter: “Discursive legitimation is an essential condition for successful exercise of power, and it blinds those subjected to the fact of their subjection.” Namely, the contexts, parties and their actions are all inseparable parts of a discourse. Parties may indeed influence the discourse through their actions, however only by being constituent part of it and not externally (objectively). The discourse is what provides the context and legitimises parties to act by assigning certain functions to them. It follows that the feasibility to conduct such kind of a research in the described terms is fundamentally provided by this specific ontological approach.
2.4 Methodological implications for the IR research field

The question which follows is what critical discourse analysis, as the methodological approach, implies for the research field of international relations. Critical discourse analysis is considered as part of the school of post-structuralism and thus, using it as a method, imposes certain theoretical assumptions which are inherent to the post-structuralist approach. As it has been mentioned in the previous paragraph, one of the main post-structuralist premises is that ‘language is seen as a tool with power capacity’. Lene Hansen (2016, p. 102) adds that “...language is the medium through which foreign policy actors seek to make their policies seem legitimate, necessary, and ‘realistic’ to their relevant audiences.” Hence, there is no true/false criterion but rather the ‘truth’ is imposed by a specific reading of the text, and thus by a specific representation of the event.

Critical discourse analysis as an analytical concept motivates the question on what are ‘the political implications of adopting a particular representation’ of an event, i.e. what a particular reading of it implies. It delves into inspecting how a specific reading of a policy, event or a process may imply a representation which thence may ‘allow’ a certain agency in a specific setting (Ibid., p. 104). For the interest of this thesis accordingly, post-structuralist discourse analysis aims to assess certain diplomatic processes in their discursive form and analyse the political implications which the negotiation outcomes have incited in the area of international relations. Likewise, it examines the said processes within the constraints imposed by the discourse of established institutions (Ibid., p. 108), e.g. of diplomacy and international law.
3 THEORETICAL APPROACH

This chapter has for its aim to provide a thorough discussion on the substance of theories on which the thesis bases itself. Fundamentally there are theories stemming from two traditions: 1) cognitive-linguistics/pragmatics which may also be regarded as philosophy of language, and 2) negotiations and crisis/conflict handling theories.

3.1 Theories of linguistics and of philosophy of language

The assertion which is found in the very basis of the whole argumentation process on what significance language has for negotiations is that it forms an atomic unit with perceptions and understandings. Furthermore, language is the main operational unit when it comes to generating meanings. Any proposition bears its content, however the content itself does not bear the meaning. It is formed through the form in which the propositional content is expressed. Moreover, the meaning cannot be expressed. It is the effect of the expression, i.e. what is understood. What one intends to express through the propositional content and what the other understands are technically two realities.

3.1.1 Language-thought-reality relation

First steps of this theoretical discussion will begin with the only work which Wittgenstein published himself, ‘Tractatus Logico-Philosophicus’. It presents the most fundamental abstraction of language from the world as a whole. In the case of this thesis it is used as a theoretical underlay for the linguistic aspect, primarily determining the limits of language-thought processes in ontological and epistemological terms (or, at least, provides one way of understanding it), and, as such, worth considering prior to discussing another Wittgenstein’s notion, that of ‘language games’ and its ‘rules’.

The most general thesis from which Wittgenstein deduces his further arguments determines the entirety of scope comprising of all which is logically allowed. In other words, those lines aim to provide a definition of the world: “(1) The world is all that is the case. (1.1) The world is the totality of facts, not of things. (1.13) The facts in logical space are the world.” (Wittgenstein, 2017, p. 5). It is followed by an examination of what is ‘possible’ and what is reality. On that matter, he argues: “(2.014) Objects contain the possibility of all situations. (2.04) The totality of existing states of affairs is the world. (2.06) The existence and non-existence of states of affairs is reality.” (Ibid., pp. 7–9). Hence, what may be abstracted from
these lines and for the purpose of this study is that the world consists of everything which is possible, i.e. logically allowed. Reality is what is identified as existent/actual in the space of logically allowed, as well as the void in that space which corresponds to what is logically allowed but non-actual at the given point. The world is out there and consists of the possibilities, and reality has to be perceived in terms of the actual state of affairs.

Although Wittgenstein claims that world is such and such, it does not imply that it, and everything within it, is objectively conceivable. This becomes clear as he proceeds discussing the matter of perception and conceptualisation. It technically establishes a relation between what is and that what we see it to be: “(2.1) We picture facts to ourselves. (2.11) A picture presents a situation in logical space, the existence and non-existence of states of affairs. (2.12) A picture is a model of reality.” (Ibid., p. 9). Accordingly, what one deems to perceive as reality is a constructed picture of reality and not reality itself. This also alludes that reality may be one, but pictures of reality are numerous. Henceforth is introduced the notion of thought, which may also be considered as the final stage of the process of perceiving. His argument is as follows: “(3) A logical picture of facts is a thought. (3.02) A thought contains the possibility of the situation of which it is the thought. What is thinkable is possible too.” (Ibid., p. 12). A thought, as a notion, sets the boundaries of what is conceivable. The meaning of “what is thinkable is possible too” is that what one can think of is also logically allowed. It is due to the impossibility of thinking illogically because there is no system which would enable it. Language is a system based in logic and hence anything which is illogical is also inconceivable (3.03, 3.031, 3.032) (Ibid., pp. 12–13).

In ‘Tractatus Logico-philosophicus’, Wittgenstein also introduces and discusses the expressional element, namely in form of a proposition and its content. There he claims: “(3.1) In a proposition a thought finds an expression that can be perceived by the senses. (3.2) In a proposition a thought can be expressed in such a way that elements of the propositional sign correspond to the objects of the thought.” (Ibid., pp. 13–14). This line of argument suggest that a thought and the expression of a thought are two, certainly interdependent, but separate units. The value of taking this into account appears in particular when it comes to the discussion on communicative aspect in light of this thesis and the relational line following ‘the state of affairs (reality)’ – ‘thoughts and perceptions’ – ‘expression of the thoughts (propositions) and speech acts’. By arguing further on the propositions and their content, he
adds some notable insights on symbols and signs as part of the whole language system. Accordingly, the main points of his argument are the following: “(3.3) Only propositions have sense; only in the nexus of a proposition does a name have meaning. (3.32) A sign is what can be perceived of a symbol. (3.326) In order to recognize a symbol by its sign we must observe how it is used with a sense” (Ibid., pp. 16–19).

Despite the fact that signs bear their own content, i.e. what they signify, they obtain meanings only in a given context. A meaning is acquired through the function of the sign which it has been assigned in a proposition, i.e. by being able to signify one thing or another in the context in which it is being expressed. The reason for taking this aspect into consideration in this thesis is because of a special form of language which is being examined in the study, which is diplomatic language. As Wittgenstein argues (in 3.315 and 3.322) (Ibid., pp. 17–18), meanings of signs, as of expressions as well, are determined by ‘arbitrary agreement’ which means that they bear in themselves possibilities of certain meanings, but they acquire a certain meaning only when they are expressed in the context of a situation. Thus, the form which is established through diplomatic wording enables a context which assigns certain meaning both to what has been expressed and to what has not been expressed but could have been expressed. As it is going to be discussed more thoroughly in later text in Chapter 3.2.3 concerning diplomatic language specifically, the said form of language enables a space in which both the act of expressing and non-expressing bear meanings in accordance with ‘arbitrary agreement’. In other words, if there were a space in which there is a possibility for an expression, but it is left blank, the ‘blank’ may be perceived as a sign which in the given form of communication is assigned a meaning by the act of non-expression.

As a unit comprising all prior steps, Wittgenstein reaches the very notion of language. One may possibly sense in the following the strong relation between the earlier mentioned definition of the world (as in 1 and 1.1) and the one on language: “(3.5) A propositional sign, applied and thought out, is a thought. (4) A thought is a proposition with a sense. (4.001) The totality of propositions is language.” (Ibid., p. 22). By comparing the claim (1.1) “The world is the totality of facts...” and (4.001) “The totality of propositions is language”, the implying difference suggests that the world is an inter-relational network of the things as they are in a logical space (i.e. of facts), while language presents how the world is expressed - and by the implication, how it is perceived – in accordance to the rules of logics and arbitrary agreements.
Henceforth, language may be defined as a logical space outlining the limits of conceivable on
the one hand, and on the other gives a sensical expression to what corresponds to what one
perceives to be the case. Now, Wittgenstein further discusses on the relation thought–
language–reality and brings in the aspect of subjectivity. “Language disguises thought” (4.002)
(Ibid.) for the reason that language provides a platform for its conception as well as a channel
for its expression. Another point is (4.01) (Ibid., p. 23) is that the relation language–reality is
subjective, i.e. that “a proposition is a model of reality as we imagine it.” Hence it follows that
there are three different layers of ‘the world’ (thought-language-reality) which are part of one
irreducible nexus. Here though, and especially due to the element of subjectivity, a question
which imposes is could reality be anything else but what one is able to conceive as reality, i.e.
could it be found anywhere else but in its representational dimension in language?

Namely, the claim which Wittgenstein makes that “The limits of my language mean the limits
of my world” (5.6) (Ibid., p. 68) alludes to an epistemological position which imposes the need
for negotiating reality as a fundamental point in order that any affair could take place or any
relationship to be established. On the basis of this argument, it is also suggested that
technically each subject bears its own view of the world. They are all conditioned by the logical
framework which is common and unavoidable (5.61) (Ibid.). Nevertheless, within that
framework everything is a space for negotiating and reaching ‘arbitrary agreements’. Hence,
logics provide sense in terms of determining what is possible and what is impossible, while
‘arbitrary agreements’ provide meanings.

3.1.2 Arbitrary agreements and ‘rules of the game’
Having established the external boundaries and the inter-relational principles in accordance
to which state of affairs exists and functions, the following step provides a discussion on the
effect of language, which may also be called the principles of pragmatics according to
Wittgenstein’s concept of the ‘language-games’. Language works both ways. In
communicative terms, which are particularly relevant for the problem formulated in this
thesis, what counts is not what is intended by a proposition, but its effect. In other words, the
effect of it is what the receiver understood of it and his or her eventual response or reaction
on it. In Wittgenstein’s work published as ‘Philosophical Investigations’, he introduces the
concept of language-games in most basic terms as an activity where “…one party calls out the
words, the other acts on them” (7) (Wittgenstein, 2009, p. 8e).
In (23) (Ibid., pp. 14e–15e) he argues that language-game, i.e. the speaking of language is part of an activity. For example, if we take negotiations as ‘the game’, then the speaking of language in that activity (context) implies that what is said/uttered in that context forms its meaning in accordance with the rules of the game, i.e. of the activity/practice of negotiations. What those ‘rules’ imply, as Wittgenstein argues, is the following: “To follow a rule, to make a report, to give an order, to play a game of chess, are customs (usages, institutions)” (199) (Ibid., p. 87e). It follows that if the same is uttered in the absolutely same form and absolutely same way during some other activity/practice, it will form a different meaning because it is conditioned by a different set of rules (for it is a different ‘game’). He comes up with an analogy (31) (Ibid., pp. 18e–19e) between the language-game and a chess game. Along these lines, as chess figures imply possibilities for chess players in a chess game, so is the content of words in a speech act comprised of possibilities which possible meanings of these words might imply in the given context.

Hence though is being imposed another question concerning the issue of understanding, or grasping, the meaning. Wittgenstein suggests that “…the meaning is the use we make of the word” (138) (Ibid., p. 59e). Accordingly, what is uttered and sensed by the recipient imposes a picture ‘that forces a particular application’ on the recipient (140) (Ibid., pp. 60e–61e). This assigns to words the function of signals (180) (Ibid., p. 79e), and in that light points out that the actual effect, i.e. the application, of the imposed picture (i.e. that which is being understood by the recipient) is knowing or understanding (149, 150) (Ibid., pp. 64e–65e).

Nonetheless, what fundamentally matters here is the relation between the one who expresses himself or herself and the targeted recipient of the expressed content. It is also based on the conditioned set by the somewhat solipsistic epistemological position in form of that one can know that something is the case for himself or herself but can only believe if something is the case for others (303) (Ibid., p. 108e). Therefore, when one makes an expression, he or she cannot take for granted that the receiver will grasp the same meaning which was meant when it was expressed. Hence, when one says something through an expression that he or she uses, the content of it is not only the thought expressed but also the intention (507) (Ibid., p. 147e). It follows that when one is looking for a right expression through which a message is ought to be communicated (363: communication – “...someone else grasps the sense of my words”) (Ibid., p. 121e), then it is not enough to look for expressions for mere expressing the thoughts.
clearly but rather to look for expressions which provoke favourable reactions in accordance with the intentions which motivate that which is meant (in accordance with the rules of the ‘language-game’, i.e. in the context in which the speech-act is performed) (335) (Ibid., p. 115e).

By raising language up to the level of being an influencing tool, as argued in (491) (Ibid., p. 145e) “Not: ‘without language we could not communicate with one another’ – but for sure: without language we cannot influence other human beings in such-and-such ways”, Wittgenstein brings in a purely pragmatic dimension of language use which also provides a foundation for a discussion on types of speech acts as classified by John Langshaw Austin, i.e. locutionary (the said), illocutionary (reveals alleged intention with/by the said) and perlocutionary (reveals alleged aim/effect of the said) speech acts, which will follow in the next theoretical chapter. Wittgenstein does not use the said categories, but he covers the phaenomena which may correspond to Austin’s notions of illocution and perlocution, as it will be clarified more precisely in later text. For instance, he discusses (in 438, 439 and 440) (Wittgenstein, 2009, pp. 136e–137e) the expressions manifesting e.g. expectation, belief, opinion, plan, but wish too, and defines them as ‘unsatisfied’. What the following expressions have in common (which, according to Austin, would be classified as illocutionary particles) ‘I hope that…’, ‘I expect that…’, ‘I believe that…’, ‘I think that…’ (in terms of uncertainty), or ‘I plan to…’ is that that they allude to a non-actual and unfulfilled state of affairs and hence actually express a sort of dissatisfaction that it is (not) the case (provided that they positively allude to the possibility of actualisation of a certain state of affairs).

On the account of that, Wittgenstein argues further (in 455, 456 and 457) (Ibid., p. 140e) that by ‘meaning’ something, the one who ‘means’ sets himself or herself in motion towards the one to whom it is directed (the recipient) and with the intention of putting the recipient into the state of motion in a certain/desired manner. Here it may reasonably to ask whether illocution in Austin’s terms, or simply an ‘expression of intention’ as Wittgenstein names it, may be regarded as an explicit signifier of intention, i.e. evidence of intention? Wittgenstein argues on contrary that it first of all does not fulfil the conditions for being regarded as an evidence, alluding that it may be a deceptive instrument too (639, 640, 641) (Ibid., p. 173e). The main issue here is that ‘that’ what is uttered is not necessarily meant by the one who has expressed it. Thus, it involves the possibility of a deceptive character. If we consider the
previously mentioned remarks on the solipsistic epistemological position concerning the ‘to know’ vs. ‘to believe’ relation, it suggests that it is indeed based on the solipsistic principles of incapability of one party to know anything about the other one, but rather only to believe to it (him/her).

Another case which demonstrates that the uttered does not (necessarily) correspond to what is meant is when it comes to the purpose of reporting of a ‘past intention’ and a ‘past wish’ (656) (Ibid., p. 175e). Wittgenstein provides an explanation on that account in the following manner: “Why do I want to tell him about an intention too, over and above telling him what I did? – Not because the intention too was something going on at that time. But because I want to tell him something about myself, which goes beyond what happened at that time” (659) (Ibid., p. 176e). Accordingly, the whole ‘language game’ is about intelligently adjusting the form of the uttered for the purpose of setting the recipient into motion in a desired manner, and from the other side’s perspective carefully understanding/interpreting the intentions which motivate the uttered.

3.1.3 Propositional content: meaning and intention in relation to locutionary acts and discursive material

As it happened to be the case in the previous chapter of this thesis, the work of John L. Austin has already been introduced in most general terms. The categorisation of speech acts on locutionary, illocutionary and perlocutionary, as presented in his work ‘How to do things with words’ may indeed be regarded as his most significant contribution to the theory of pragmatics, but also of great interest for this thesis in terms of its applicability in diplomatic language (Pascual, 2001) and crisis/conflict handling negotiations more specifically.

Initial categorisation made in Austin’s study was on ‘constatives’ and ‘performatives’. He was primarily focused on the performatives as they were the ones which ‘do things’ in language. However, the issue with such a division was that it was impossible to establish a solid criterion which would keep these two categories as distinctive. The main problem with such a division arises for by the act uttering a descriptive statement, one does not necessarily mean, or intend, merely to describe something, but rather to reach/affect the perception of the other\(^1\).

\(^1\) cf. Wittgenstein’s act of reporting a past-intention in language-game
Thus, an utterance performed in the form of a constative/descriptive may also be assigned a performative function.

Austin therefore presents a categorisation which is, unlike the initial one, rather based on “the issuing of an utterance in a speech situation” (Austin, 1962, p. 138). Hence, the three categories, which have already been involved in the discussion, are in Austin’s terms defined as follows (Ibid., pp. 100–102):

- **Locutionary act** – what is pronounced/said and the very content of the said is supposed to correspond with the performative action which occurs simultaneously; what is said is actually being done, i.e. the said and action are inseparable;

- **Illocutionary act** – the interpreted intention of the pronounced, i.e. the expression showing/revealing the alleged intention by that which is said. Its main content is the force, or the use, of the intention, aiming to impose a picture upon the recipient in Wittgenstein’s terms;

- **Perlocutionary act** – the effect of the interpreted message, i.e. the alleged achievement of the pronounced.

Locutionary act may be deemed as straightforward for what is uttered ought to correspond to the action which is meant by the said. Nevertheless, illocutionary and perlocutionary acts may require some further clarification:

Speaking of the ‘use of language for arguing or warning’ looks just like speaking of ‘the use of language for persuading, rousing, alarming’; yet the former may, for rough contrast, be said to be conventional, in the sense that at least it could be made explicit by the performative formula; but the latter could not. Thus we can say ‘I argue that’ or ‘I warn you that’ but we cannot say ‘I convince you that’ or ‘I alarm you that’. (Austin, 1962, p. 103)

An observation by Noam Chomsky on a comparable matter in ‘Language and Responsibility’ (1979) provides an insight on semantic relations among ‘persuade’, ‘intend’ and ‘believe’ following the principles of his concept known as ‘universal grammar’ in the following manner: “If I persuade you to go, then you intend to go; If I persuade you that today is Tuesday, then you believe that today is Tuesday. These are facts of language and not of the external world” (Chomsky, 1979/2007, p. 142). This line of argument indirectly approves of Austin’s

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2 see Wittgenstein, in ‘Philosophical Investigations’, remark 140
categorisation, and in this instance especially concerning the relation between illocutionary forcing feature and perlocutionary effectual feature, which are both embedded in language. In addition to that, by the very act of suggesting that these are matters of language suggests that reality is embedded in language too, that is, its conception is conditioned by the rules which are implied by the structure of universal grammar.

Here arises the most critical and debated point of the issue, namely the sensitivity concerning the distinction between intention and meaning, that is, the intended meaning by the speaker and the understood meaning by the receiver. This matter has been argued also by Wittgenstein and Derrida, each in their own fashion, and Austin reminds that it is an important topic in pragmatics:

> Since our acts are acts, we must always remember the distinction between producing effects or consequences which are intended or unintended; and (i) when the speaker intends to produce an effect it may nevertheless not occur, and (ii) when he does not intend to produce it or intends not to produce it it may nevertheless occur. (Austin, 1962, p. 105)

This issue has been further analysed by Peter Hanks in his study on the matter of content in propositions. He challenges the very notion of locutionary acts as an independent category. Namely, if a locutionary act is an act of saying and performing of what is being said simultaneously, then ‘I say’ is the implied illocutionary particle which precedes the uttered locutionary sentence. For example, in an uttered/performed locutionary sentence 'I do', the entire speech act in the illocutionary form would be ‘[I say that] I do’ (Hanks, 2015, p. 95). It follows thence that the actual content of any locutionary act is the implied illocutionary act as well. Accordingly, a speech act may appear in locutionary form, as it is normally often the case, but the whole message of the assertion is impossible to interpret without considering it in its illocutionary form in the given context. Hanks provides François Recanati’s argument which enables a significantly different perspective on locutionary acts:

> The speaker who performs a locutionary act is acting the making of an assertion; the locutionary act becomes an illocutionary act in Austin’s sense if the speaker genuinely subscribes to what he says and identifies with the theatrical part...he is playing. To say something, in the locutionary sense, is to act the performing of an illocutionary act; but if one seeks an understanding of the real pragmatic

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3 see pp. 21–23 of the thesis
4 see pp. 28–29 of the thesis
activity of the actors, as opposed to the characters they play on stage, one had better look behind the scenes. (Recanati, as cited in Hanks, 2015, pp. 95–96)

In reference to this, Hanks further argues on the utility of target shifting tokens. In the context of diplomacy and negotiations it is especially significant for it enables ‘constructive ambiguity’ which is one of main features of diplomatic language, and thus also space for manoeuvring when expressing propositions\(^5\). For example: X (the subject) … believes that (cancellation token, which provides cancellation context) ... + predicative sentence (Hanks, 2015, p. 151). The sentence has an illocutionary form. When the truth-condition is applied to a sentence in the provided form, what is being assessed is weather the subject (X) bears the belief relation to the proposition which is expressed in the content of the predicative sentence, and not if the proposition of the predicative sentence is true itself (Ibid., p. 153).

3.1.4 Constantly emerging meanings: transferring previous experience to a new context

Further examination of the notion of ‘meaning’ and its status within pragmatics leads to the discussion on Derrida and his concept of deconstruction. It largely impacts the methodological approach applied to the two cases in the Analysis chapter, but, at the same time, it is also one of the core elements of the theoretical discussion, being itself the subject to analysis.

Derrida’s theory of deconstruction has emerged as a critique of the traditional approach to metaphysics\(^6\) and thence the structuralist grasp of language as a fixed (constant) structure based on binary oppositions\(^7\) (Bradley, 2008, pp. 41–50; White, 2017, pp. 90–93). On the grounds of the structure of binary oppositions, the predominant understanding of Western philosophy has been giving priority to speech over to writing. In his endeavour to deconstruct the foundational assumptions of metaphysics, Derrida consequently challenges the view that writing is a mere reflection of speech and by that virtue subordinated to it. Therefore, he comes up with a neologism ‘arche-writing’ (Derrida, 1976, p. 56) implying a concept of an underlying self-defining pattern (the ‘text’) from which the reality is perpetually and infinitely emerging in a derivative manner, and by implication – also speech. This argument is also a foundational to post-structuralism and, as such, refers to the in-textual and negotiable reality.

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\(^5\) more on diplomatic language discussed in the Chapter 3.2.3 of the thesis
\(^6\) beginning with Aristotelean ‘Physics’ and his notions of matter and form as a pair of opposites, and following the line of Augustine (body and soul), Aquinas, Husserl etc.
\(^7\) cf. Ferdinand de Saussure’s concept of signifier vs signified
As it follows from the further text, it is the notion of writing that sustains the operability of the ever-emerging structure:

The fact that access to the written sign assures the sacred power of keeping existence operative within the trace and of knowing the general structure of the universe; that all clergies, exercising political power or not, were constituted at the same time as writing and by the disposition of graphic power; that strategy, ballistics, diplomacy, agriculture, fiscality, and penal law are linked in their history and in their structure to the constitution of writing; ...that the possibility of capitalization and of politico-administrative organization had always passed through the hands of scribes who laid down the terms of many wars and whose function was always irreducible ... that the very sense of power and effectiveness in general, which could appear as such, as meaning and mastery (by idealization), only with so-called “symbolic” power, was always linked with the disposition of writing; ...all this refers to a common and radical possibility that no determined science, no abstract discipline, can think as such. (Derrida, 1976, pp. 92–93)

What may be derived henceforth following the line of ‘arche-writing’ argument is that one of fundamental constituents of language is ‘difference’⁸. That is also what constitutes the opposition between matter and form which enabled the inception to the tradition of metaphysics. Namely, as White (2017, p. 97) argues on this matter, it was not the very introduction of the opposed terms, such as matter and form, which gave birth to metaphysics, but rather the fact that the notion of opposition was derived from the difference in meanings assigned to these two terms. This leads to two additional and related constituents of language, that of ‘iterability’ and ‘trace’.

The term ‘iterability’ is used to denote the ability of repetition of text which generates infinite instances of meaning (Ibid.). Directly related to this and one of the essential constituents of iterability is the notion of ‘trace’. In simplified terms, it denotes a ‘not-present’, i.e. absent, constituent which exists in form of consciousness of previous experience⁹. As a trace of the previous, it denotes arbitrariness¹⁰ and defines the possibility of a sign in newly emerged contexts (Derrida, 1976, pp. 46–47). It is namely the content which is being iterated in the forthcoming contexts, which, henceforth, constantly generates original meanings. As White (2017, p. 177) adds on this:

For Derrida, iterability is a necessary component in an adequate philosophical account of language – any signifying utterance must be capable of being iterated,

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⁸ from différer in French denoting both ‘to differ’ and ‘to defer’
⁹ being the past itself, it cannot be present; therefore ‘non-present’ and therefore absent in the presence
¹⁰ Derrida here refers to Saussure’s use of term ‘arbitrary’, however it may be worth comparing to Wittgenstein’s use of the notion ‘arbitrary agreements’
that is, being repeated in presumably an unlimited variety of contexts (whether spoken or written) in order to exist as such an event in the present or in any given set of circumstances.

For the interest of this study, the significance of familiarising with the said Derridean terms and approaches to language is best reflected in Derrida's critic of Austin. By implication of the ‘arche-writing’ line of argument, Derrida challenges Austin’s take language as a limited body with a constant set of rules which are employed in (a limited number of) different contexts, i.e. language as a definite convention. Of our primary interest is to consider foremostly their debate concerning the intention-meaning relation. The critique is focused on locutionary acts which Austin considered only in ‘ordinary’ language and disregarded them in ‘insincere’ contexts, such as acting, quoting, joking and similar.

According to Sarah Richmond (1996, pp. 40–47), Derrida’s line of argument is that when someone’s words are being e.g. quoted, they will still establish their newly emerged meaning despite the absence of the ‘original’ speaker. The presence of a speaker, i.e. its intentions and feelings, is not needed in order that a locutionary act may conceive its meaning. By the virtues of ‘difference’ and ‘trace’, it transfers the legacy of the previous contexts within which it has conceived its meaning to a new context in which it establishes a new one. Thus, by the virtue of recalling the previous instances, i.e. due to the value of iterability, there is an infinite number of contexts, and consequently, of linguistic meanings, that may be assigned to an expression (i.e. to a signifying utterance or a word). This alludes to the transferability of spoken words which thence suggests that they possess the same property as written words, i.e. both of them are texts (Richmond, 1996, pp. 42–45).

The value of this critique is found in inquiring the matter concerning ‘meaning’. Reading is a process and a method. By reading, the reader is engaged in decoding what the author meant by/with the text. Hereby, by being engaged into determining the meaning, the reader also pursues an attempt to extract the ‘truth’ from the text. As Robert Scholes (1988, p. 280) understands Derrida’s observation (found in Signature Event Context, aka Sec) on this, “Derrida asserts that any attempt to recuperate meaning from a text is equivalent to searching for a truth that could only be guaranteed by some impossible Platonic absolute.” Meaning is therefore being assigned to the text by the reader through the process of reading. Due to the iterability, each new reading leads to a new meaning which is derived from the traces of
previous experience of readings (based on Derridean terms iterability, difference, and trace). Hence, in the process of reading, it is the text, i.e. the writing, that is the agent. It is not the author who ‘signifies’ or ‘means’ something but the text (Ibid., p. 286).

3.1.5 A reflection on the interest of deconstruction for the aims of diplomacy in crisis handling negotiations

The significance of such a perspective for analysing negotiations lies in the fact that the process of negotiations emerges foremostly through speech acts. However, the material which we have at disposal to analyse is the legacy of it, i.e. the agreements but also the written records of the speech acts and their effect. All this implies the ‘absence’ of the speakers in the moment when we approach the said discursive material. It follows that we cannot converse with the authors, or the speakers, of that discursive material, but rather with the material itself. Therefore, it is of essential interest to us to follow the emergence of the meanings in that discourse, by taking into consideration the legacy of certain expressions as well as of the new context in which their meaning was conceived and that we aim to understand.

Isabella Lazzarini, in her study “Communication and Conflict” in the context of Italian diplomacy in the early Renaissance (the ‘quattrocento’ period), and hence more generally on the institutionalisation of the practice of diplomacy and negotiations, and of international relations at the European level, (2015, pp. 87–88) noted that:

> By rationally discussing political matters, and by doing so on a permanent basis thanks to the building of shared communication networks, in fact, the maintenance of permanent diplomatic negotiations became a form of political discourse rather than a means of finding specific solutions to distinctive problems.

This remark concerns foremostly the process of creating a shared language, a discourse, with its rules and conventions, or what Lazzarini (2015, p. 113) calls “the shared grammar of communication”, and in Derridean terms - establishing a specific context which implies a specific meaning to the text. Another remark made by Lazzarini in the same text (2015, pp. 189–190): “The diffusion and growing use of a set of concepts and practices revolving around the ideas of unity/peace/communication and its opposite, division/ruin/conflict, provided the theoretical background for interaction...” is however one of many instances which invokes the suggestion that the institution of diplomacy and the practice of negotiations have been

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developed and operate within the framework of Aristotelean metaphysics and in accordance with the principle of binary oppositions.

Hence, deconstruction may have a dual function which concerns the interest of this study. One is that it may enable a contributing perspective on the relation between language and crisis handling negotiations, and the other concerns the fact that its character corresponds to the agencies which the institution of diplomacy provides. On the appeal of the in-textual approach to the deconstructive discourse in politics, Robert Scholes (1988, pp. 284–285) finds it in the event that “...it allows a displacement of political activism into a textual world where anarchy can become the establishment without threatening the actual seats of political and economic power”. It essentially corresponds to the aims of diplomacy in crisis and conflict settings, that is, as Lazzarini (2015, p. 116) argues, to “…contain a conflict within a negotiating framework” implying “…the deliberate intention to reduce a conflict to its basic discursive components”.

3.2 Theories on diplomacy and international negotiations in conflict handling contexts

The ending paragraphs of the previous chapter have already incited the introduction of the theories that define the very context in which the previous set of theories will search for its relevance. This chapter accordingly provides a theoretical discussion on diplomacy and negotiations in crisis/conflict handling context.

3.2.1 What is crisis/conflict negotiation?
Unlike in most other contexts of negotiations, parties in conflict negotiations do not regard each other as (potential) partners but as opponents. Such perception often also implies the realist zero-sum game principle. This thence necessitates a significantly longer and more uncertain way towards reaching an agreement. Also, such circumstances customarily require a mediator who is supposed establish and facilitate the process. Herewith will be considered a few aspects that are inherent to the notion of negotiations.

Structural aspect
The realist perspective generally does not pay any special attention to negotiations as a distinguished process for, in the realist view, it is a mere reflection of the actual power balance among the states. Such an attitude is especially relevant for the context of asymmetrical
negotiations, i.e. in which one party has significantly larger power capacity than the other (Hampson et al., 2013, pp. 324–325).

However, the counterview to this is that it is indeed the negotiations that enable weaker actors, in realist terms, to impact the structure which presumes a certain power balance. Accordingly: “By manipulating deadlines, asking for mediators, withholding signatures, splitting coalitions, and pairing demands with more powerful actors, weak states can also increase their bargaining leverage.” (Ibid.).

**Decisional aspect**
The so-called ‘game-theoretic’ approach is very much dependent on the nature of negotiations. It is based on the behavioural assumptions of the involved parties on the probability how they are most likely going to act under certain circumstances (Hampson et al., 2013, pp. 326–328). In the case of crisis handling and conflict management negotiations, that are by their nature of a competitive character rather than of a cooperative, the opposed parties initially tend to embrace the competitive zero-sum game approach. As Hampson and others (2013, p. 327) argue: “The concept of strategic rationality is central to game theory because it recognizes that no egoistic rational actor can pursue its own interests independently of the choices of other actors”. Hence, considering that such an approach would rarely lead to an agreement, that is, due to its protectionist character, it may assume that maintaining the status-quo at the given moment is the most beneficial solution for both and thence lead to a deadlock.

In such circumstances, it is the mission of a mediator to enable a perspective for both parties that may motivate them to adopt the non-zero-sum game approach resting on the idea of a compromise (Jönsson & Aggestam, 2009, p. 38). Such a mission suggests that strategic interaction of the parties is closely related to the issue of perceptions and the communicative aspect of negotiations. Another applicability of the decisional aspect may be found in the form of ‘Chicken Dilemma Game’, i.e. in the circumstances when one of the parties calls the other party’s threat a bluff (Hampson et al., 2013, p. 327, Avenhaus, 2009, pp. 89–91), as the Case 2 of this study may demonstrate. In this thesis the decisional aspect will not be considered in its mathematical dimension, but rather as the aspect which provides the strategic patterns of possible agencies for the outcomes shaped by affecting each other’s perceptions through language.
Communication aspect

In a conflict setting, the establishment of a communication channel between the opposed parties itself is the very first step of ‘managing’ the conflict, but also the precondition which thence may lead to a settlement. Recalling the remark made by Lazzarini (2015, p. 116), the acceptance, and thus willingness, of the conflicting parties to negotiate presents “the deliberate intention to reduce a conflict to its basic discursive components”. The essential function of the communicative aspect of negotiations from the perspective of each of the parties is to influence the other party’s perception on the issue and thus leverage the possibility for an acceptable agreement (Hampson et al., 2013, p. 328, Finnegan & Hackley, 2008, p. 10). From a more general perspective, its function is also to build up the trust between the parties, which is the precondition in order that they may communicate on a cooperative basis instead of a conflicting one (Ibid.). According to Doob, as discussed by Hampson and others (2013, p. 328), the major assumption entailed by the communicative aspect is that

...although parties identify specific issues as the causes of conflict, conflict also reflects subjective, phenomenological, and social fractures and, consequently, analysing ‘interests’ can be less important than identifying the underlying needs that govern each party’s perception of the conflict.

Two very important elements of the cognitive-linguistic dimension of negotiations, which in this instance appear in form of elementary processes, are framing and listening. Namely, as Mnookin, Peppet, and Tulumello argued (in Finnegan & Hackley, 2008, p. 15), framing is the crucial part of the preparatory process. It establishes the opening line and thus founds the conceptual basis on which the further strategy may be built upon. Of even greater significance is that it appears as a text which is being presented to the other side. In this manner, each of the parties, by revealing to the other what it wants to reveal and by disguising what it wants to disguise, does not only present its own, alleged, view on the issue, but may also affect the strategy of the other party. This principle corresponds to Wittgenstein’s notion of language-games following the analogy of a chess game where the textual content implies possibilities within the framework implied by the rules of the game, and, in accordance to which one party makes a move and the other reacts to it, as well as the other way round¹¹.

¹¹ as discussed on pp. 20–21 of this thesis
Another process is embedded in the skill of listening and it is closely related to the first one. Whereas framing deals with the process of coding a message, careful listening may be explained as the process of decoding a message. As such, listening does not only involve paying attention to the sound, that is hearing, but rather interpreting and understanding the interests and intentions of the other side and identifying its capabilities and possibilities. In addition to that, Finnegan and Hackley (2008, pp. 17–18) emphasise the importance of listening in reference to one of institutionalised processes in negotiations, that is the process of determining zones of possible agreement, aka ZOPA.

3.2.2 Mediation and its strategies
This study in its both cases takes into consideration a mediated process which is also the most common mode of approaching the issue of crisis and conflict management. In conflictual circumstances the tendency of the parties to cooperate on the issue is minimal. Hence, mediators often play the crucial role in establishing the communication channel which is a precondition for handling a crisis or a conflict successfully (Jönsson & Aggestam, 2009, p. 37; Hampson et al., 2013, p. 329). A mediated process also makes it more evident that what is at issues foremostly concerns the matter of perceptions, and, as such, is very appropriate for studying the relation between the theoretical spheres of international relations and that of philosophy of language.

The role of a mediator
One of general definitions provided by Jacob Bercovitch (as found in Collins & Packer, 2006, p. 14) is that mediation occurs in the event when a third-party is being involved in dispute, either by invitation of the two opposed parties or by accepting the offer coming from the third-party, with the ultimate objective to resolve the dispute. It is commonly assumed that a mediator and its activities are defined by the terms such as “neutrality, voluntary, concessions, and impartiality, which describe the expectations associated with the practice of mediation…” (Bercovitch & Houston, 2000, p. 174). However, there are likewise mediators, who have themselves been engaged in mediating processes, that are sceptical towards the idea that a mediator could remain consistent to the traits such as ‘impartiality’ and ‘neutrality’ if he or she seeks to resolve the conflict efficiently. One of them is Martti Ahtisaari who emphasises the importance for a mediator to appear as a ‘honest broker’, hence claiming that “The more mediators hide their influence, the more they actually increase their chance of being seen as manipulative” (Ahtisaari & Rintakoski, 2013, p. 342).
Three basic mediating strategies

Depending on the character and intensity of a conflict, a mediator, in order to exert its influence in a desired manner over the parties, may employ different strategies. There are three prevalent strategies differing primarily in the level of proactivity with which a mediator finds suitable to approach the problem. Ascendingly, these are 1) communication, 2) formulation, and 3) manipulation (Svensson, 2017, pp. 217–218; Collins & Packer, 2006, pp. 14–15).

(1) Communication strategy

The least proactive engagement is hence the communication-strategy. In this event, a mediator aims merely to establish a communication channel and thus try to facilitate cooperation between the conflicting parties. It communicates information and transmits messages between the parties but refrains from inferring into their substance, as well as from any attempts to reshape the context (Bercovitch & Houston, 2000, p. 175; Svensson, 2017, p. 218). It facilitates the process by its very presence, acting as a witness and guarantor that the process is running appropriately. Thus, it foremostly contributes to trust and confidence-building between the two opposed sides (Collins & Packer, 2006, p. 14).

(2) Formulation strategy

The next level of proactiveness is found in the formulation-strategy. Here a mediator approaches the mediation by keeping the process under its control. It formulates the problem in dispute, determines the priorities that are going to be discussed, comes up with its own suggestions with respect to possible compromises, and may engage into influencing the existent views that the parties hold on the disputed issue (Collins & Packer, 2006, p. 15; Svensson, 2017, pp. 217–218). This strategy follows the principles of the ‘framing’ process in negotiations. It is largely dependent on the cognitive-linguistic aspects as the mediator, through formulating a dispute question, creates a context thus so that the parties are asked to reconsider their perceptions of reality. As Kristine Höglund (2017, p. 63) claims, in the event of formulating of a dispute, the parties acknowledge that they disagree and thus legitimise each other’s position. What is of even greater significance, by doing so they also agree on refraining from conflictual behaviour (Ibid.).

12 as discussed on p. 32 of this thesis
In the initial stage of the process, which is denoted as Step 1 here, a mediator engages in problem identification (Lempereur, 2015, p. 696). Lempereur (Ibid.) further argues that the mediator is supposed to bring the parties to realise their priorities and those of the other, i.e. to take each other into cognitive consideration. He engages into empathetic or active listening, that is to say that he shows all the signs of attention, carefully records all the remarks, takes notes of both the non-verbal and the words, rephrases, motivates the person speaking to make corrections, pays attention to what has not been grasped to better define it, asks clarifying questions, in an open and benevolent manner, gets validation of his understanding and closes the listening phase of a party by asking him if he wishes to add other elements (Ibid.).

The step 2 concerns the process of establishing possible solutions. It is the step which is in its great extent based on the conceptual activity of the negotiating actors in which they are being encouraged by the mediator to think in terms of possible, or in Wittgenstein’s terms, in terms of the ‘logically allowed’. Lempereur (2015, pp. 697–699) adds that at this stage it is not of crucial importance to think about the implementation issues which such brainstormed set of possibilities may imply. The major objective of this stage is to motivate the parties to overcome the trap set by the logic of unilateral solutions and of the zero-sum game, to expand the space of possibilities and thus enlarge the ‘size of the cake’ in terms of the non-zero-sum game (Ibid.). This step engages both the elements of ‘framing’ and of ‘listening’, whereas the parties in dispute are the ones who are framing the sphere of possible while the mediator, again by attentively listening, is supposed to identify the points of agreement, separate them from the points of disagreement, and thence code it in a discursive form. Through specifically designed questions, which may imply desired answers following the action-reaction principle of Wittgenstein’s language-games, the mediator engages into establishing a common value-base and in order to reduce the perceptual barriers inherent to each of the parties. By doing so, the ZOPA is being formulated. As Höglund (2017, p. 63) argues, in order to identify the negotiation space (ZOPA) it is important to consider both the formulated ‘dispute question’, as done in the Step 1, and the parties’ underlying interests which are being reflected through the Step 2.

The final stage, the Step 3, deals with the implementation of the previously formulated. It incites the process of translating the agreed into the reality of facts, so that the parties
implement the terms accurately and in good faith (Lempereur, 2015, p. 700). At this occasion it is being determined in accordance to which principles the agreement, found in a discursive form, is to be actualised in the newly shaped reality.

(3) Manipulation strategy
The highest level of proactiveness by a mediator is reflected through employing the manipulation strategy. In technical terms a mediator follows the pattern of the previously described formulation-strategy process, but by being prone to intervene in an assertive manner. Therefore, by some scholars (as in Bercovitch & Houston, 2000, p. 175) it is denoted as a ‘directive’ strategy. In those circumstances, a mediator does not only take control over the process but also a higher degree of responsibility for the success of its implementation. It is generally associated with conflicts of a higher intensity (Bercovitch, 2009, p. 348), in which parties are not able to overcome the trap imposed by the logic of a singular solution. In this case, parties are in a position in which they have a very limited space for influencing the agreement themselves as they are primarily being asked to accept and implement the agreement that has been framed by the mediator. Hence, the mediator in this instance foremostly deals with constructing a perception that would persuade the parties to accept the deal for their own benefit.

By employing the manipulation-strategy, a mediator controls which of the parties may have access to certain information (Collins & Packer, 2006, p. 15; Svensson, 2017, p. 217), and thus, by ‘manipulating’ (i.e. controlling) the information, aims to formulate a context that may be more acceptable to both parties (Wallenstein & Svensson, 2016, p. 90). In this event, the mediator also attempts to impact cost calculations of the parties by threatening to aside itself with one of the parties and by promising rewards to the parties that are willing to make concessions (Svensson, 2017, p. 217).

The highest level which a mediator may uptake as part of the manipulation-strategy, and for the purpose of intervening into a negotiation process, is manifested through issuing ultimatums and using language of threats. It is considered a complex and controversial approach and by many considered as non-diplomatic (Jönsson & Aggestam, 2009, pp. 34–35). On the other hand, others (e.g. Thomas Schelling in Jönsson & Aggestam, 2009) would argue that the justification of its use is found in its efficiency. It is known as ‘coercive diplomacy’ which may be used either for the purpose of deterring or compelling. Namely, using the
language of threats, and its effect stemming from the implication of the use of force, still may be considered as a form of communication. Influencing perceptions of negotiating parties by such means, and thus their behaviour, is generally approved in a higher degree than the actual use of force, and therefore is by many still regarded as a consistent diplomatic tool (Ibid.).

3.2.3 Features of diplomatic language in conflict handling negotiations
The employment of the language of threats is one of the most evident examples which discloses the relation between a specific language use and its consequences in a negotiation process. Accordingly, this discussion argues further on the linguistic properties of diplomacy and assesses the use of threats from a linguistic perspective.

As Jönsson and Aggestam (2009, p. 34) point out, diplomatic practice in general, and eminently in form of negotiations and mediations, is related to conflict resolution by engaging professional diplomats relying “on their mores and skills”. Similarly to what Lazzarini argued 13, Jönsson and Aggestam (2009, p. 38) claim that the development of a ‘shared language with ritualized phrases’ is one of the processes which has led to the institutionalisation of diplomacy but also what characterises diplomatic communication today. The major constituents of that ‘shared language’ and their functions, as assessed by Jönsson and Aggestam (2009, p. 38) on the basis of Raymond Cohen’s arguments, are:

- **Courtesy:** “Each era appears to have its own set of ritualized phrases that enable diplomatic agents to communicate even unpleasant things with an amount of tact and courtesy”;
- **Non-redundancy:** “A diplomatic communication should say neither too much nor too little because every word, nuance of omission will be meticulously studied for any shade of meaning”;
- **Constructive ambiguity:** “...avoids premature closure of options. Circumlocution, such as understatements and loaded omissions, permits controversial things to be said in a way understood in the diplomatic community but without needless provocation”.

Accordingly, Jönsson and Aggestam argue further (Ibid.):

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We may think of diplomats as ‘intuitive semioticians,’ as conscious producers and interpreters of signs. Although semiotics is rarely part of their formal education, diplomats are by training and experience experts at weighing words
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13 as discussed on p. 29 of this thesis
and gestures with a view to their effect on potential receivers...The shared language and intersubjective structures of meaning and collective understanding among diplomats are significant assets when it comes to conflict resolution limited to the diplomatic community.

In a like manner, Edmond Pascual also assesses the concept of ‘diplomatic wording’ and its function. According to him, it is “coded word which hides thought as much as it reveals it and always requires a second reading...The function of diplomatic wording is to avoid direct, brutal, primary and unproductive confrontation” (Pascual, 2001, p. 231).

Furthermore, Pascual examines the role that what is left unsaid within a speech act, also referred to as ‘innuendo’ (2001, p. 229), and which occurs to be practised in diplomacy due to strategical and tactical reasons as part of ‘constructive ambiguity’ principle, as alluded previously by Jönsson and Aggestam. Pascual considers interpretation of innuendos as part of the process of ‘decoding of diplomatic wording’ (2001, p. 229). Namely, innuendo, despite denoting that what is left unsaid, “is the result of an interpretation of what has just been said” and as such “it attributes intentions to the interlocutor which he did not entertain” (Ibid.).

Henceforth, the practice of negotiations is an operation of attempting to influence the perception of the other party on the issue either by employing persuasion without using threats, i.e. without implying use of force, or by coercive persuasion. What is essential here is that in both cases, parties, by doing so, attempt to change the behaviours of the other so that it may act in a desired manner. This suggests that both forms of persuasion have the same objective, but they are being expressed in a less or more direct way. The question which follows thence is what differentiates ‘persuasion without using threats’ and ‘coercive persuasion’ in terms of language use? By recalling the discussions on propositional content and intentions of speech acts, it may be argued that it is a matter of subtlety.

Accordingly, the most subtle manner of persuasion is by expressing ‘unsatisfaction’ in Wittgenstein’s terms\textsuperscript{14} through using illocutions such as ‘hope’, ‘wish’, ‘expect’, or similar. The innuendo which follows from such speech acts would correspond to ‘so you can do something in order to meet/actualise our hopes/wishes/expectations etc’. A more direct way of persuading would be by expressing suggestions and encouragements, or discouragements. The innuendo following thence is ‘by doing so our relationship is improving; by doing

\textsuperscript{14} see p. 22 of the thesis
otherwise our relationship is being damaged’. The most direct way of persuasion is the coercive one, which would correspond to using threats. The major message is again disguised in the innuendo of such speech act, which is ‘by not doing so, certain (negative) consequences are being invoked’, or in other words, the costs of not doing so are higher than gains implied by making unilateral moves or by maintaining the status quo.

Issuing threats by means of discursive acts may often be the matter of a bluff-game. In the instance in which two negotiating parties are found in an allegedly balanced position in terms of power capacities and capabilities, it is more likely that the bluff-game will follow the principles of the Chicken Dilemma Game. In case that the two sides are disproportional in terms of power, it is reasonably the stronger party which may issue threats. The weaker party, having assessed circumstances and any structural hindrances that may prevent the actualisation of the issued threats, may opt to risk and call a bluff by ignoring the threats. This is a critical moment in which the weaker party could significantly strengthen its negotiating position or, on contrary, face with the actual use of force against a stronger opponent.

3.2.4 The matter of perceptions in negotiations

The final segment of the theoretical chapter takes into consideration the matter of perceptions in negotiations. As it has been manifested so far, perceptions are themselves subject to negotiation and, as such, one of its essential constituents. The further text deals with the issue of presumed perceptions which parties may hold towards each other and thence discusses how it may affect the process of negotiations.

Initial, presumed, perception is the underlying text which determines further setting of a negotiation process. On this issue, Guy Olivier Faure points out (as cited in Normand, 2015, p. 590):

The way a counterpart is represented conditions negotiation and is also a product of negotiation, contributing to its own construction management, or destruction. This is a crucial factor in the negotiation process because people act on the basis not of reality, but of what they perceive reality to be. Perceptions and their associated evaluations relate to values and judgements that influence behaviour, and also to strategic choices.

One of common phaenomena in crisis and conflict negotiation imposed by a specific sort of perception is the issue of ‘demonisation’. As Linn Normand (2015, p. 589) argues, in such circumstances a negotiation process tends most likely to result in a ‘diplomatic deadlock’ i.e.
“when neither of the conflicting parties is willing or able to reach a resolution through negotiated means”. The term ‘demonisation’ in this context is defined as “…a speech act used to create an image of the enemy as evil or in league with the Devil” (Ibid., p. 588). One of the reasons for it may be found in the zero-sum mentality of a conflict as well as inequality in relative power distribution.

What is considered to be a crucial condition in order that negotiations may take place at all, as well as to be conducted successfully is the matter of trust. The ‘demonisation’ issue reveals how important a constructed perception of the other side is in negotiations. Except the fact that it affects primarily the matter of trust, it raises likewise concerns for being tricked by ‘the devil’ through making a deal with him (in Faustian terms) and thus actually allowing him to influence one’s perceptions (Ibid., pp. 590–592). Nonetheless, there are advantages of being willing to negotiate, even with ‘the devil,’ such as the case in the example that “talking with terrorists will at least clarify their intentions...” as well as that it will enable the possibility of influencing their perceptions as well (Ibid., pp. 593–595).

Recalling the function of ‘demonisation’ which it assigns to a text, that is ‘to create an image of the enemy as evil or in league with the Devil’, it invokes the relevance of Derridean deconstruction for such a problem. Namely, such a concept calls on the notions of iterability, difference and trace. Being derived from the trace of what the idea of ‘the Devil’ has signified, and by iterating it within the actual context, the new reading of the text assigns to its relevant subjects the burden of the previous experience contained in the newly established meaning. This thence does not only create such and such meaning, but also implies a certain behaviour and agency of the subjects within the text, considered as relevant by the implication of such a meaning, i.e. it calls for an ‘agency that will appropriately treat the evil’.

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15 following the line of the opposition good/evil
4 ANALYSIS

The analysis will identify the relevant concepts that have been discussed in the theoretical chapter in two cases of crisis/conflict negotiations: 1) Oslo 1 Process 1993; and 2) Rambouillet Negotiations 1999. The aim is not primarily to explain the cases, despite it being inevitable, but rather to disclose the significance of the said concepts for the theoretical discussion and thus to contribute to the theoretical knowledge of the problem.

4.1 Case 1: Oslo 1 Process 1993

The Case 1 consists of two sets of discursive materials. The first, denoted also as the Case 1a consists of the letters of correspondence between Yitzhak Rabin, the Prime Minister of Israel, and Yasser Arafat, the Chairman of the Palestinian Liberation Organisation. Their value is reflected in that that the dominant reading of those letters is considered to be a ‘mutual recognition’ of the two conflicting parties. The other document, here denoted as the Case 1b, is the signed agreement itself, referred to as the Declaration of Principles (DOP). This analysis will not attempt to consider whether such an agreement was good or bad for any of the parties involved into it, as it is a matter of a criterion which may be set from various perspectives, and as such does not directly concern negotiations. However, it will consider both dominant and critical readings of it which reflect linguistic aspects of the issue.

4.1.1 Context of the case

The Israeli-Palestinian conflict is considered to be a conflict with deep historical roots, but also of a complex structure. Here we may consider that the conflict relevant for the discussion on Oslo process was initiated in November 1947 with a partition plan of the UN commission and adopted by the UN General Assembly. The partition plan dividing the historical region of Palestine16, on a somewhat larger, Jewish state of Israel and on the Arab state of Palestine. Such partition was strongly opposed by Arab Palestinians and surrounding Arab states, i.e. Egypt, Jordan, Lebanon and Syria. The armed conflict began by Israeli declaration of independence in May 1948 (Normand, 2016, p. 80).

The conflict went through various phases for decades during which Israel has been expanding its territory. Especially after the Six Day War in 1967 the balance in conflict has been altered.

16 following the dissolution of the Ottoman Empire after the World War 1, it was under the so-called British mandate
By occupying the territories of the West Bank and Gaza, Israel gained control over the whole historical territory of Palestine. The Palestinian Liberation Organisation (PLO), consisting itself of an affiliation of various movements (e.g. Fatah being the largest among them), has since then been, alongside with Hamas and Palestinian Islamic Jihad (PIJ)\textsuperscript{17}, one of the main subjects acting both from the occupied territories and diaspora, in the attempts to regain the lost territories and establish the Arab Palestinian state in the region. The negotiation process which led to Oslo 1 may be considered as a consequence of the First Intifada, i.e. the Palestinian uprising in the occupied territories of the West Bank and Gaza in 1987. The PLO is also one of the parties in Oslo negotiating process. (UCDP[a] Israel/Palestine Conflict, n.d.)

4.1.2 The approach to the process of negotiations
The relevance of such context for this study is motivated by its two features: 1) As the state of Israel perceived the PLO as a terrorist organisation (Schulz, 2017, p. 339), and accordingly was unwilling to negotiate the issue with them, the conflict was in the state of a deadlock (Normand, 2016, p. 14); and 2) the Oslo 1 Accord presents a breakthrough in terms of that the negotiations have successfully managed to overcome the deadlocking perceptions which the parties held towards each other (McMahon, 2010, p. 5).

Now, there are two important underlying and complementary properties of the negotiation process itself which led to the Oslo 1 Accord in 1993: 1) it was a facilitated process by a mediator – by employing, at least initially, the communication-strategy (Wallenstein & Svensson, 2016, pp. 100–102); and 2) the negotiations were conducted in secret (Parry, 2017, p. 515). This also meant that there would be no media pressure and the pressure of the preconceptions inherent to the public opinions coming from both sides (Wallenstein & Svensson, 2016, p. 31). Informal settings and no public pressure lead to the circumstances in which “individuals are more disposed to cooperative behaviour” (Hampson et al., 2013, p. 329).

The secret channel, aka Oslo Channel, was established in January 1993 by the Norwegian Minister of Foreign Affairs, Johan Jørgen Holst, and Terje Rød-Larsen, a diplomat and sociologist (Usher, 1995, pp. 7–8). This sort of negotiations may be considered as the one employing the communication-strategy (also considering that the main function of the Oslo

\textsuperscript{17} despite saying ‘alongside’ those organisations have often been conflicted among each other for they significantly differed in their ideologies and approaches to the problem
Channel was to establish communication between the two parties. Simultaneously though, as the situation was directly of concern to the US foreign policy and it was able to exert its influence on both parties (Ibid., pp. 2–3), it may be argued that the process was being constantly formulated by the United States, i.e. that the process was conducted following the principles of the formulation-strategy.

4.1.3a The negotiations in the discursive material – Case 1a
What follows henceforth is the analysis of the discursive material which may be considered as the outcome of the Oslo Process. The letters of correspondence from the 9th of September 1993, between Yasser Arafat and Yitzhak Rabin and vice versa, as well as between Arafat and the Norwegian Minister of Foreign Affairs, Johan Jørgen Holst, present a constitutive part of the Oslo 1 Accord. Their value is reflected in their dominant reading which is that they are the acts of mutual recognition between the two conflicted parties that have been in the state of a deadlock. Hence will be examined the relevant passages expressing their propositional content and demonstrating the way they are formulated.

The Letter 1 from the PLO Chairman, Arafat, to the Israeli Prime Minister, Rabin, begins with emphasising the significance of the act of signing the DOP, as follows (UNISPAL: Israel-PLO recognition):

The signing of the Declaration of Principles marks a new era in the history of the Middle East.

Hence, the act of signing is presented as ‘a new era’, that is an attempt of establishing a new reality. Being ‘a new era in the history of the Middle East’, it is likewise an effort of doing away with the burden which the content of the expression ‘the history of the Middle East’ may imply in the context of Israeli-Palestinian conflict.

In addition to that, the act of signing entails certain commitments made by the PLO:

1) The PLO recognizes the right of the State of Israel to exist in peace and security.

Not being specified in which borders, by recognising ‘the right of the State of Israel to exist’ in this context may be read that PLO recognises the actuality that it does exist but leaves the question of territories open. By adding ‘in peace and security’, PLO denounces the possibility
of settling the open issues by violent means, but foremostly, in doing so, it removes the idea of threat for the purpose of enhancing the trust.


The UNSC Resolutions 242 (1967) and 338 (1973), in most general terms emphasise the necessity for a peaceful resolution and calling upon a ceasefire, respectively. Being veiled in constructive ambiguity (esp. 242) led to the possibility of interpreting them in various ways and hence to being appealing both to Israel and to the PLO. By accepting them, PLO assents to considering them as a foundational framework for further negotiations.

3) The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations.

Here has followed the message of commitment to the set aim, both expressed and created through a discursive framework, i.e. framed in the idea of ‘peaceful resolution’. The implied content of such an idea is thence going to be arranged anew and developed through its discursive components in further negotiations.

The further text frames the idea of how the PLO understands (by the value of ‘[t]he PLO considers...’) the purpose and aim of signing the DOP. In other words, it is what the PLO wants to disclose about its new stance on the issue, implying also what it wants to disguise. Hence the purpose of it, but also of the whole letter, may be found in presenting a text which will impose on the other side a view of PLO’s actual perception on the issue, and thus determine (or affect) the strategy of the other side in further negotiations.

The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations and discipline violators.

The letter concludes by affirming that the further actions of PLO will be consistent with the text of this letter and the DOP, implying likewise undertaking the actions that will void the existent discursive constructions elsewhere which are inconsistent with the text of this letter and thus regarded as a hindrance to establishing the new reality.
The following text is the content of the Letter 2 from Yasser Arafat to the Norwegian Minister of Foreign Affairs, Johan Jørgen Holst:

I would like to confirm to you that, upon the signing of the Declaration of Principles, the PLO encourages and calls upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, contributing to peace and stability and participating actively in shaping reconstruction, economic development and cooperation.

In a rather concise manner, it expresses a message of assurance to the third party (the mediator) that the PLO will act consistently with the provisions of the DOP by encouraging the commitment of the subject that is supposed to actualise those provisions in the field, i.e. of the Palestinian people. Here, the phrase ‘encourages and calls upon’ [the Palestinian people] plays an important role as such in signifying that they are a separate body which may possibly take any actions in their own, that is, that they [the Palestinian people] are not necessarily under direct control of the PLO in this case. However, by obtaining the function of ‘the representative of the Palestinian people’ through signing the DOP, it takes up the responsibility for their acts as a consequence.

The Letter 3 from the Israeli Prime Minister, Yitzhak Rabin to Yasser Arafat is formulated as a response to the Letter 1. Hence:

In response to your letter of September 9, 1993, I wish to confirm to you that, in light of the PLO commitments included in your letter, the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process.

The prevailing message which this text imposes is that Israel recognises the PLO as the representative of Palestinian people. It is noteworthy nonetheless to consider the differences in the form of propositions by the two sides in which they express the messages of recognition, for the form shapes their content and thus their intended meanings. The proposition expressed by PLO in the Letter 1 reads: “the PLO recognizes the right of the State of Israel to exist in peace and security.” Similarly, the proposition expressed by the Israeli side in response in the Letter 3 reads: “the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people.” It follows that the proposition in the Letter 1 is
expressed in a locutionary form\textsuperscript{18} ‘the PLO recognizes...’ and in the Letter 2 by using the illocutionary particle ‘...Israel has decided to recognize...’. While such form is still consistent with the act of recognition, the innuendo\textsuperscript{19} of it suggests that it had undergone a process of consideration which thence resulted in a such decision. Especially so if we take into account the text preceding that expression in the Letter 3 ‘in light of the PLO commitments included in your letter...’. Thus, it reads that Israel has decided after all to recognise PLO as a response to the PLO’s sign of a good will. Unlike PLO, which recognises directly, i.e. by the very speech act, Israel does it a more reserved manner, presenting it rather as a reward for the PLO’s acting in a desired manner.

Some further aspects and effects of constructive ambiguity that is inherent to the Oslo 1 Accord will be considered in the instance of the very DOP.

4.1.3b The negotiations in the discursive material – Case 1b

The first paragraph in the DOP 1993 paraphrases the general message contained in the Letters, an, as such, serves as the foundation for its further content:

The Government of the State of Israel and the Palestinian team representing the Palestinian people agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security to achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process.

The most prominent property of the DOP in terms of its linguistic aspects is reflected in its constructive ambiguity. The ambiguity effect provides essentially two ways of reading such a text, i.e. a dominant and critical one (McMahon, 2010, pp. 4–5). The dominant way of reading emphasises it as a ‘peacemaking breakthrough’. Accordingly, it imposes the understanding that one who rejects Oslo Agreement presents a threat to peace and, thus, establishing the semantic relation in which Oslo is a signifier of peace. One of the aspects which appeared to be of a great significance for the Palestinian public, and as such ‘paled’ the cost of concessions that had to be made in return, as Usher (1995, p. 11) has noted, is the very act of recognition of the PLO. The concessions which the Israeli side was to make (withdrawal from Gaza and Jericho, which would serve as the base for a Palestinian Interim Self-government Authority,

\textsuperscript{18} recalling Austin, see p. 24 of the thesis
\textsuperscript{19} see p. 38 of the thesis
referred to as the Council) were veiled in constructive ambiguity (Usher, 1995, pp. 9–11). Such a text enabled different readings and thus made it acceptable for both parties. At the same time, it is also considered to be the most problematic aspect of the Declaration.

The critical reading of Oslo 1 Accord foremostly questions whether such recognition is mutual or asymmetrical, and, as a step further, suggests that it was an act of institutionalising the Israeli hegemony in the region. The positive value of its effect may be found indeed in that it has ‘humanised’ the two parties to the conflict\(^{20}\). Nonetheless, it is worth noting that by recognising PLO as the representative of Palestinian people in the Letters, and in the first sentence of the DOP, Israel has acknowledged Palestinian political rights. As McMahon (2010, p. 92) notes “…acknowledgment of Palestinian political rights is not synonymous with acknowledgement of Palestinian national rights”.

On the issue of ambiguity, Usher (1995, p. 10) adds, the jurisdiction is given to ‘Palestinians in the territories’ and not to the (Palestinian) territories (e.g. Articles 3 and 6 of the DOP alluding to the Palestinian people in the territories represented by the Council) which may be read as that those are still Israeli territories in which Palestinians are politically represented. Another critical point is that the ambiguity avoided to address the issue of illegally occupied territories. Namely, the term ‘disputed’ pervades over the term ‘occupied’ in the overall discourse (i.e. there is no mention of ‘occupied’ in the DOP, except by referring it to the UNSC Resolution 242). Such wording of the Accord, according to Usher (Ibid.), provided legality for the Israeli acts in 1967. Also, the DOP proposes military withdrawal of Israeli forces from the Gaza strip and Jericho area. As regards the Gaza strip, if such proposition is read together with the Article 13 of the DOP, Usher (Ibid.) argues that the Israeli ‘withdrawal’ in effect meant ‘redeployment’. Namely, the DOP proposes military withdrawal from Palestinian population centres but preserving the jurisdiction over Israeli settlements and military installations, for the duration of interim period (as in Article 13 (2) of the DOP ‘…redeployed outside populated areas’).

4.1.4 A reflection
Being accepted as an interim agreement, the Declaration minimised the armed conflict but enabled a new political struggle (Usher, 1995, pp. 12–13). It moved the conflict into the post-

\(^{20}\) cf. ‘demonisation’ as discussed on pp. 39–40 of the thesis
structural dimension\textsuperscript{21} considering that it brought the First Intifada to an end by transforming it into a conflict of discourses. This conflict hence was not resolved nor concluded by Oslo 1 Accord, but rather prolonged in its discursive dimension by attempting to establish an accepted and desired version of ‘truth’ of the situation.

Apart from the very content of the text, what may also determine its effect is the attitude of the readers towards it, based on the reader’s assumption in relation to the question ‘What is this text doing?’. In this instance it is reflected in how the parties relate to the Accord. McMahon (2010, p. 18) argues that by treating the text rather as a legal codex than a political framework, one of the sides (Israeli), puts the other party (Palestinian) into a position in which it is expected to comply with the ambiguous provisions. Hence it provided Israel with the opportunity to demonstrate in any moment that the Palestinians actually fail to do so, which thence was used for constructing ‘justified causes’ for unilateral actions by the Israeli side (Ibid.).

This invokes the Foucauldian approach to the text, i.e. regarding it as a set of discourses governing the production of knowledge. McMahon (2010, p. 12) in this case emphasises Foucault’s line argument that “Power produces reality, it produces subjects, knowledge, domains of objects and rituals of truth. In this sense power is positive. Power makes. It constitutes.” Here too, the situation is controlled by the party which is able to justify its actions in the text. The party that fails to argue that its actions are in concordance with the text, imposes the view which suggests that it has a negative attitude to the text, i.e. that it breaches the agreement to which it has agreed and thus diminishing its negotiating position. This rule becomes evident in the very effect of a signed agreement in the respective form. Accordingly, in the context of negotiations, it also emphasises the significance for the parties that they formulate the text of an agreement whose meaning they will able to iterate in the actuality. In Derridean terms, the legitimacy for their actions, and thus the source of their power, lies in their ability to iterate the trace, that is found in the agreed text, in the present situation.

\textsuperscript{21} as argued on pp. 29–30 of this thesis
4.2 Case 2: Rambouillet Negotiations 1999

The second case that is subject to analysis in this study is on the Rambouillet Negotiations on Kosovo crisis in 1998-1999, initially between the forces of the Federal Republic of Yugoslavia (FRY) and Kosovo Liberation Army (KLA), aligned with NATO air forces at the post-Rambouillet stage. The negotiations were held during February and March 1999 at the Château de Rambouillet in the vicinity of Paris. There are a few points in which this case differs from the previous one, of which the most certain one is that this negotiating process ended with no-deal which led to further escalation of the conflict.

The main thrust of this analysis will be set onto the discursive material provided by the Rambouillet Accords, officially referred to as “Interim Agreement for Peace and Self-Government in Kosovo” and specifically on the Appendix B of the document referring to the status of multi-national military implementation force. This was at the same time the most controversial part and the major hindrance to the potential agreement. Accordingly, the analysis aims in the first place to identify the meanings within the text of the Agreement which were implying the undesired reality. It includes inquiry into the matter of how acceptance or rejection of certain provisions, which are discursive material, led to a creation of agencies.

4.2.1 Context of the case
The Kosovo crisis 1998-1999 may be perceived as an event following from the sequence of events of the dissolution of the Socialist Federal Republic of Yugoslavia during 1990s. However, due to the specificness of the constitutional implications (the Constitutions of 1974 and 1990) on the relation of the province of Kosovo with Serbia at the republican level, and with Yugoslavia at the federal level, the issue has remained to appear as a sort of Gordian knot in legal and a creative space in political terms.

In the early 1990s certain initiatives of a separatist character were raised by Kosovo-Albanian representatives as a reaction to the Constitution 1990, however by peaceful means. As the radical Kosovo Liberation Army (KLA) gained more influence, such initiatives gained a more extreme character often by violent means (UCDP Serbia (Yugoslavia)/Kosovo Conflict, n.d.). The tensions escalated in 1996 towards a progressively larger scale of a conflict between the KLA and the FRY/Serbian security forces in the province (Ibid.). As the circumstances in the whole region had become increasingly favourable for endorsing uncompromising nationalist discourses, the division was also reflected in the population on ethnic lines, and hence the
civilians were either actively or passively dragged into the conflict. Due to a constantly depreciating position of the FRY within the international community as a consequence of the events during the 1990s, and due to a continuous hesitancy of its regime to approve of the newly emerging reality of the unipolar world, the realist interests of the KLA and of some NATO members, found their meeting point in that conflict.

The activities of the FRY regime in the province were henceforth perceived as a threat of “the impending humanitarian catastrophe” and “a threat to peace and security in the region” (Weller, 1999, pp. 222–224). Such circumstances led to the events of 1998-1999 when the international community engaged into the crisis in a noticeably assertive manner, and subsequently to the Rambouillet Conference.

4.2.2 The approach to the process of negotiations
The Rambouillet Conference was a UN-led process mediated by the representatives of international community, such as the members of the Contact Group (a special body consisting of the states with the interest in the region, i.e. the United States, the United Kingdom, France, Italy and Russia) and the European Union (Rambouillet Accord 1999, p. 3). Nonetheless, the major generator of their authority was NATO. As Wanis-St.John (2008, p. 38) argued, “Policymakers with an interest in changing the status quo in the Balkans turned to the North Atlantic Treaty Organization (NATO) in order to provide diplomacy with a credible threat of force”. Accordingly, it may be inferred that the mediators exercised the manipulation-strategy, implying the use of ultimatums and the language of threats.

The initially presumed positions, in their reconstructed forms, of the negotiating parties at Rambouillet were: 1) from the FRY perspective that the province of Kosovo shall remain under the direct jurisdiction of the federal and republic authorities in Belgrade; and 2) viewed from the Kosovo-Albanian side, that no solution implying that Kosovo remains part of Serbia is acceptable. The general dynamics of the talks is best reflected through Wanis-St.John’s synopsis of the attitudes (2008, p. 43) which the parties manifested towards the negotiations and the proposed peace plan by the mediators: “‘Yes, but we’ll sign later’ (Kosovars) and ‘No, but let’s keep talking’ (Serbs)”. He adds (Ibid.) that “For the Kosovars, Paris was framed as little more than a signing ceremony. For the Serbs, Paris was thought of as an opportunity for further bargaining sessions”.
4.2.3 The negotiations in the discursive material
In most general terms, the main body of the interim agreement presented by the mediators was acceptable for the FRY delegation, or at least it was acceptable to negotiate on it. It was so first of all due to the fact that the province of Kosovo was at that point still assumed to be within the state borders of the FRY and thus guaranteed its sovereignty and territorial integrity. The Agreement, being by its raison d’etre a document constituting self-government in the province, consisted indeed of provisions which at the same time granted wide autonomy to the province of Kosovo and in that way built a strong basis for the possibility of its independence in future. However, the text of it was constructed in such a manner that, as an interim agreement, it enabled a lot of possibilities which might have been actualised consequently, but without officially binding the international community to such a commitment (UK Parliament, 2000).

Another feature of the Agreement was that it assumed primacy over any legal provisions that had been in force in the province. Accordingly, it voided the respective provisions of the Constitution (1990) of the Republic of Serbia within the Federal Republic of Yugoslavia. Thus, the Provision 6 of the Article 1 on Principles in the agreed Framework of the Accord (Rambouillet Accord 1999, pp. 4–5), stated:

The Parties accept that they will act only within their powers and responsibilities in Kosovo as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void...This agreement shall prevail over any other legal provisions of the Parties and shall be directly applicable. The Parties shall harmonize their governing practices and documents with this Agreement.

Constitution of the Accord, Article 1 on the Principles of Democratic Self-Government in Kosovo, Provision 3 (Ibid., p. 10), stated:

The Federal Republic of Yugoslavia has competence in Kosovo over the following areas, except as specified elsewhere in this Agreement: (a) territorial integrity, (b) maintaining a common market within the Federal Republic of Yugoslavia, which power shall be exercised in a manner that does not discriminate against Kosovo, (c) monetary policy, (d) defense, (e) foreign policy, (f) customs services, (g) federal taxation, (h) federal elections, and (i) other areas specified in this Agreement.

Provision 4 of the same, stated: “The Republic of Serbia Shall have competence in Kosovo as specified in this Agreement, including in relation to Republic elections” (Ibid.). Those two
provisions (3, 4) may have been the main points that made the FRY delegation willing to some extent to negotiate. But then, the remark “except as specified elsewhere in this Agreement” in the above-mentioned Provision 3 technically enables the possibility of challenging the principles which followed thence.

Recalling that the starting position of the Kosovo Albanian delegation was that only an agreement which would not assume the province of Kosovo to be under any authorities in Belgrade could be an acceptable agreement, the Rambouillet Agreement clearly provided no offer of such a kind. However, from their perspective, the text of the Agreement in its whole still created a reality that was more favourable than the actuality.

There was nonetheless an entry in the document which indirectly may have been understood as one enabling the possibility for meeting the condition of the Kosovo Albanian delegation. Namely, the Provision 3 of the Chapter 8 in the Appendix B of the Agreement declared the following:

Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party’s efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures.

In the Report for the Select Committee on Foreign Affairs of the UK Parliament (House of Commons) on ‘The Kosovo Crisis After May 1997’ it was stated that it was indeed this provision which indirectly suggested a possibility for a referendum. The report argues that “The language was carefully chosen to leave open possibility of a referendum without committing the international community to one” (UK Parliament, 2000). The line reading ‘on the basis of the will of the people’ was indeed the subject to such an interpretation. In the same Report it is added that, referring to the remark of Marc Weller, the Kosovo Albanian delegation subsequently “came close to extracting a further concession, referring to the ‘expressed will of the people’ [emphasis added], although this was subsequently rejected by the Contact Group”. Namely, by inserting ‘expressed’ in front of the ‘will of the people’ the space for various interpretation would be reduced and thus more directly alluding to a referendum.
The matter of referendum was the main sticking point of the agreement for the Kosovo Albanian delegation, or in other words, it was a condition for their signature. According to the mentioned Report (UK Parliament, 2000), the letter of US Secretary of State, Madeleine Albright, to the Kosovo Albanian delegation on the matter of a referendum possibility, and in reproduction of Tim Judah, reads as follows:

Rambouillet, 22 February 1999

This letter concerns the formulation (attached) proposed for Chapter 8, Article 1 (3) of the interim Framework Agreement. We will regard this proposal, or any other formulation, of that Article that may be agreed at Rambouillet, as confirming a right for the people of Kosovo to hold a referendum on the final status of Kosovo after three years.

Sincerely,

Madeleine Albright, Secretary of State.

Hence, the question which is being imposed is what the function of such a letter was, notwithstanding that a provision on that matter had already existed in the text of the Agreement. The way the said provision was formulated alludes precisely to the feature of constructive ambiguity which is inherent to diplomatic language. Here the signification of such a construction is found in its effect, i.e. that it was tolerant to different readings and understandings, and in that, as such, it partially satisfied both Parties. Accordingly, the FRY delegation would read it as: ‘by this Agreement the other Party has not obtained the right to a referendum on the final status of the Province and thus it guarantees the sovereignty and territorial integrity of the FRY’, while in the understanding of the Kosovo Albanian delegation it would read as: ‘this provision of the Agreement enables the possibility of holding a referendum on the final status of Kosovo’. This is also the point where the significance of the letter of the US Secretary of State comes to the fore. The Provision (Chapter 8, Article 1 (3)) itself may have been disappointing for the Kosovo Albanian side. However, such a provision undergirded by the assurance of the US that it would support a certain interpretation of it at the given moment generated an essentially more favourable meaning. Here it may be added that this was not only a question of whether international community was willing or unwilling to support the idea of a referendum in three years period, but it was foremostly the matter of presenting a text which could be signed by both parties. Therefore, it was indeed a specific
use of language, i.e. constructing in-textual framework of an ambiguously acceptable reality, which leveraged, or reduced, the possibility of reaching an agreement.

Such an in-textual construction of a possible reality which left some space for manoeuvring was not an ideal offer for the FRY either, but still probably the best option which it was capable to negotiate at that point. Therefore, it approached the provisions of the main body of the agreement in a seemingly rather open manner. Considering that the whole Agreement offered an overall unfavourable picture of a possible reality which ought to be actualised, and as it may become evident in the later text of the analysis, this might have been only a tactical approach from the FRY side. This relates directly to the sticking point of the Agreement both for the FRY delegation and for the mediators, i.e. the appendix to the Agreement, known as the Appendix B.

Provisions of the Appendix B refer to the “Status of Multi-National Military Implementation Force”. In the Provision 1 of the Appendix, the ‘multi-national military force’ is defined as NATO, i.e. the North Atlantic Treaty Organization and its subsidiary bodies. The Appendix B offered a very direct set of propositions on how the agreement ought to be implemented and as such left no space for various interpretations. Even more so considering the fact that those clauses were denoted as ‘non-negotiable’ (Littman, 1999, p. 10) suggesting a context of the negotiations in which the ‘ultimatum-approach’ was employed.

The Provision 2 of the Appendix B assumes that “Without prejudices to their privileges and immunities under this Appendix, all NATO personnel shall respect the laws applicable in the FRY… and shall refrain from activities not compatible with the nature of the Operation.” From the point of view of semantics, the verbs ‘shall respect’ and ‘shall refrain’ in the Provision 2 may appear at first in form of an order. However, by taking into consideration the provision which follow, such as 6 and 7, the content expressed in the Provision 2 in form of an order, remains effectively as a mere suggestion. Those provisions (6, 7) are part of the Appendix indicating what immunities and privileges shall be granted to NATO personnel under the signing of the Agreement. Thus, among others, Provision 6 states that (a) “NATO shall be immune from all legal process, whether civil, administrative, or criminal” and that (b) “NATO personnel, under all circumstances and at all times, shall be immune from the Parties’ jurisdiction in respect of any civil, administrative, criminal, or disciplinary offenses which may be committed by them in the FRY.” In the Provision 7 it is added that “NATO personnel shall
be immune from any form of arrest, investigation, or detention by the authorities in the FRY. NATO personnel erroneously arrested or detained shall immediately be turned over to NATO authorities”. The rest of the Appendix B mainly denotes the right of use of infrastructure for the purpose of transportation without any duties, fees, dues, tolls or charges, exemption from any taxation.

The most controversial provision of the Appendix B is found in the Provision 8, which reads as follows:

NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.

It can be argued that such provisions ought to be considered as expected as they provide and secure rights of the mentioned personnel and improve conditions for their operations. In an abstracted sense, such provisions are indeed expected. However, in this case, it is necessary to consider those provisions as a content of the message that is being communicated on the relation between two sides with a limited level of cooperation in the area of international relations of the time, i.e. between the Federal Republic of Yugoslavia and NATO. Crucially, in order to interpret the meaning of such a message in the effect of the given context, one should take into account the spatial and temporal positions of the mentioned parties at the given moment and, in accordance to it, determine the perspectives which such positions imply. This means first of all that the party that is asked to accept the offer approaches the politics of international relations in a very realist manner. Furthermore, in 1999 the regime in the Federal Republic of Yugoslavia dominantly does not perceive NATO as a partner, but on contrary, as an opposition to its own establishment (Hosmer, 2001, pp. 16–17). By taking this into consideration, it follows that the provision which suggests “…free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters” of NATO troops would hardly be interpreted differently from the FRY perspective but as a violation to sovereignty of the country.

This on the other hand imposes another question. The FRY delegation was officially reluctant to sign the agreement because of the Appendix B implying the violation of sovereignty which,
from the realist perspective, one may argue was an understandable and legit move. However, it opens another perspective on why it was allegedly in favour of the rest of the agreement. Foremost, such an attitude demonstrates supposed willingness to negotiate and thus still keeps the means of diplomacy unexhausted. In other words, this tactical approach was at worse delaying the possible employment of force which was imposed as a possibility through certain forms of locutionary acts during the negotiations\(^22\). The main idea behind such an approach in strategic terms thence may be identified in the overall meaning of the agreement in case the parties agreed to sign it without, or with a renegotiated, Appendix B. The scenario in which the acceptable provisions of the agreement had been signed without the implementation clause would technically void such an agreement due to the absence of an implementation mechanism. Hence, this suggests that the declarative approval of the agreement by the FRY delegation excluding the Appendix B was rather a strategic manoeuvre than literally an ‘approval’.

The discursive material which reflects such a situation is found in the lines of press statements of the Serbian President and the head of FRY delegation at Rambouillet and the US Secretary of State, Madeleine Albright. The following text expresses a statement made by Milan Milutinović, the President of Serbia\(^23\) and intermittent head of the FRY/Serbian delegation during Rambouillet Conference, on Feb 20, 1999:

I spoke with her [Madeleine Albright] several times today and I tried to convince her that there approach is very wrong because they told us blankly - if you accept the troops - you know - the agreement will be perfect if you don’t accept the troops the agreement will be bad, so what is the target of this conference - to have a peace, an agreement there or have the troops, if you like to have the troops that is the other part, and we may discuss just about the troops, but disconnect that from Kosovo… (Associated Press Archive, 1999)

In response to that, Albright placed responsibility on Serbian negotiators for evading and delaying (Ibid.). According to the Associated Press account “Albright said the Serbs had shown a lack of desire to negotiate on the main sticking point: a NATO force of international troops to enforce a deal. A deal on the political but not the military aspects, she said, would be like ‘a table top without legs.’” (Ibid.).

\(^{22}\) here recalling the Hampson et al., 2013, pp. 324–325 argument on the structural aspect of negotiations, as discussed on pp. 30–31 of the thesis

\(^{23}\) within the Federal Republic of Yugoslavia, then presided by Slobodan Milošević
4.2.4 Perceptions and the decisional aspect at Rambouillet

Wanis-St.John (2008, pp. 45–46) argues that one of the reasons for the failure of the negotiations may be found in the structural aspects of it. The asymmetry in power between the FRY and KLA, provided a valid argument for NATO to align with the weaker party, that is the KLA. This has led to another level of asymmetry which from the FRY perspective enabled a certain reading of the circumstances suggesting that evading to sign the agreement was the option which, even in its worst scenario, could be presented as more favourable than accepting the agreement. As Wanis-St.John (2008, p. 46) puts it, the effect of the said asymmetry imposed two possible scenarios: 1) “...lose Kosovo at the negotiation table (in effect, giving it away for nothing in return except a promise that NATO would not attack and sanctions might be lifted)”; or, in the worst case, which still appears as more favourable than the first, 2) “…lose Kosovo in a ‘heroic’ battle against NATO, which could (and did) bring loss of life, but could also be framed by Milošević as an act of aggression against Serbia” (Ibid.).

Hosmer (2001) notes that the unattractiveness of the first scenario followed from the cost-benefit evaluation for his [Milošević’s] internal political purposes, which, by that time, had already got overly complex.

Another aspect of the same reasoning was the assumption that the probability that the worst scenario may actually happen was minimal. It was based on the awareness that NATO’s power was limited to the threat of the use of force as long as it was not authorised to use the force, imposing the understanding that such threats lacked credibility (Kaufman, 1999; Wanis-St.John, 2008, p. 45; UK Parliament, 2000). Considering that Milošević had certain assurances that the Russian Federation and China would use their veto rights in the UN Security Council in order to prevent any military intervention in the FRY (Wanis-St.John, 2008, p. 38), he might have rightly assumed that the prospects that NATO would get a mandate for its campaign were low. Hence, on the presumption that disregarding the existing framework and dominant reading of international law24 would provide too high costs for NATO, the threats that it would actually actualise the use of force were perceived as a bluff.

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24 here, primarily referring to the notions of territorial sovereignty and the use of force
4.2.5 The factor of ‘humanitarian crisis’ and ‘responsibility to protect’ as precedents in international law

This situation reveals some significant principles on the language-reality-agency line (in post-structuralist/Foucauldian terms), and it may be most evident in the institutionalisation of some new notions in the international law.

There were three conditions that could legitimise NATO campaign despite the absence of the UNSC mandate: 1) to generate knowledge on the events which could approve of the intervention, as done in the reports by the OSCE Kosovo Verification Mission (e.g. the ‘Kosovo/Kosova As Seen, As Told’ report); 2) a general unity of the international community on the issue, implying that there would be no competent actor who would be able actively to oppose the common understanding of the events; and 3) to demonstrate that the FRY is unwilling to cooperate by means of diplomacy, in which case a signature from the Kosovo-Albanian delegation on the Agreement was essential (Hill, 2014, as cited in Wille, 2017, p. 10), i.e. that the Kosovo-Albanian delegation says yes, and the FRY/Serbian delegation says no (Albright, 2013, as cited in Wille, 2017 p. 21).

Having actually met all these conditions, the case was not only such that it provided the threats with tangibility and credibility but also such that it enabled a feasibility for an unprecedented action in the framework of international law. It follows that the actualisation of the said threats in form of a humanitarian military intervention, as the consequence of the failure of the negotiations at Rambouillet, has generally been taken as an example of an ‘illegal but legitimate action’ (Aggestam, 2017, pp. 38–39). As such, being of concern to the ‘jus ad bellum’ principles, that is a set of rules on which is determined whether engaging into a war is justified, it has served as a precedent for institutionalising the concepts of the use of force in humanitarian intervention and incited that the R2P (‘Responsibility to Protect’) principle may become part of the ‘jus ad bellum’ corpus (Wilmshurst, 2017, pp. 47–48; Rodley & Çali, 2010, p. 224; Aggestam, 2017, pp. 39–41).

This enables another perspective according to which may be argued that the implication of Rambouillet Negotiations is not only reflected in the Kosovo crisis but also in a wider context of international relations. In other words, the Rambuillet was not only a process of renegotiating the reality of the said crisis, but likewise a process of renegotiating international law. The importance of such an understanding lies in the fact that such processes also form
new ‘texts’ of the ‘accepted’ agencies, or in this context, new provisions of international law. It anew adduces the Foucauldian notion of a discursive regime whose source is found in constantly emerging forms of accepted knowledge, scientific understanding and ‘truth’ (Foucault, 1980, pp. 109–133).
5 FINDINGS

Recalling the discussion on the relevance of two theoretical traditions in the framework of this study (Chapter 3), and the discussion on identifying relevant reflections of the two analysed empirical cases in reference to the discussed theories (Chapter 4), the following chapter summarises the arguments in line with the structure of the linguistic theories and thus refers the analysed content back to the research questions. The structure is hence organised so that the processes, strategies, and cognitive-linguistic aspects, that altogether comprise the practice of negotiations, may be recognised in Wittgensteinian, Austinian, and Derridean terms.

5.1 Findings in Wittgensteinian terms

Beginning with recalling Wittgenstein’s premise that anything which is logically allowed is possible and hence what is possible (to be expressed) in language is in the domain of possible, i.e. thinkable and logically allowed. This being the universal framework\textsuperscript{25} which conditions all human thinking and interaction, is therefore too relevant in terms that it conditions the respective aspects in the microcosm of international relations, as it is one of the elements that comprise the macrocosm, i.e. the universe. The interaction occurs within the logical framework, but following arbitrary agreements, suggesting that the form of an expression bears the possibilities of meanings, but the specific meaning is obtained through referring the expressed to the arbitrary agreements imposed by the context of situation. Hence follows the analogy that diplomatic wording is the form of expression and arbitrary agreements determine the meaning of the expression by imposing the arbitrary rules which the institution of diplomacy is comprised of.

In the case of the microcosm of international relations, and more specifically – international negotiations, what determines the ‘logical framework’ within which certain meaning emerge translates as the geopolitical context in the moment of negotiations, but also the institutionalised practices of international relations. The relations among the actors in the international area and constellation of power within that geopolitical context serve as the ‘arbitrary agreements’. This henceforth determines ‘the rules of the game’ which is here explained as that what defines the effect of a move, i.e. what conditions a certain meaning to

\textsuperscript{25} here, in the sense that it applies to the universe
an expression. Accordingly, an expression equates to a move. What is understood equates to the consequence of the move achieved in accordance to the set rules. By following the same pattern, according to the known rule of the game, it is reckonable what may be the reaction/response to the previous move and thus also what move may follow hereinafter.

Initial stages of negotiations particularly reflect the issues imposed by the effect of the solipsistic attitude. The reflection namely materialises in confronting two discourses (or two ‘pictures of reality’ in Wittgensteinian terms) on the same matter. The two discourses present two different perceptions, but they likewise disclose the limitations which the initial positions, i.e. perspectives, of the two negotiating parties imply. Confronting two incompatible pictures of reality defines a conflict or a possibility of the conflict, that is a crisis. In simplified terms, the said affects the matter of trust which is often at issue in negotiations, but also reflects in the following: 1) people see what they want to see (or what they are constrained to see); 2) the other side understands not the intentions, but the effect. In negotiations hence, what facilitates the course towards a common position is at first the awareness of the necessity to think in terms of the other side’s perception. Once both parties take cognisance of each other’s pictures of reality, as well as the ‘rules’ and ‘agreements’ imposed by the context, they will be able to determine the appropriate strategies through which they may consolidate a common picture of reality.

The pictures of reality are being conceived in language (inward process), but they are also being communicated through language (outward process). It indeed expresses but also withholding the content of a thought and thus creates a proposition. This is what constitutes the process of framing in negotiations and constructive ambiguity as a property of diplomatic language. As it has been discussed in the Analysis chapter, the discursive material of both empirical cases considered in this study has demonstrated what are the effects of coding a message by the said virtues.

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26 following the line of Wittgenstein’s argument (5.6): “The limits of my language mean the limits of my world” as discussed on p. 20 of the thesis
27 Wittgenstein (4.002): “Language disguises thought”, see ibidem
28 see p. 32
29 see p. 37
5.2 Findings in Austinian terms

Recalling the discussion in the Theory chapter, we remind that Austin considers locution as agency generator and hence studies the performative properties of propositions and their form and content in relation to the meanings which speech acts conceive. The Austinian terms here obtain their relevance particularly in the sentences, or units of the sentences (e.g. phrases and clauses), that comprise the discursive material of negotiation cases rather than in the text as a whole. The form in which propositional content is uttered, together with the circumstances in which it has been uttered, determine the effect of the speech act.

The propositions forming the discourses of both Accords follow the pattern of what Davidson (in Richmond, 1996, p. 52) would call ‘simulation argument’ i.e. the use of assertions signs, which is according to him used foremostly in acting. This is reflected in using illocutionary particles, that is simulating performance of an action in the very saying, e.g. ‘PLO recognizes…’, ‘PLO accepts…’, ‘PLO commits’ etc. In such circumstances it becomes more challenging to distinguish the illocutionary force (i.e. the alleged intention) from the mere locutionary speech act, that is – what is being said is equated to what is being done in that moment.

Comparably, Recanati (in Hanks, 2015) notes that ‘the speaker who performs a locutionary act is acting the making of an assertion’. The (acting) ‘stage’ here may be related to the Wittgenstein’s notion of ‘arbitrary agreements’ and thus assigning the ritualistic property to the speech acts. As negotiations present a process under the auspices of the institution of diplomacy, the utterances are a form of acting and they do acquire a specific meaning on that ‘stage’ which they would not have elsewhere. Recalling Lazzarini’s argument, the diplomatic ‘stage’ has been set by the development of a specific way of communication enshrined in the mores and rituals, thus establishing ‘the shared grammar of communication’ and ‘a form of political discourse’ which provide a specific meaning to certain utterances. Similarly, Austin has argued that certain locutions in constative form, e.g. ‘I do…’ [...take this woman/man to be my lawfully wedded wife/husband] during a marriage ceremony, or analogically [...renounce Satan and all his works, etc.] during a baptism rite, are being assigned the performative property by the very ‘stage’. Accordingly, in the context of diplomacy and

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30 cf. to Derrida’s ‘text as the agent’
31 examples from Chapter 4.1 on the Oslo 1 Accord analysis
32 as discussed on the pp. 25–26 of the thesis
negotiations, it is the conventional context of the diplomatic practice which assigns the performative property to certain forms of speech acts and thus generates agencies.

Whether a speech act will be uttered in a locutionary, illocutionary or perlocutionary form does play an important role as it may determine the level of ‘disguising a thought’ in Wittgensteinian terms, and hence to determine the scope of ‘innuendo’ (Pascual, 2001), that altogether constitutes the ‘constructive ambiguity’ of a text. In addition to that, by the virtues of determining the level of ‘disguising a thought’ and the scope of ‘innuendo’, the said aspects of speech acts determine the level of subtlety on the line between the language of persuasion and the language of threats.

The issue of ‘constructive ambiguity’ on the syntax level may be created by adding multiple layers of illocutionary particles, here denoted as ‘alleged illocution’. The following example demonstrates the matter in mere technical terms: [I say that] (unuttered illocution implied by the very speech act) + I assert (uttered alleged illocution) + that it is the case (embedded predicative sentence). Accordingly, what we can know is the part ‘[I say that]’, i.e. that one is saying the following sentence as it is actually being manifested. However, the alleged illocution ‘I assert’ is not something that can be assessed because we cannot know if the speaker actually does assert or pretends to be asserting the proposition which then follows in the embedded predicative sentence. The content of the embedded sentence is not in the focus of truth-condition since the target has been shifted to the alleged illocution. Hence, a formal interpretation of a sentence corresponding to the one from the provided example would simply consist of two basic parts: 1) What we (can) know, and 2) what the speaker wants us to know. It is done by inserting a securing particle in form of a manifested unuttered illocution, which is our interpretation of what the speaker is actually doing through the speech act. In this instance we say that he or she ‘claims’ the uttered, i.e. the speaker claims that he or she ‘asserts’. Hence follows the form – 1) What we know: [He or she says that] + [he or she claims that] + 2) what the speaker wants us to know: ‘I assert’ + ‘that it is the case’.

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33 as argued in Chapter 3.2.3 on diplomatic language
34 it may be argued whether the verb ‘to assert’ is performative by itself, meaning that one in saying ‘I assert’ actually performs the act of ‘assertion’. Therefore, the verb ‘to believe’ could accordingly make a better fit for a univocal example.
The case of issuing threats would follow the illocutionary or perlocutionary pattern, i.e. ‘in saying this I am threatening you/by saying this I have threatened you’. Hence, the threat is the semantic effect of the said. It invokes Chomsky’s remark\footnote{found on pp. 24–25 of the thesis} that such semantic relations “are facts of language and not of the external world”. It follows that one would unlikely attempt to threaten someone by issuing the utterance ‘I threaten you’ as putting a verb of a perlocutionary character (i.e. it suggests the alleged effect of a speech act) in a locutionary form instantly reveals that it does not act, i.e. that the proposition is constative and not performative. Hence the propositional content of the ‘threat’ is void. Considering that the main function of a threat is to comply or deter, one would rather disguise the content of a threat in a warning. Thus, by issuing the utterance ‘I warn you’, the semantic effect which follows is that the receiver feels threatened because of its innuendo which may read as ‘…in order that you do this/do not do this’. The same rule of semantic relation applies to all levels of subtlety on the line from the language of persuasion to the language of threats that may be found in negotiations.

5.3 Findings in Derridean terms

The Derridean perspective in this study offers the possibility of considering the institutions of diplomacy and negotiations, and, by implication, the two analysed Cases, in an in textual form, i.e. understanding the process by comprehending the interrelation and interaction of its discursive components. In simplified terms, it provides a way of understanding of how the ‘stage’ is being set, that has been mentioned previously in Austinian terms. Being such, it may be argued that it contributes to understanding the epistemological dimension of such processes.

We recall here that Derrida denotes that linguistic underlying pattern as arche-writing, which is the text in absence that provides meanings in presence by deferring them from that absent textual pattern (by the virtues of trace, difference and iterability). The presence conditions the necessity for infinite variety of new contexts which as such assign always new meanings to the text and whose source of meanings is found in the absent signifiers. It follows that the absent content of the text is a signifier which triggers a bi-association between the signifier and the
signified content in presence. Thus, it develops a ‘chain of signifiers’ through a sequence of temporal associations.

Reading through the method of deconstruction in practice alludes that previous meanings ‘infect’ the current ones. The aim here is not only that we read the situation, i.e. the discursive material of the negotiations, but also to understand the reading of the situation by the actors present in it, who are simultaneously also part of the text. Accordingly, it brings attention to the established structure of international relations, but also to the structure of general concepts such as power. Reading the interaction between the actors and the (con)text within which they act, that is how the actors read the situation, sheds light upon the agency that is being created on the basis of the interaction between the signifier (the intention) and the signified (the meaning). In the instance of crisis/conflict negotiations, we consider the actors as ones who read (intend), to be the signifiers, and the situation, comprising the structure of international relations and the very crises/conflicts that are subject to negotiations, to be the signified (the meant, as the outcome of the actors’ intentions). In light of this, we perceive the text as a structure which enables the causal principle on the relation between the signifier and the signified, and by that virtue, as the agency generator.

It alludes to what has already been referred to in the Analysis of both cases – that the text (discourse) provides source of power in Foucauldian terms. Indeed, by using the discursive approach, this study endorses such an attitude as the basis for general explanations of the processes in politics of international relations. By applying the Derridean terms on it, the explanations may disclose the intrinsic aspects of the patterns which the said processes follow. For both cases of negotiations in the thesis may be held in common that, if perceived through the observations which Derridean deconstruction provides, they present a phase of a never-ending process of emerging and creating new meanings (rules and institutions) through recontextualizing the (experience of) the previous meanings.

Hence, the Oslo 1 Accord 1993 Case (1) revealed some relevant phaenomena that made their appearance in terms of perceptions. Prior to the process, the cognitive consideration of the parties was entailed into the so-called ‘demonisation’ perception leading to a diplomatic deadlock. The phaenomenon is constituted of the association of the absent content which the notion of Devil bears, intended by one of the parties (the signifier), with the image of the other party and thus imposing a specific attitude and course of action (meaning) towards it in
presence (the signified). By following the same pattern can be explained the phaenomenon of Oslo (process) being equated with peace, which made its appearance as the outcome of the process. Having for the time being minimised the conflict, the idea of Oslo process is being associated with the opposite of the notion of conflict and thus in binary terms equated with peace. This suggests that the absent content which conveyed the past experience of the relation between the two parties has been iterated through negotiations and, by the virtue of deferring, gained a new meaning which the newly formulated – formulated through negotiations – context perceived. Accordingly, but in very rough terms, one may argue that the Derridean notion of iterability is indeed what enables and propels negotiation processes.

In the Rambouillet 1999 Case (2) the Derridean reading finds its relevance in the examples of the evaluation of the threat of use of force as void and in acquiring legitimacy for an agency through generating new knowledge on the situation. Reading a provision of international law as a constant ‘rule’, thus implying the assumption that one party will necessarily need to respect the sovereignty of another country was limited by the understanding that the existing corpus of international law was a constant and abiding body. The text of international law (existing in absence, i.e. existing as a text which is not being applied in the given moment) may be regarded as the signifier. However, its effect is found in the form of the signified, i.e. in the context of the presence when it is being applied. Considering the fact that in the case of events related to Rambouillet 1999 there was enough force, i.e. power, to create a new meaning (the signified) out of the existing meanings and by certain actors (the signifier), by recontextualising the previous meanings through the newly created knowledge, international law was more fit to incorporate in itself a new precedent than to uphold the existing (established) practices. In Derridean terms, international law may accordingly be defined as a set of ever-emerging rules and codes which is itself being negotiated and assigned new meanings by the newly emerging contexts, i.e. through newly emerging events and the generated knowledge on those events.
6 CONCLUSIONS

Lastly, the research process asks from this chapter to provide a reflection on whether the study has managed to fulfil its general mission. Recalling its aim, it can be argued that this study has at least demonstrated an attempt to open or strengthen a certain perspective in a conceptual framework and to examine possibilities within it. Those attempts were materialised through confronting and examining theoretical possibilities with the actualities in the defined context. Recalling that the research questions of this study have sought to delve into the possibility of implementation of the theories of one field into the field of another, and to inquire their interrelationship through correlating them in empirical cases, the findings have alluded that such possibilities are found in abundance significantly exceeding the scope in which it was possible to present them in the findings.

The conclusive remarks may be outlined in two general levels, one concerning language in negotiations and the other concerning the negotiations in language. Firstly, language in the context of the two empirical cases, being a tool and a framework, is not to be perceived as the element which has been, or has not been, regarded accountable for a failure or a success of the processes, but rather as the element whose strategic and tactical usages leveraged or depreciated the probabilities and possibilities for a failure or a success. In other words, if there was an interest among the negotiating parties for a success, their strategic employment of language reflected it and its effect resulted in a success, as well as the other way around. If there was a will for a success, but one of the parties was not happy with the reality which the current form of an agreement implied, it might have attempted to renegotiate the imposing reality by renegotiating the agreement, that is to reshape its discursive content through language. This is what the Austinian pragmatic modalities may achieve in the framework of reality based on the Wittgensteinian pattern.

Another level which the enlisted set of findings reveal is a certain inevitability which may be either approved or dismissed by other perspectives. For example, deconstructing the text reveals the components of the process and its pattern of operations on a grander scale. Unlike the first level of findings which entails the effects of a specific language use on the processes, this level suggests that language discloses the processes by the virtue of understanding the patterns of language within which such a process is being conceived. For example, one of possible answers to the Research Question 1 and Research Question 2 combined, as provided
by the analysis and findings of this study, would be that the deconstruction has led to a suggestion that crisis/conflict negotiation processes do not occur in isolation, meaning that such processes generate new knowledge (meanings) and as such are simultaneously part of a higher level of negotiations, e.g. that of international law, but also of the overall reality (through creating accepted knowledge, science, and ‘truth’).

Having taken into account and acknowledged the general mission and aim of the practice of diplomacy and crisis/conflict negotiations in international relations, the value of the contribution of this study should be recognised in the possibility of convergence of the conceptual framework developed in this thesis with the existing theoretical approaches to the respective processes. Such a possibility provides a basis for its further developing towards becoming a competent tool and framework for reading and wording crises and conflicts and their negotiations.

In terms of its current contributions to the IR research field, it adds to understanding the process of institutionalisation of diplomacy through language, and of negotiations as an attempt of constant recontextualising the reality until an agreement is reached, rather than a limited process defined by constant rules within which sides attempt to find an agreement. Studying the notions of reality, thought, language and its intrinsic components, e.g. intention and meaning, in Wittgensteinian, Austinian and Derridean terms discloses the underlying (perceptual) problems in conflicts and thus contributes to their logical, grammatical and genealogical understandings. It also enables a possibility for development of a wider spectre of tools, i.e. discursive means, by which conflicts may treated/handled in negotiations.
LIST OF SOURCES


