

DIPLOMATIC AMBIGUITY: FROM THE POWER-CENTRIC PRACTICE TO A REASONED THEORY

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Summary

The author proposes a theoretical guide for a practice-oriented analysis of diplomatic ambiguity. Based primarily on both the comments by classical diplomatic theorists and his own historical interpretation of the use of diplomatic ambiguity during the Rambouillet negotiations on the status of Kosovo/a, he offers a reconstruction of the power-centric view of diplomatic ambiguity that has been, as he demonstrates, implicitly endorsed by the key actors of the Rambouillet negotiating process. He claims that, though such a view can give one some insight into contingent historical developments and help one understand some cases of diplomatic practice, it suffers from several flaws that make it an unlikely candidate for a viable and comprehensive theory of diplomatic ambiguity. Furthermore the author presents, in a rudimentary and preliminary form, an alternative, more reasoned view of diplomatic ambiguity that is, on the one hand, language-centric and non-legalistic, and, on the other, sufficiently responsive to doxastic/cognitive aspects of ambiguity and also consistent with Der Derian's concept of diplomacy as "mediation of estrangement".

Keywords: diplomatic ambiguity, ambiguity – the power-centric view, ambiguity – a reasoned view, Rambouillet negotiations, peace talks, US diplomacy

Strong evidence¹ suggests that diplomatic ambiguity was used as a tool of a power-mechanism during the Rambouillet and Paris "peace" talks that paved the way to 1999 NATO air strikes against the Federal Republic of Yugoslavia. This fact alone

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¹ This paper is based on my PhD research conducted at SPIRE, Keele University, UK. I would

lends support to two interrelated, and equally urgent, requirements: first, to try to discern the exact mechanism by which a diplomatic ambiguity can be put into the service of power-considerations; and, secondly, to try to understand the extent to which the power-centric approach to diplomatic ambiguity adequately matches the main features of the concept; and, if such an extent is low or insufficient, to outline a view which provides a more adequate match.

The purpose of this paper is twofold. I aim here to present a power-centric view, which is implicitly endorsed by any power-centric practice, of diplomatic ambiguity. My presentation will be substantiated with a short discussion of what was, in my view, the key diplomatic ambiguity of the Rambouillet and Paris talks. I will hence fully respond to the first requirement. However, here I will only partially respond to the second. I will in the briefest and simplest theoretical terms explain why the power-centric perspective on diplomatic ambiguity provides a flawed account. This is the second purpose of this paper. Due to limitations of space, here I cannot outline fully an alternative view of diplomatic ambiguity. I will only give a number of hints about the direction in which such a view should be sought. Nevertheless the main moral of my paper will be sufficiently clear. One can prove, first, that, on the assumption that my account of "Rambouillet diplomacy" holds, a serious theoretical error was committed during the Rambouillet/Paris "peace" talks; and, secondly, that there are ways of thinking of diplomatic ambiguity that can avoid such an error and thereby help us to replace a bad diplomatic practice with a better one informed by a more reasoned, both conflict-reducing and conflict-preventing theory of ambiguity as diplomacy's highly important device.

This paper's first section will give a brief introductory definition of the concept of diplomatic ambiguity. By focusing on a number of, for diplomatic studies, defining theoretical figures, the second section provides a first step towards illumination of the power-centric approach to diplomatic ambiguity. The third section describes the evolution and collapse of the 1999 Rambouillet/Paris peace talks, emphasising the role of an ambiguous provision of the Rambouillet Draft Agreement. Hence my interpretation of the Rambouillet "peace talks" is not intended as a full historical account of all the factors that have played an important role prior to, during, and immediately after the talks. It is limited on a single, but within this context singularly important factor. In the fourth section I will then try to illuminate fully all the main elements of the power-centric perspective and its main variants. The fifth section is devoted to two tasks: to provide a succinct critique of the power-centric perspective, on the one hand, and to indicate the direction in which better solutions can be searched and found, on the other.

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1. DEFINITION

To define diplomatic ambiguity one needs to define the concept of ambiguity, in the first step, and then, in the second, to specify what makes ambiguity a diplomatic one.

As the first approximation, ambiguity can be defined as a pattern of language the meaning of which cannot be discerned with certainty. For instance, "flying (air)plane may be dangerous" can be interpreted as being about the danger of flying as well as about the danger of (air)planes. "The spy put out the torch" can be interpreted as both "the spy displayed the torch" and "the spy extinguished the torch".²

Such instances of ambiguity show that, though their meaning cannot be discerned with certainty, one can think of their potential meanings. Ambiguity can then be defined as a pattern of language which potentially carries a number of different meanings, and one is undecided as to which of the meanings is actually conveyed.³ But, this is not all. The concept of ambiguity is especially interesting because an ambiguous sentence, word, or a text, opens the possibility of different, and, more importantly, incompatible meanings. This latter factor explains the tension everyone feels in facing, and reading, an ambiguity.

In other words, ambiguity is a product of our ignorance of a particular kind. We are ignorant about which (of two, or more) meanings should be taken as attached to the ambiguous sentence (word, text), but this ignorance is founded on our knowledge of possibilities, because we know that the sentence could carry a number of meanings, and we know which meanings it could carry.

It is important to add further that such ignorance heavily depends on contextual factors. Seen as a part of a wider context, and when the context is sufficiently transparent and coherent, ambiguities can be disambiguated. This means that both an ambiguous sentence, and its context, should be taken as the foundations upon which the attribution of ambiguity is set. For our ignorance to be real and justified, we also need to make sure that the context is of such a kind that, perhaps temporarily, it cannot help us to disambiguate an ambiguity. This means that the attribution of ambiguity usually also depends on incoherent, or non-transparent, or insufficient, pool of contextual factors. Depending on the way we relate such

² As one of the referees for this paper pointed out, "flying plane(s) may be dangerous" can be easily transformed into a non-ambiguous sentence by adding a definite article: "flying the plane may be dangerous"; such additions, of course, can help us to cope with syntactical ambiguities that depend on syntactical relations within the (ambiguous) sentences; however, I am not sure if one could always find such a simple cure for all instances of syntactical ambiguity; anyway, my key purpose here is to give a few examples of ambiguity: in the existing literature on ambiguity, "Flying plane may be dangerous" together with "Visiting philosophers may be unpleasant" are amongst the most frequently quoted examples. Note also that "the spy put out the torch" is a referential, or lexical, type of ambiguity.

³ As M. Beardsley (1961.:41) claims, "a case of ambiguity... is a case where there is some doubt about a way a discourse is to be interpreted, and you have to choose between alternative readings". See also Munson (1976.:73).

contextual factors with our ignorance concerning the potential meanings of an ambiguity, we can make distinction between “referential”, “syntactical”, and “cross-textual” kinds of ambiguity.⁴

I also need to emphasise here that ambiguity obviously cannot be identified with a sheer contradiction, or non-sense, or incompatibility. When we say that a sentence (word, text) is ambiguous we do not discard it as a sheer non-sense, or as being in violation of the principle of contradiction. The meanings we relate with an ambiguous pattern of language are incompatible, but they are merely potential; that is why our first reaction to such a pattern consists in an attempt to interpret it, to learn more about the context or intentions of the producer of ambiguity. We do not respond to such a pattern with an immediate desire to discard it.

Another point is worthy of emphasising. The potential meanings we attach to an ambiguity should not be taken as some spiritual beings stored behind the material substance of ambiguity. For instance, the difference between “Flying plane may be dangerous” when interpreted as being about dangerous planes, on the one hand, and when interpreted as being about the danger of flying, on the other, depends on the difference in imagined syntactical bracketing of the elements of the sentence. It amounts to the difference between “(flying) (plane may be dangerous)” and “(flying (plane) may be dangerous)”. These are, however, materially different instantiations of the same form.⁵ This means that the potential meanings one attaches to an ambiguous pattern of language in fact represent materially different instantiations of the pattern we identify as ambiguous.

Such considerations on the concept of ambiguity can be summarised in the following way. Ambiguity is an effect of our ignorance of a particular kind⁶ as well as of the fact that language may portray an uncertain claim, or a directed question (i.e. expressions of ignorance), as a certain claim, or assertion (i.e. expressions of knowledge). As ignorance in meanings often depends on ignorance in beliefs, there is only one way for an ambiguity to be disambiguated – by amassing more beliefs, or by inventing new beliefs, or by finding the ways to restore coherence in the sets of beliefs. It goes without saying that ambiguity should be disambiguated. The situation of ambiguousness is a situation of an arrested choice, of undecidability, out of which we, as language-using beings, almost automatically seek an escape.

What is it that makes ambiguity a diplomatic one?

To make a long answer as short as possible, we can say that ambiguity is a diplomatic ambiguity to the extent that it is “present” in important locations of diplomatic texts/documents. This means that diplomatic ambiguity is, simply, an

⁴ The “cross-textual” kind is usually found in highly complex literary texts, for instance H. James’s, for an analysis of which see Rimmon (1977.). See a similar list of the kinds of ambiguity in Todorov (1983.:54-55).

⁵ This means that I agree with Harman (1975.: esp. 292-3), but disagree with Pinker (1995.:79), and Chafe (1970.:73-91, esp. 77). This also means that I disagree with Pinker’s claim that ambiguity should be taken as evidence supporting the language of thought hypothesis. For a succinct critique of such hypothesis, see Davidson (1997.).

⁶ For an equivalent theory of vagueness as a kind of ignorance, see Williamson (1996.:185-215).

ambiguity which performs an important diplomatic function. International agreements, especially peace agreements, are one obvious case in point.⁷ By making an important treaty provision ambiguous, a treaty-maker hopes that she can temporarily meet the conflicting demands of the parties to the treaty. One party will focus on ambiguity's possible meaning A, whilst the other will focus on possible meaning B. Both parties will, at least provisionally, hope that the ambiguous provision carries enough substance to satisfy their demands.

For instance, UN Security Council Resolution 242 attempts to satisfy both Arab (and Soviet) demand that the Israeli Defence Force withdraws from all territories occupied in the course of 6-Day War, and Israeli (and the US) demand that some room be opened to a revision of the pre-6-Day War borders between Israel and its Arab neighbours, The Kingdom of Jordan primarily. The 242 ambiguity was a result of an application of a number of principles that seemed to be difficult to reconcile at the time of adoption of 242: the principle of inadmissibility of the acquisition of territory by war and the principle of the right to live within secure and recognised borders free from the threat of neighbouring countries. More importantly, due to its sheer brevity, the UN SC 242 did not specify which party should make which steps, or which parts of the territory occupied in June 1967 should be made subject to territorial revision.⁸

James Der Derian has defined diplomacy as "mediation of estrangement".⁹ This implies that diplomatic ambiguity's primary role is to mediate between estranged diplomatic entities, including states, governments, people's representatives, and various international institutions. But, strangely enough, diplomatic ambiguity is usually looked at as something that does not mediate, but deepens estrangement. One usually focuses on the fact that diplomatic ambiguity gives rise to an interpretative conflict which seems not to be resolvable by, and within, language. That is why diplomatic ambiguity seems to invite immediately the power-related considerations, and is mostly seen as a tool of a power-mechanism. The next section will take the first step towards demonstrating how the concept and practice of diplomatic ambiguity can be theorised from within the power-centric perspective.

2. THE POWER-CENTRIC PERSPECTIVE – THE FIRST STEP

Classical diplomatic theorists do not provide a fully developed power-centric view of diplomatic ambiguity and such a view has never been elaborated in the form of a theoretical study. This means that here I provide a reconstruction of such a view, based on a number of comments provided, and assumptions endorsed, by some

⁷ That is why I believe that the research in diplomatic ambiguity should be primarily focused on ambiguous agreements, in general, and on ambiguous peace agreements, in particular; for my early reflections on the use of ambiguities in peace agreements, see Pehar (2001.).

⁸ See a similar explanation in Lord Caradon (1974.), and (1981.).

⁹ See Der Derian (1987.).

influential theorists of diplomacy. This section will be supplemented and completed by the frame I propose in section 4.

My guess is that the theorists and theories referred to in this section are simply reporting on a particular diplomatic practice. The fact that "practice" often gives an impression of a tangible phenomenon known to everybody probably explains why they did not put more effort into further developing their comments and opinions about diplomatic ambiguity.

Here is how De Callières, the 18th century author of the first influential treatise on negotiations, pictures diplomatic ambiguity: "... it is from this ignorance of one of the contracting parties, and the dexterity of the other, that the difficulties arise between Sovereigns, touching the explanation of the conditions of their treaties; which occasions fresh disputes, and serves as a pretext for a rupture, to him who has a mind to begin the war again, by giving a favourable interpretation for his own advantage, to the terms and expressions which are obscure, ambiguous, or equivocal in some of the articles of their treaties" Callières (1994.:156).

This paragraph requires some interpretation. What De Callières had in mind is the following. Two parties adopt an agreement. One party, X, believes that the agreement will bring peace. But, the agreement is ambiguous. The other party, Y, does not believe that the agreement will bring peace. It wants to use it as a pretext for a rupture of relationships. That is why Y provides an interpretation of ambiguity which is opposed to the interpretation by X. The relationship between those parties turns again into a war-like relationship – "fresh disputes". As ambiguity makes it possible for the war-loving party, Y, to terminate a peaceful relationship, and as the peace-loving party, X, was ignorant about this possibility, Y has been put at advantage by diplomatic ambiguity. It can catch X by surprise, and use ambiguity as a weapon to disrupt relationships and launch another war.

Fred Charles Iklé sees diplomatic ambiguity in a similar light. He claims that, "one party, while knowing what its opponent expected of the bargain, may pretend that it had a different understanding of it (i.e. the ambiguities are exploited to cover up a deliberate violation)" (Iklé, 1967.:15). Iklé believes that this is exactly what happened during the Soviet take-over of Poland, which was justified by ambiguities of the Yalta Declaration. He emphasises that, "... the ambiguity of the Yalta Agreement inhibited the American government from opposing the Soviet take-over of Poland more forcefully along the lines suggested by Churchill" (Iklé, 1967.:11).¹⁰ In other words, the Soviet government, according to Iklé, manipulated the US government into believing that the Soviet side will stick to the US interpretation of the Yalta Declaration. Stalin, however, deceptively exploited ambiguities of the Declaration and, under his interpretation, used them to justify

¹⁰ One, however, should be aware that at the Yalta conference, US President Roosevelt was aware of the Yalta ambiguities. As former US Ambassador, and a close aid to Roosevelt, Harriman claims, Roosevelt did not mind accepting ambiguities, or other parties' providing their own interpretation, as long as he was in position to provide an interpretation that he thought would suit his, and the US, interests; for this see Harriman, Abel (1975.:399).

his actions in Poland. The American government's hands were, as Iklé claims, tied by diplomatic ambiguity.

Henry Kissinger described the Soviet Cold War strategy of ambiguity in similar terms. In his *Nuclear Weapons and Foreign Policy* he claims that, "the nature of the Soviet challenge is, therefore, inherently ambiguous. It uses the 'legitimate' language of its opponents in a fashion which distorts its meaning and increases the hesitations of the other side... all dividing lines between war and peace, aggression and the *status quo*, are gradually eroded and in a manner which never presents a clear-cut issue to the West" (Kissinger, 1969a:58).

Kissinger thus pictures ambiguity as something that generates confusion and makes its "victims" uncertain. Ambiguity is used as shield behind which the Soviet side can hide its true intentions. The Soviet side presents ambiguity which the Western powers interpret too charitably; this makes those powers hesitant and puts Soviets at advantage in the sense of enabling them to exploit the uncertainty and hesitation of its principal Cold War rivals.

The three theorists picture diplomatic ambiguity as a dangerous weapon. One should, as Callières claims, try his best to make sure that ambiguities do not appear in treaties/documents. Iklé adds to this that, as the Soviet practice indicated, ambiguity allows one to violate a treaty by disabling the partner-side to oppose such a violation. Kissinger also reports on ambiguity's ability to generate confusion and hesitancy in its victims.

Thomas Franck, an influential theorist of international law, has comprehensively presented similar considerations on all semantically indeterminate legal rules, which, I believe, includes diplomatic ambiguity. He as well claims that ambiguities deprive a rule of its pull towards compliance and thus seem to enable one to justify easily their non-compliance with the rule (Franck, 1997.:31). In addition to this, he claims that ambiguity must have a negative impact on perceptions of the rule's fairness, "for the evident reason that it is thought fairer to impose rights and duties which can be understood and anticipated by those to whom they are addressed than to impose rights and duties which leave the reader unable to anticipate the vagaries of its interpretation by bureaucrats, police, or judges" (Franck, 1997.:33).

Diplomatic ambiguity is seen in the similar light also by many commentators and analysts of specific peace agreements, instruments, and processes.

For instance, Herbert C. Kelman, an influential psychologist of conflict-behaviour, comments on the 1993 Oslo Declaration of Principles signed by the PLO and Israel in the following way: "... the ambiguities that were purposely left in the DOP [Declaration of Principles] in order to make an agreement possible also work in the favour of the stronger party, which is better positioned to resolve them in its own favour. It was this advantage, resulting from power-based, distributive bargaining, that led some Palestinian critics of Oslo to describe it as a Palestinian surrender and defeat" (Kelman, 1998.:37-8).

Edward Said, and many others, too, have characterised the ambiguous Oslo agreements as a deception of the PLO by Israeli representatives and negotiators (Said, 1995.:181). A Palestinian writer, Bishara claims that it was through diplomatic ambiguity that, "the Palestinians were manipulated into believing that they should take whatever was offered and build on it until the final status negotiations arrived, when they could ask for all their rights" (Bishara, 2001.:51).

As to the UN Security Council Res. 242, some historians claim that the 242 ambiguity enabled Israel to deceive subtly the US,¹¹ whereas some others claim that it enabled the US to provide support to Israel's continued occupation of the Palestinian territory.¹² According to former Egyptian foreign minister M. Riad (1981.:65-75), in 1969 Nasser stated that he would continue to negotiate on the basis of 242, but only for the sake of appearance and to please the US. Nasser explicitly compared negotiations on 242 with a "dark room" promising no exit for Egypt, and added that the only language Israel understands is the language of arms.

What has motivated the aforementioned authors¹³ to place the concept of diplomatic ambiguity in the proximity of power-considerations? Why did they choose to view diplomatic ambiguity primarily as a device that opens the door to the exercise of power?

Their reasoning can be reconstructed and put summarily in the following way. The power-mechanism, which is based on diplomatic ambiguity, has an input and an output. The input is composed of three factors: diplomatic ambiguity, an actor who can be identified as the user (exploiter) of ambiguity, and an actor who can be identified as the exploited (and victim) of ambiguity. The mechanism's output takes the form of indefinite number of power-effects that all display a common feature – language ceases to play a role in the relationship between those actors; it must be taken as somehow silenced, which opens the door to power-relations as one's primary and exclusive concern. Now, what is happening in the space between the input and the output? "Deception" and "confusion/uncertainty" are the expressions most frequently employed to describe that space. One party, A (the exploiter), is aware of ambiguity. The other party, B (the victim), is not aware of ambiguity; it is aware of only one of its meanings/interpretations. B signs to an agreement in the belief that A as well signs to the agreement. However, A now relies on the fact of the agreement's ambiguousness. It presses on B its own, not B's, interpretation of the ambiguity. B can now respond in a number of different, but equally unsatisfactory, ways. It can accuse A of deception; or it can keep insisting on its own interpretation; or it can simply give up and accept that only an illusory agreement was signed. But, due to the ambiguity, B cannot hope to provide the only satisfactory

¹¹ Little (2003.:282) and Heikal (1996.:134).

¹² For instance, El-Farra (1987.:121), Neff (1994.), and Chomsky (2003.:182).

¹³ One should not forget to add Morgenthau (1956.:405) to those I mentioned. One should, however, bear in mind that there are many others who, explicitly or implicitly, endorse such power-centric perspective.

solution, which is to supply a quick and conclusive proof that A's interpretation is flawed, a proof in the form of a more consistent, and justified, interpretation. B cannot conclusively prove that A's (arbitrary) interpretation could and should be replaced with B's less arbitrary interpretation – both interpretations of an ambiguity are equally arbitrary and equally justified. This, however, means that, due to the ambiguity, the relationship between A and B seems to have been left without non-arbitrary foundations, and that the two have ceased to be bound by a rule that could make their behaviour predictable to one another.

Let us notice here that A can easily unsettle B's accusation of deception, because it was B himself who initially focused on only one possible meaning of the ambiguity. A has only taken advantage of B's ignorance. This furthermore means that the power-mechanism operating through diplomatic ambiguity requires a contribution by the victim of such mechanism, its implicit, or passive, cooperation at the most basic level. Such a mechanism requires that the victim's mind is temporarily "put asleep", but one cannot blame the exploiter of ambiguity for "putting his/her victim's mind asleep". Deception by ambiguity is comparable to mimicry. A mimic is not directly responsible for the response of a deceived organism of which the mimic may take some advantage. In actual fact, congenital flaws of the deceived organism and congenital skills of the mimic join their forces to create a situation from which the mimic alone will benefit.

"Confusion/uncertainty" can replace "deception" and deliver the same result. In this section, however, I cannot fully explain how "confusion" can fill the space between the input and the output of the power-mechanism that relies on diplomatic ambiguity as its chief tool. One should only notice that whereas "deception" assumes that the victim's focus is on a single meaning of ambiguity, "confusion" assumes that the victim's focus is on both meanings of ambiguity, which can make him/her uncertain, undecided, or confused, to which some further effects could follow that a skilful exploiter of diplomatic ambiguity can exploit to his own advantage.

3. THE POWER-CENTRIC PRACTICE AND DIPLOMATIC AMBIGUITY IN RAMBOUILLET DRAFT AGREEMENT¹⁴

I maintained that the aforementioned theorists and analysts should be taken as reporting on an existing diplomatic practice in which the power factor plays the dominant role. This explains why their comments on diplomatic ambiguity are so brief and open-ended. The previous section has tried to make explicit some of the assumptions underlying such a practice and organise them into a meaningful, though yet to be completed, whole.

¹⁴ Though I believe that my account in this section is supported by sufficiently strong evidence, it is possible that I have missed some essays, or memoirs, in the light of which the history of the Rambouillet negotiations would look different. Moreover, I do not intend to generate the impression that the US diplomacy is familiar only with the "power-centric use of diplomatic ambiguity". The aim of this section that I really care about is to indicate the practical relevance

This section's ambition is to demonstrate that such power-centric practice of diplomatic ambiguity has also characterised some of the important episodes of contemporary diplomacy. The focus on such episodes could perhaps help us to shed more light on the assumptions underlying the power-centric practice, and move further towards full elaboration of the power-centric model of diplomatic ambiguity.

In that regard, I believe that today we have enough evidence to claim reasonably that in 1999 the US diplomacy has relied on diplomatic ambiguity as a tool of a power-mechanism to achieve their objectives during the Rambouillet and Paris negotiations dealing with the Kosovo crisis.

Negotiations between the Serb and the Kosovo-Albanian delegations started on February 6, 1999 in Rambouillet, a castle and presidential retreat near Paris.¹⁵ The main task facing the negotiators was to discuss and adopt constitutional arrangements for Kosovo, an autonomous province of Federal Republic Yugoslavia (FRY); three international diplomats were coordinating the mediating efforts: American Christopher Hill, Austrian Wolfgang Petritsch on behalf of the EU, and Russian Mayorski. The main problem facing both the international mediators and the very parties to the conflict was as follows. Despite the fact that a number of the UN SC Resolutions, based on the UN Charter, guaranteed legal sovereignty of Yugoslavia and inviolability of its borders, Kosovo Albanians, a majority in Kosovo, were on their way to secede from Yugoslavia and declare independence. As to the Serb population both in Kosovo and outside Kosovo, in Serbia proper, their attachment to the province does not rest on numbers, as they are a minority in Kosovo, but on a historical meaning Kosovo provides for entire Serbdom. Namely, the Kosovo field was the place of the famous Kosovo battle by which the late 14th century Ottoman armies broke into the region of the South-Eastern Europe. Serbs call Kosovo "the cradle of Serbdom".

Kosovo-Albanians thus wanted to secede from FRY. Serbs wanted Kosovo to remain a part of FRY. Officially, the Rambouillet talks' main purpose was to find a way to reconcile those two seemingly irreconcilable wants.

Formally it was the EU together with the US and Russia who tabled the Rambouillet draft agreement, a long and complex document, but the draft was in fact an American one.¹⁶ One of the three international mediators to Rambouillet, Ambassador Petritsch

of certain ways of thinking of diplomatic ambiguity and substantiate the scenarios presented in the second section in such a way that we can move further towards elaboration of an applicable theory of diplomatic ambiguity.

¹⁵ My account is based on Petritsch, Kaser, Pichler (1999.:278-351), Kaser (1999.), Pilger (1999.), BBC serial "The Fall of Milošević" (mid-January 2003.), Weller (1999.), Judah (2000.), Daalder, O'Hanlon (2000.), and a talk I had with Ambassador Petritsch in early 2000, in his Sarajevo Office, where, following his mission to the FRY, he served as the High Representative of the international community to Bosnia-Herzegovina. Amb. Petritsch carries no responsibility whatever for the analysis I am presenting here.

¹⁶ Petritsch explained to me that he, but not the US representatives, favoured a short list of broad

outlines the draft agreement in the following way: "The agreement was marked by a strong influence of international community. Kosovo was to *de facto* become a temporary protectorate. As to the institutional part of the agreement, provisions of the agreement were deliberately formulated in an ambiguous fashion to ensure a wide space (*Spielraum*) for interpretation: it was foreseen that the international influence in the "civilian" part be concentrated on an Implementation Mission, i.e. the Chief of the Implementation Mission, who could remove or appoint public officials as well as put a limit to those institutions that would act contrary to the constitution. He was also provided with a wide responsibility in police matters... Formally, Kosovo would remain a constituent part of Serbia but the powers of the Republic [to exert influence over Kosovo] would be limited to a significant degree (Petritsch et al., 1999.:280-281; translation from the German original is mine).

Petritsch here claims that the agreement was formulated in an ambiguous fashion. For instance, article I of the draft Constitution reads as follows: "Kosovo shall have authority to conduct foreign relations within its areas of responsibility equivalent to the power provided to Republics under article 7 of the Constitution of the Federal Republic of Yugoslavia". The attribute "equivalent" can be interpreted in different ways. Does it mean "equal", or "similar", or "approximately equal"? Let us also notice that the official title of the document was *Interim Agreement for Peace and Self-Government in Kosovo*. The Serb negotiators immediately cancelled out the following three items from the title: "Kosovo" was replaced with, for the Serb side, a politically more correct Serb variant "Kosmet"; as to "interim" as well as "peace", they simply wanted to delete the two (Petritsch et al., 1999:288). In other words, the Serb side did not want to leave a possibility for one to reopen negotiations in the future; they did not want to give Kosovo-Albanians another chance to press demands for more autonomy within Yugoslavia. However, had they, the Serb representatives, read more attentively, they would have noticed that article III of the first Draft, or article I of chapter 8 of the final Draft, stipulates that amendments to this Constitution would be adopted only by consent of all parties to the agreement. Hence it was suggested that the draft agreement was *interim*, but also permanent, provided one of the parties wanted to keep it that way.

The crucial issue of the Rambouillet talks, the issue of Kosovo-Albanian referendum for independence, was addressed in the later part of the conference. I believe that it was primarily the issue of referendum, and the way international mediators tackled it, that turned Milošević's perhaps weak will to compromise into non-existent. The international mediators, the US team primarily, tried to resolve this issue by means of an ambiguity for which the then US State Secretary Madeleine Albright later stated it was "creative".¹⁷ The Italian representative to Rambouillet claimed that he officially opposed the use of ambiguity to resolve the referendum issue, and that

principles from which more specific proposals would be drawn by deduction.

¹⁷ Albright's interview in "The Fall of Milošević" (mid-January 2003, the first episode "Defiance").

his logic was crystal clear – accepting the principle of sovereignty/inviolability of borders unambiguously implied not giving Kosovo Albanians an ambiguous promise of independence.¹⁸ How was the issue addressed?

Article III, provision 3 of the initial Rambouillet Draft Agreement reads as follows: “In three years, there shall be a comprehensive assessment of the Agreement under international auspices with the aim of improving its implementation and determining whether to implement proposals by either side for additional steps” (Petritsch et al., 1999.:294).

The Kosovo Albanian delegation demanded that to this provision be added a clause opening the possibility of a referendum for independence of Kosovo, a demand to which the international mediators responded ambiguously positively. The Serb delegation did not want to hear a thing about the demand and it cancelled out the proposed provision and emphasised again that there will be no changes to the existing agreement without the consent by all. Here is how the Serb negotiators formulated their proposal: “After three years, the signatories shall comprehensively review this agreement with a view to improving its implementation and shall consider the proposals of any signatory for additional measures, whose adoption shall require the consent of all signatories” (Petritsch et al., 1999.:294).

At that moment the mediators have decided to launch a “creative ambiguity”. In chapter 8, final clauses, article I, provision 3, the mediators have replaced the former “assessment-clause” with 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** [bold by Pehar], 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” (Petritsch et al., 1999.:XLIII).

But, now neither the Serb nor Kosovo-Albanian delegation was happy with the creative ambiguity of the phrase “on the basis of the will of the people”. The Kosovo Albanians voiced again their demand that “referendum” be explicitly mentioned, but after the mediators rejected such a demand, the Kosovo-Albanian delegation demanded that the international proposal be changed into “on the basis of explicit will of its people”. However, the US and the EU negotiators rejected the second demand as well (Petritsch et al., 1999.:305).

This has predictably diminished the Kosovo-Albanian delegation’s will to accept the draft agreement. In those moments the US diplomats showed an increased nervousness. As a close observer of the Rambouillet talks on February 28, 1999 reported, “In its final chaotic hours, the Rambouillet peace conference on Kosovo degenerated into a play lacking both a director and its main character” (Hoagland, 1999). The last chaotic days and hours of the Rambouillet conference witnessed two key junctures. First, the US provided to Kosovo-Albanian delegation a bilateral assurance that the ambiguity of the “assessment-clause” means that the Kosovo

¹⁸ Interview in the same episode of “The Fall of Milošević”.

Albanians would hold a pro-independence referendum.¹⁹ The Russian representative Mayorski learned about this and strongly protested. Secondly, as the EU representation, due to internal disagreement over acceptability of the “will of the people-ambiguity”, practically ceased functioning as a harmonious whole, this has left only one major mediating player in the arena, the US.²⁰

On February 23, 1999, a few hours before leaving Rambouillet, the Kosovo-Albanian delegation gave their conditional promise that they would accept the Rambouillet Draft Agreement, “in two weeks, after consulting the people of Kosova and its political and military institutions”. Their declaration also contained, in point 3, their interpretation of the “referendum” clause: “the delegation of Kosova understands... that at the end of the interim period of three years, Kosova will hold a referendum to ascertain the will of the people as provided in Article I (3) of Chapter 8 of the Agreement” (Petritsch et al., 1999.:309). The Serb delegation, however, simply rejected the Rambouillet draft. As neither side gave their straightforward consent to the draft, and as that implied that neither side could be accused of rejecting a peaceful solution, the US was not in position to demand immediate start of the NATO air strikes.

From March 15 till March 19 the talks resumed in Paris, but they brought no substantial progress, except that the Kosovo-Albanian delegation this time signed to the draft agreement without reservations. It is also interesting to notice that within the period between Rambouillet and Paris, on March 8, the EU mediator Petritsch held a meeting with the Serb President Milutinović at which the two had an extensive discussion about the system of judiciary under Rambouillet as well as about the “comprehensive post-interim period assessment” clause. As Petritsch recalls, he, “by explaining that interpretability of certain important parts of the text was deliberately chosen to give justice to both, mutually exclusive positions, opposed Milutinović’s objection that the draft agreement was too unclear in certain passages.²¹ For example, the Kosovo Serbs would thus be given an opportunity to call upon the Serb institutions. As to the revision clause, Petritsch gave an advice to the Serb President to specify the Serb position on the ‘the will of the people’ passage in a *side letter*” (Petritsch et al., 1999.:327-8). But, Milutinović did not respond to Petritsch’s suggestion.

This means that the Serb negotiators were fully aware of ambiguousness of the “referendum” clause. From the Serb point of view, the proposed agreement called on the UN principles in the very preamble and recalled “the commitment of the international community to the sovereignty and territorial integrity of the Federal

¹⁹ Weller (1999.:232) puts this ambiguously: “... as a result of quite dramatic all-night negotiations, one delegation may have indicated a willingness to give certain bilateral assurances to the effect that this formulation did indeed refer to a right of the people of Kosovo to make manifest their will in relation to the future status of the territory through a referendum”.

²⁰ See also Judah (2000, 213-16)

²¹ If this is the way Petritsch has really put it, this gives one a false impression that “ambiguous” (interpretable) and “self-contradictory” mean almost the same.

Republic of Yugoslavia" (Petritsch et al., 1999:II). However, in relation to the Kosovo Albanian referendum issue, the proposed wording was ambiguous. Let us, however, imagine that, from the point of view of the Serb interest, the Serb negotiators could have found at least some hope in the proposed ambiguity, that they could have quieted their concerns by having said, "well, it is still possible that our interpretation of the 'referendum' clause would prevail". This might have been only a part of their problem. Another, perhaps bigger, problem for them was to accept chapter 5 concerning implementation of the Rambouillet agreement. This chapter sets the frame for an international implementation mission composed of officials from abroad and headed by a (European, or American) Chief of the Implementation Mission (CIM). Article V, the final article of the chapter 5, reads as follows: "The CIM shall be the final authority in theatre regarding interpretation of the civilian aspects of this Agreement, and the Parties agree to abide by his determinations as binding on all Parties and persons" (Petritsch et al., 1999.:XXVII). More specifically, the Serb side may have their own interpretation of the "revision", i.e. "referendum", clause, but it is the CIM who will determine the meaning of the clause because he is the ultimate interpreter. Perhaps predictably, the Serb side has never submitted its *side letter* with an interpretation of the "on the basis of the will of the people" phrase. On March 19 the Paris negotiations too collapsed and the Serb delegation rejected the last offer. On March 24 the NATO air strikes against the targets in Yugoslavia began.

A close aid to the then US Secretary of State, M. Albright, said that there was only one purpose (for the US diplomacy) in Rambouillet, "to get the war started with the Europeans locked in" (O'Hanlon, 2000.:89, as quoted by Daalder).²² With that purpose in mind, the use of diplomatic ambiguity by the US mediators can be explained easily along the lines of the power-centric perspective.

The US purpose is to get the war started. But, this must be done in such a way that none can accuse the US of a lack of will to search for a peaceful solution. The Serb side must take all the blame for the failure of the Rambouillet/Paris negotiations. The Serb side must do something that the US can use as a sufficient ground for picturing the Serb side as being against peace, against a negotiated solution. In other words, the Serb side must be somehow motivated (but not directly advised, or provoked) to announce explicitly their decline of the Rambouillet Draft Agreement. This is a sub-purpose of the US diplomacy in the arena of the Rambouillet negotiations. Apart from that, the Europeans must be "locked in". This means that they too should be convinced about the correctness of the US negotiating tactics as well as about the Serb unwillingness to accept a peaceful solution.

²² Daalder and O'Hanlon do not question this statement; in their view, even if the only purpose of the Rambouillet/Paris talks was for the US to get an excuse to launch a military action against FRY, the US diplomacy at Rambouillet and Paris was successful, when measured by the ultimate outcome of the talks (!).

The ambiguity of the “referendum-clause” can be fully illuminated now. The US responds to the Kosovo-Albanian delegation request for a referendum at a crucial stage of the Rambouillet negotiations. Let us notice that the preliminary Rambouillet Draft makes no mention of referendum, or of a “final settlement... on the basis of the will of the people...”. This can be interpreted as a huge concession to the Kosovo Albanians and as a move towards supporting secession. But, this ambiguity, being an ambiguity, does not have to be interpreted that way. The US negotiators thus get a perfect “alibi”. If the Serb side interprets the “referendum” clause as a hidden promise of pro-independence referendum for Kosovo-Albanians, such an interpretation is but a Serb choice. The “referendum” ambiguity, however, threatened to alienate the Kosovo-Albanian delegates as well. When they showed a desire to opt out of negotiations, and decline the Rambouillet Draft, the US mediators thought they would fail to achieve the main purpose of the Rambouillet conference. That is why they provided bilateral assurances, probably only in an oral form, to the Kosovo-Albanian delegation to the effect that the “referendum” clause means that a pro-independence referendum would be held. Let us, however, notice that, under the Rambouillet Draft, a pro-independence referendum by itself does not guarantee a real independence. This is how the US diplomacy might have responded to the Italian representative to Rambouillet who complained that the sovereignty of FRY implies that one should not give an ambiguous promise of a pro-independence referendum to the Kosovo-Albanian delegation. To give a promise ambiguously means to give a promise that can be later reinterpreted and withdrawn, if needed. In other words, no European could have accused straightforwardly the US representatives of siding with the Kosovo-Albanian delegation, or of showing a bias against the Serb side. Europeans were thus “locked in”.

One should notice here a striking similarity between De Callières’ report on the use of ambiguity to “occasion fresh disputes” and the use of the “referendum” ambiguity to get the NATO strikes started. One of “De Callières’” parties, the war-loving one, relies on ambiguity to oppose the other party’s interpretation and thus turn their seemingly peaceful relationship into a war-like one, after which a real war eventually breaks out. In Rambouillet, we have a major party which relies on an ambiguity to offer a peace, to which another party responds by supplying an interpretation to the ambiguity which motivates it to decline such offer,²³ of which the major party then takes advantage and accuses the other party of the lack of will to accept a negotiated and peaceful solution, which provides a rationale for a military strike against the party.

I must re-emphasise here the point I already emphasised. Ambiguity cannot perform the function of a tool of a power mechanism without an awkward, and ultimately self-defeating, “cooperation” by those who are exploited, or dis-

²³ Interestingly, at his last meeting with Hill, Petritsch, and Mayorski, on March 22, 1999, Milošević characterised the Rambouillet Draft as “fraud/deception” (“Betrug” in the German original of Petritsch et al., 1999.:349).

advantaged, by such a power mechanism. That is why one cannot blame the US diplomats for simply deciding to launch a war against a sovereign country. The US ambiguity-based diplomacy of the Rambouillet and Paris talks paved the way to the start of the NATO strikes, but, the Serb side, paradoxically, helped the US to create a for many convincing impression that, all other means having been fully exhausted, they could not have paved alternative ways.

In addition to this, I must also emphasise that the power mechanism, which relies on ambiguity as its chief tool, also depends on the readiness of the exploited to think of ambiguity in the power-centric terms. The Serb side must have believed that, when it eventually comes to actual confrontation between their interpretation of the Rambouillet ambiguities and the Kosovo-Albanian (or the US) interpretation of those ambiguities, the undecidability of such a situation implies that language would then cease to play the key function. One claim will be simply pressed against the other, and whoever gets support by the more powerful would win. As, in the Serb eyes, the Kosovo Implementation Mission, together with the Chief of the Mission as the ultimate interpreter of the Rambouillet Agreement, was already marked as an "enemy", they must have believed that all the weight of the powerful would be thrown behind the Kosovo-Albanian claims.²⁴

4. THE POWER-CENTRIC PERSPECTIVE IN COMPLETE FRAME

After having presented a real case of diplomacy that relied on diplomatic ambiguity to achieve a number of power-effects, we can now add the remaining assumptions implicitly endorsed by the power-centric practice of ambiguity.

The power-driven strategy, which relies on diplomatic ambiguity, depends on the concept of symbolic power. As P. Bourdieu characterised it, symbolic power is power which produces a maximum effect with a minimum investment of energy;²⁵ at the same time, it is non-autonomous in the sense of being a legitimated form of other forms of power (see Bourdieu, 1995., esp. 163-170). One can also characterise it as the third dimension of power, in S. Lukes's terminology. Symbolic power is the power which heavily relies on a support of its victims; it does not consist in the ability to force others to change their preferences according to the needs of the

²⁴ This also explains why it is inaccurate to say that the Yugoslav government was simply unwilling to accept the basic terms of the Rambouillet Agreement that are said to include "autonomy for Kosovo". The Yugoslav government was offered an ambiguous draft outlining an ambiguous "(non)autonomy" for Kosovo; the government's key problem was in the draft's interpretability which implied a conflict of interpretations of which they thought that its settlement would necessarily be to their (Yugoslav/Serb) disadvantage.

²⁵ In that sense, the "power-effect" achieved by the means of ambiguity should be categorised as "a soft power-effect". In other words, ambiguity appears to open the door to the parties' exclusive focus on (hard)power-relations; but, please, note that such a function of "opening the door to an exclusive focus on (hard)power-relations" is performed by a pattern of language that is, by definition, a power of soft kind.

powerful, but in the ability to take advantage of the (unchanged) preferences of the others who unknowingly, and sometimes even knowingly, support a power-structure which puts not them at advantage, but others (Lukes, 2005.:77-8, and 86-7).

One should notice here that symbolic power must rely on a form of language because language can produce a maximum effect with a minimum investment of energy; at the same time, language is put into service of such a power; it performs the role of an instrument of power. It does not perform normal functions of language, which amount to communication, expression, and information-transmission. Such language, as an instrument of power, carries cognitive, emotive/expressive, and informative contents only to subordinate them to its main purpose, which is to reduce all the relations between actors to power-relations.

Now we should be in a better position to understand why ambiguity is so frequently thought of as related to, and inviting, power-considerations.

First, ambiguity is a "two-horn" phenomenon enabling two equally plausible interpretations. Regularly, we tend to think of such duality of interpretation in terms of the contrast between essence and appearance. So, one interpretation must be essential, whilst the other merely apparent. Or, perhaps alternatively we could think of both "horns" as being merely apparent and serving as a kind of façade or cover for a third, essential feature. Let us call this "the assumption of essence-appearance contrast". In both cases, this implies that there is something deceptive in ambiguity, including diplomatic one, because, if we accept the premise that this contrast between essence and appearance serves a function, we would tend to accept the opinion that the "horn" standing on the side of appearance must be meant to mislead, or deceive, or deliberately cause an error, or something that can be qualified as an error, in somebody.

Secondly, ambiguity is obviously a surplus of meaning, but for many, this surplus could, in practical terms, generate an impression of the absence of meaning. When we say something that means too much, i.e. that carries at least one meaning too many, then our interlocutor may be at a loss to respond to our saying, or to attribute something significant for him to our saying. In other words, *prima facie* ambiguity seems to create emptiness by a language that has been self-silenced. Let us call this "the assumption of self-annihilated meaning". Typically, however, where language ceases to play an important role, factors other than language will start to dominate. This means that ambiguity tends to make one mute; it is as if s/he has seen an apparition, a confusing figure, a sound that is like all sounds and no sound at the same time. S/he will become susceptible to any explanation that can reduce her/his cognitive unease.

Such considerations explain why we tend to consider the "power"- "ambiguity" nexus as plausible. As ambiguity can be interpreted in at least two different ways, this gives us two possibilities. Either only one meaning of ambiguity plays the key role in the power-driven strategy of deception, or both meanings of ambiguity play the role in the power-driven strategy of confusion-generation.

Interestingly, P. Bourdieu, too, considers ambiguity as the chief tool of symbolic power. His focus was mainly on the strategy of deception, in the light of which he pictures ambiguity in the following way: "LOUCHE/'cross-eyed'. In grammar this word means 'indicating one sense but at the end determining quite different one. This has been said especially about the phrases the construction of which contains certain amphibological tour very harmless to clarity of the sentence' ... in the same way the cross-eyed apparently look in one direction, but in reality looking in another" (Bourdieu, 1982.:79).²⁶

Roland Barthes is another theorist picturing ambiguity as the tool of deception in the service of ideological effects. He claims that the ambiguous nature of ideological messages motivates their consumers to focus on "falsely obvious", which makes them willing to accept and unknowingly maintain the injustices inherent in the capitalist world (Barthes, 1973.:109-159).

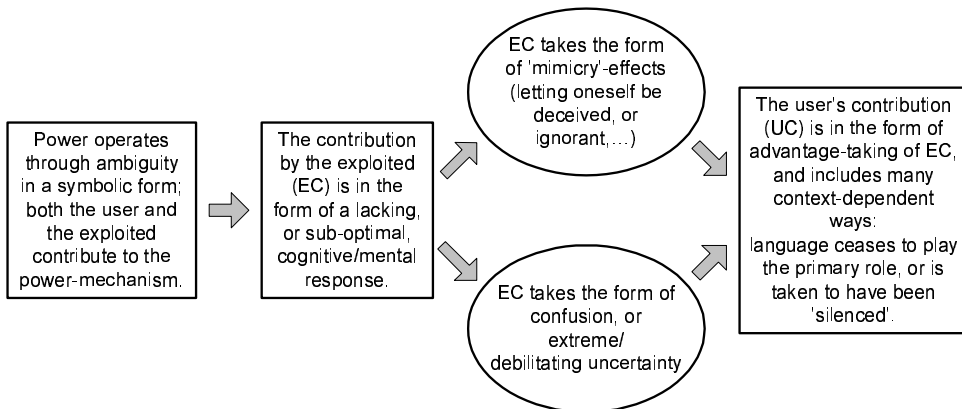
But, the deception-version of the "power-centric" theory of ambiguity is very old. We find it in the First Book of *The Histories* by Herodotus. Herodotus narrates about the Lydian king Croesus who received the famous prophecy from the Delphi: "once you cross the river Halys you will destroy a mighty empire". Believing that this means that he would destroy the Persian Empire, Croesus launched a military attack, which ends with his defeat by the Persians, and his own "mighty empire" destroyed. The Delphi's prophecy proved true, but not under the interpretation Croesus supplied. Herodotus frequently used one attribute to characterise such ambiguous prophecies, *kibdelon*, which means "impure", or "base" (metal), but the root meaning of which is "adulterated", "adulterous" (wife) (Herodotus, 1993; see also Arieti, 1995). Such metaphor perfectly comprises the deception version of the "power-centric" theory of diplomatic ambiguity. Ambiguity's primary purpose is to enable one to play a dual role in a triangular relationship, where one of the parties (the exploited by the ambiguity) is necessarily deceived. Milošević's last description of the Rambouillet Draft Agreement as a deception indicates that he saw himself as a party disadvantaged by a triangular relationship (US/Kosovo-Albanians/Serbs) in which the Rambouillet Draft ambiguity leads a double life.

Again, it must be stressed that the "deception" version operates on the assumption that deception is not "imposed"; it is self-generated. Milošević could have adopted the Rambouillet Draft Agreement in the belief that he would manage to pull through his interpretation of the draft's key ambiguities. The Delphi did not force Croesus to adopt the interpretation of the prophecy he adopted. De Callières qualifies the exploited as ignorant; Kissinger blames the western powers for not being sufficiently rational in their dealings with ambiguous Soviet threats (see, for instance, Kissinger, 1984.:11 and 337-8, and Kissinger, 1969b:14 and 29-34). Ikle's claims on deceptive ambiguity of the Yalta Declaration imply that the US miscalculated when it expected that Stalin would stick to the US interpretation of the Yalta Declaration ambiguities.

²⁶ This is Bourdieu's quote of M. Beauzée; translation from the French original is mine.

As to the "confusion" version of the "power-centric" theory of diplomatic ambiguity, the pertinent metaphor is the metaphor of "double-bind", as described by the Palo Alto School of psychiatry (see Watzlawick et al., 1967.:211-219 and 86-7, and Bateson, 2000.:201-227). The Palo Alto theoreticians, including Bateson and Watzlawick, formulated a theory in which one of the main causes of schizoid disorders is to be found in the communication patterns within the families in which schizophrenic patients are brought up. The Palo Alto School found out that ambiguities and undecidable messages frequently occur in communication within those families. Parents in those families convey to their children ambiguous messages behind which a coherent intention cannot be discerned, which over time makes those children permanently unable to communicate with others, and especially unable to form a picture of communicative intentions of others. This of course has numerous power-effects – a schizophrenic patient becomes totally dependent on others, other people are being authorised to provide a definition of the outside world for, and on behalf of, a schizophrenic patient etc.

Now we have a comprehensive picture of the power-mechanism employed by the power-centric practice of diplomatic ambiguity. Such a power-mechanism rests on a number of assumptions that, grouped together, form a power-centric model of diplomatic ambiguity that can be concisely presented by the following figure:



5. LIMITATIONS OF THE POWER-CENTRIC PERSPECTIVE AND A FRAGMENT OF A REASONED THEORY OF DIPLOMATIC AMBIGUITY

A number of objections can be raised against the presented model of diplomatic ambiguity.

First of all, the model obviously counts on sub-optimally rational actors in the very basic sense of their not being able to recognise, and adequately respond to, ambiguity as an ambiguity. The assumption of sub-optimal rationality is an empirical

conjecture which will prove wrong many times. In other words, put a rational language-using, i.e. human, being in place of the sub-optimally rational and you will drastically reduce, and perhaps remove, the initial plausibility of the power-centric model.

Secondly, from an ethical point of view, the model invites us to view others as "seducible dummies". One could argue here that the exploiter of ambiguity does not treat the exploited as "seducible dummies" as they are responsible for their response to ambiguity. The exploiter only takes advantage of a situation created by "seducible dummies". But, even under this description, the situation is ethically questionable because it is a part of the exploiter's intention that "seducible dummies" act as such. The exploiter does not attempt to optimise their sub-optimal rationality; he channels its effects into the path of his interest.²⁷

I do not claim that some other ethical considerations cannot override such ethical argument against the power-centric model of ambiguity. Imagine that one deals with a cruel tyrant who is also a "seducible dummy". In such a situation one would not object to the use of ambiguity along the power-centric lines. However, the use of ambiguity in such a situation proves only that the desirability of ends (for instance, weakening a cruel tyrant) overrides the non-desirability of means (exploiting the tyrant's sub-optimal rationality). This implies that the ultimate ends, or motivations, of the US diplomacy in Rambouillet might have been just and ethically perfect: for instance, to overthrow Milošević and put an end to his regime, or to create a just and peaceful Kosovo in which all its peoples could live in peace and harmony. In view of such ends, the US use of ambiguity as a tool of a power-mechanism during and after the Rambouillet/Paris talks, which is ethically questionable, might turn out to have ultimately served positive ends, which is ethically unquestionable. However, this only means that some "ugly" means were used to good ends; here I cannot deal with the question of when, and under what conditions, good ends justify, or excuse, such use of "ugly" means.

(Note also that I do not claim that ambiguity always serves the interests of the stronger actor. I have presented a case in which, as I claim, it has indeed served the interests of the stronger actor, but it would not be difficult to present, or imagine, some other cases including perhaps the UN Security Council Resolution 242 [for which see my footnote 11 as well as the sentence that footnote 19 refers to] in which a weaker actor exploits a sub-optimal response to an ambiguity by a stronger actor. In my view, this is not abnormal as power-relations are often contingent and arbitrary.)

Thirdly, the power-centric model must take a deeply polarised view of the use of ambiguities in diplomacy, on the one hand, and the use of ambiguities in other realms of human cognitive activity, including arts, philosophy, science, and daily communication, on the other. In those realms ambiguities' primary purpose is to inspire and rejuvenate both cognitive activity and communication by "fore-

²⁷ For the contrast between lie and verbal deception by equivocation, and for the argument that the latter does not present a moral progress vis-à-vis the former, see Adler (1997.).

grounding" language,²⁸ by making it an explicit subject of scrutiny and discussion. For instance, it is clear that "double-binds" do not only generate confusion, but may prompt one to formulate a theory of such phenomena, as G. Bateson, inspired by Russell's theory of logical types, did. It is also clear that it was an extensive exploitation of ambiguities by the Greek Sophists that motivated Aristotle to formulate the first skeleton of the first theory of logic ever. Ambiguity is at the heart of Kafka's fiction and of Henry James's.²⁹ Both in poetry and daily communication, one of the main functions of ambiguity is to draw the speaker's and the hearer's attention to the medium of language itself,³⁰ and motivate them to reflect further on it and attempt to renew its communicative value.

Such facts cannot be reconciled with the power-centric model of ambiguity. Such a model must assume that diplomacy and international politics give a special, and highly specific, treatment to ambiguity that does not extend to other realms of human cognitive activity. Against the power-centric model one could say that one's approach to ambiguity should be holistic, and that the view one takes of ambiguity in one broad realm of cognitive activity should be transferable to other broad realms; the assumption that to each realm its own, and non-generalisable, theory of ambiguity should be allocated, is highly counter-intuitive.

Fourthly, I explained that there are two assumptions that could motivate one to endorse the power-centric view of diplomatic ambiguity, the assumption of essence-appearance contrast and the assumption of self-annihilated meaning. However, when we recall the concept of ambiguity as presented in the first section, we will realise that, strictly speaking, neither of those assumptions is tenable. The meanings of ambiguity are both potential and both equally supported by factual semantic elements. This, however, implies that attribution of ambiguity does not draw a distinction in ontological status of the individual meanings attributed. Being merely potential, both meanings are equally apparent, and equally essential.

As to the second assumption, of self-annihilated meaning, it invites us to think of ambiguity in terms of a contradiction which says both A and non-A, and which thus cancels itself out. But, again, this assumption is flawed. Attributing ambiguity does not mean attributing a self-contradictory meaning. The meanings of ambiguity are not actually present in the ambiguity; one thinks of them as merely potential, which implies that ambiguity is neither meaningless, nor contradictory; hence the assumption of self-annihilated meaning is wrong.

We should conclude then that the power-centric view of diplomatic ambiguity is flawed. This, however, does not mean that one should expect the power-centric practice to disappear by itself. As long as there are sub-optimally rational actors of diplomacy, and the actors willing, and being able, to exploit the sub-optimal rationality

²⁸ "Foregrounding" here means emphasising the importance of language, moving it into the foreground of observation, for which see Peng Su (1994.:168).

²⁹ And, especially, at the heart of classical Greek tragedy, for which see Vernant (with Vidal-Naquet) (1990.:113-140).

³⁰ For the poetry, see Peng Su (1994, 168); for day-to-day communication, see Nerlich, Clarke (2001.).

of others, the power-centric practice of diplomatic ambiguity is likely to continue. This also implies that, as a description of historical, contingent developments, the power-centric view of diplomatic ambiguity can be very useful, because sometimes actors are indeed sub-optimally rational and it is not difficult, or impossible, to imagine the user of ambiguity who takes advantage of their sub-optimal rationality. Still, we should not take this to mean that the power-centric theory is occasionally true; we should take this to mean that some actors of international politics sometimes display the behaviour-patterns the best account of which includes the assumption that those actors hold a version of the power-centric theory of diplomatic ambiguity. Such an assumption certainly implies a critique of such historical/international developments as I am presenting it in this section, but we would need the power-centric view at least for the purpose of understanding the strategy the user of ambiguity applies as I have presented it in the third section.³¹

How this all applies to the Rambouillet Draft ambiguities and the US diplomacy during the Rambouillet/Paris talks?

Milošević seems to have adopted the power-centric view of the Rambouillet ambiguities. Seen in the light of my analysis, he has adopted a wrong view and acted in a sub-optimally rational way. The US decision-makers have simply exploited Milošević's endorsement of a wrong theory and, on the ground of Milošević's refusal to accept a peaceful solution, launched a military strike against FRY. This of course means that Milošević's choice was self-defeating because he chose an option that brought him more losses than gains. But, one should not fail to notice that, under the assumption that the US diplomacy has indeed used ambiguity as a means of the power-centric practice, as strong evidence indicates,³² such use in the long run, too, is self-defeating. First of all, the exploiter of ambiguity can unsettle a direct attribution of responsibility to him/her, as the US can claim that Milošević's was responsible for his reading of the Rambouillet Draft on the basis of which he decided to decline it. But, due to the very same ambiguity, the US can never fully prove their innocence. The US did nothing to convince Milošević that his reading of the Rambouillet Draft was at least a plausible possibility. Let us recall that Delphi, in the

³¹ A plausible analogy is perhaps as follows. There is no such thing as "producing white rabbits out of a magic hat". If you believe that a white rabbit has been produced out of a magic hat, you are wrong and suffer from an illusion. It is also important to note that, under certain conditions, everyone is prone to form the belief that a white rabbit has been produced out of a magic hat. So, the theory in which white rabbits may be produced out of a magic hat is wrong. But, every description of the illusion that observers experience will necessarily refer to the "production of white rabbits out of a magic hat".

³² Additional evidence includes: an obvious lack of will, on the US part, to convince, and/or motivate Milošević to accept the Rambouillet Draft; US bilateral assurances to the Kosovo-Albanian delegation; immediately after the Racak massacre on January 15, 1999, the US has repeatedly expressed their readiness to "bomb Serbs" straightaway (the Rambouillet conference was a result of Jacques Chirac's initiative); a pronounced will, on the part of the US, not to extend deadlines despite the fact that the Rambouillet Draft was a huge and complex document.

Croesus' story by Herodotus, have tried to place all blame on Croesus himself for his interpretation of the prophecy, but, they never managed to prove their full innocence. Delphi said that they prophesised that a mighty empire was going to be destroyed, and that a mighty empire was destroyed, which proved their prophecy. But, the fact is that the mighty Lydian empire was destroyed, and it was impossible for Delphi to prove that that is exactly what they meant. Similar considerations apply to the US diplomacy of the Rambouillet ambiguities. Too many facts speak for the reasonable belief that the US expected from Milošević to read the Rambouillet Draft in a particular way and "decline a peaceful solution", leaving thus the US with the "only remaining" option – to start the engine of the NATO war-machine.

Secondly, and this is why one should characterise the US power-centric handling of the Rambouillet ambiguities as potentially detrimental to the US diplomacy in the long run, the power-centric view of diplomatic ambiguity implies a commitment to the idea that language (of ambiguity) is subordinated to power-considerations; that, for instance, the purpose of an ambiguous peace agreement is fully exhausted by its ability to replace language-related considerations with power-related ones. Under such assumption, an ambiguous peace agreement, offered or mediated by the US diplomacy, would look very suspect, and its potential parties would probably hesitate to sign to it. Hence, in the situation where the US interest in brokering a peace agreement is strong and honest, the power-centric perspective on diplomatic ambiguity is likely to act as an impediment to the very US interest.

My reliance on a piece of historical evidence, which seems to speak in favour of the view against which I have subsequently proposed several arguments, may appear to some readers as odd.³³ I start by describing certain diplomatic developments after which I present a view that seems to explain such developments in sufficiently clear and plausible terms. Why do we then need an alternative view? I believe we need it for at least two reasons: 1. Apart from the fact that we need some view that would be immune from the arguments that undermine the contending (i.e. power-centric) view, we need such an alternative view to explain and describe some uses of diplomatic ambiguity that cannot be adequately explained by the power-centric view; 2. Even if there were no alternative uses of diplomatic ambiguity, or no available historical evidence of such alternative uses, we would need such an alternative view to help us to improve our (diplomatic) practice. In other words, in the world of social and political affairs "theory" and "practice" are inseparably intertwined; therefore a theory cannot be fully exhausted by its descriptive, or explanatory, dimensions. Its plausibility and standing need to be measured also by its ability to project "alternative" worlds, to substantiate and support an enlightened criticism, to free us from biases, irrationalities and bad habits, and, last but not least, to supply foundations for a more humane and progressive practice.

³³ It appeared so to my referees; insufficient clarity of my first draft has certainly contributed to such an appearance which I will here try to dispel.

Are there, in either of the aforementioned senses, any alternatives to the power-centric view of diplomatic ambiguity? Could we lay foundations for a more reasoned theory/practice of diplomatic ambiguity?

Here I can only give a few hints about alternatives to the power-centric view, and lay sketchy, but in my view viable, foundations for a reasoned theory of diplomatic ambiguity.

One alternative to the power-centric approach is to think of diplomatic ambiguity simply as an invitation to apply the rules of legal interpretation. In other words, the attribution of ambiguity implies that one needs to disambiguate it, which can be done by applying a set of rules of interpretation to the ambiguous text/document. If we can formulate a number of such rules, we could perhaps give them the status of compulsory rules having the force of law. This is exactly how the International Law Commission reasoned whilst drafting the "interpretation" Articles 31 and 32 of the Vienna Convention on the Law of Treaties.³⁴ As those articles represent the only internationally valid frame for treaty interpretation, this means that a success of the legal approach to the issue of diplomatic ambiguity should be primarily judged by the answer to the question of the extent to which Articles 31 and 32 provide a viable tool of legal interpretation.

Here I cannot provide a detailed argument, but it will suffice to say that, in my opinion, and for the reasons that I do not have enough space to elaborate here, the 31 and 32 are as well open to interpretation; they too can be reasonably described as ambiguous.³⁵ This, however, does not mean that they are utterly useless, as different parties could, in the course of international legal proceedings, agree on an acceptable interpretation/meaning to be attributed to those articles; however, for obvious reasons, such an agreement would have to transcend the boundaries of the legal approach to the process of disambiguation; namely, the parties to such an agreement would not be in position simply to re-apply Articles 31 and 32 to the very process of interpretation of those articles.

This, then, should motivate one to search for another alternative to the power-centric perspective.

For a start, let us note that differences in meaning-attribution often depend on, and go hand-in-hand with, differences in belief-attribution. As Donald Davidson emphasised, "I have butterflies in my stomach" is usually taken to mean that the speaker is nervous and that he intends to express his perception/belief that his nervousness makes him feel tremors in his stomach. "I have butterflies in my stomach" hence usually implies a metaphoric meaning and an ordinary belief. But, the speaker could also express this sentence as a literal truth implying that he really, perhaps due to a psychotic disorder, believes that he has butterflies in his stomach.³⁶ In this case, the speaker's sentence would imply a literal meaning and an idiosyncratic belief.

³⁴ For this see, in particular, Sinclair (1984.:114-158) and Yearbook of the International Law Commission (1965.:199-206).

³⁵ This is also implicitly acknowledged by Sinclair (1984.:153).

³⁶ Davidson is using a slightly different example to make the same point in Davidson (1982.:257).

Let us now imagine that, at the moment, all available evidence does not suffice for one to make a sound and defensible judgment as to what the speaker really means. In other words, let us imagine that we have to qualify his utterance as ambiguous. This means that the attribution of ambiguity, like the attribution of actual meaning, often depends, in implicit and usually unrecognised ways, on the attribution of beliefs.³⁷ I cannot form a conclusive belief on the belief held by the person saying he has butterflies in his stomach; I can form only potential beliefs. This is further manifested in the fact that I cannot attribute a conclusive meaning to his sentence; I can attribute only potential meanings to the sentence. Seen in such a light, ambiguity rests on a conflict between two incompatible funds of beliefs; ambiguity persists as long as one cannot decide between such funds.

If the attribution of ambiguity implies an incompatibility in beliefs,³⁸ ambiguity can be disambiguated only by finding a shared fund of beliefs. This does not mean that one of the incompatible sets of beliefs cannot win over the other, but one has to demonstrate plausibly that "his" set of beliefs is more consistent, more relevant, and more convincing than the other. As the attribution of ambiguity also depends on a prior assumption that the two incompatible sets of beliefs are of equal strength and plausibility, those two sets will have to be upgraded, enriched, and improved to be able to participate in the competition for the winning interpretation. This, however, simply means that ambiguity is nothing but a start of a dialogue; it marks the start of a process by which an untenable situation of undecidability/incompatibility would be replaced with a viable construction of a shared fund of beliefs superior to the initial funds.

Ambiguous provisions of the peace agreements, those *par excellence* instances of diplomatic ambiguity, usually cover highly contested fields. We use them to mark an area where competing and conflicting ethico-political principles cannot deliver an unambiguous solution. Usually, when we identify an ambiguity in a crucial passage of a peace agreement, what we identify is simply one's inability to decide between the demands pressed by different and seemingly irreconcilable principles that guide our social and political lives: the principle of self-determination, the principles of justice, the principle of stability, the principle of equality, the principles of utility and convenience etc. etc. It is for such a reason that the dialogue prompted by a diplomatic ambiguity must be concerned with very complicated and perplexing theoretical matters.³⁹ One should thus expect the dialogue on ambiguities to turn

³⁷ Davidson has many times emphasised the dependence of the factor of meaning on the factor of belief; see, for instance, Davidson (1984.:141-154), and Davidson (1999a).

³⁸ Such incompatibility of beliefs, made manifest through incompatibility of interpretations, is what frequently explains disagreements within the US Supreme Court during their deliberations on proper interpretation of some of the clauses of the US Constitution; for one particularly clear example, see "Dissenting Opinion of Justice T. Marshall in "Gregg v. Georgia", in Grčić (1989.:341-3); for a clash of beliefs that underlie different (and incompatible) interpretations of the ambiguities of the Dayton Constitution for Bosnia-Herzegovina, see Kunić, Trnka (1998.).

³⁹ There is only one requirement I place on such a dialogue – it should run under the assumption of the principle of charity, which demands that we communicate in ways that sustain com-

into a dialogue between competing ethico-political meta-theories, which might sound surprising from the perspective of ordinary diplomatic and international-political life. The point of my claim is, in this regard, sufficiently clear – one should not expect a quick and easy solution of the conflict of interpretations to which diplomatic ambiguity gives rise.

What, then, makes my view of diplomatic ambiguity distinctive?

In contrast to the power-centric perspective, my view of diplomatic ambiguity is moderately positive. It does not invite “deception”, or “confusion”, but clarity in exposition, and confrontation, of beliefs as an adequate response to ambiguity. In contrast to the legal approach, my view emphasises the role of beliefs. An emphasis on the process of interpretation as a discovery/construction of meanings, which is characteristic of a legal approach, rests on a too narrow understanding of language. My view of diplomatic ambiguity is also a dialogical view: it explains why the passage from ambiguity to disambiguation must take the form of a dialogue in which entire clusters of beliefs, and theories, must be confronted, scrutinised, tested, reorganised, and revised.⁴⁰ Therefore the “dialogical” view gives one a clear sense in which ambiguity invites its interpreters to remain confined to the realm of language, to remain language-centric. Finally, it is only in the light of the dialogical view, not of the other two, that diplomatic ambiguity can be seen as consistent with Der Derian’s image of diplomacy as “mediation of estrangement”.⁴¹ Had the dialogical, and language-centric, view of diplomatic ambiguity been adopted during the 1999 Rambouillet/Paris “peace” talks, their outcome would have surely been very, very different.

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munication, which also implies a demand that “we find enough agreement to enable us to make sense of our disagreements”, as put neatly by Davidson (1999b:342).

⁴⁰ One of the referees has sensed some form of utopianism in my insistence on “dialogue”. However, I do not exclude at all the possibility that the dialogue I am here advocating is of a competitive, not of a cooperative, nature; this, I believe, should free me from the accusation of “utopianism”.

⁴¹ Of course, there are some success stories about a more reasoned approach to, and resolution of, diplomatic ambiguity; see an example from the implementation of the “Good Friday” Agreement: William Graham, Assembly deal breakthrough, in the Irish News (December 18, 1998), at <http://www.irishnews.com> (accessed on 10 October 2005).

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DIPLOMATSKE VIŠESMISLICE: OD PRAKSE USREDOTOČENE NA MOĆ DO RACIONALNE TEORIJE

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Sažetak

Autor predlaže teorijski vodič za analizu diplomatske višesmislice orijentiranu prema praksi. Polazeći od komentara koje su dali klasični teoretičari diplomacije te vlastitog povijesnog tumačenja uporabe diplomatske višesmislice tijekom pregovora u Rambouilletu o statusu Kosova, autor nudi rekonstrukciju pristupa diplomatskoj višesmislici u čijem je središtu pojam 'moći'. To je pristup koji su implicite prihvatili ključni akteri pregovaračkog procesa u Rambouilletu. Premda nam taj pristup može dati stanoviti uvid u kontingentne, povijesne događaje te nam pomoći da razumijemo neke slučajeve diplomatske prakse, on ipak pati od više nedostataka koji ga čine nepouzdanim kandidatom za održivu i cjelovitu teoriju diplomatske višesmislice. Autor prezentira, u rudimentarnom i preliminarnom obliku, jedan alternativni, više racionalni, pristup diplomatskoj višesmislici koji je ne-legalistički te primarno orijentiran ka jeziku, a istovremeno, dostatno prijemčiv za doksatičke/kognitivne aspekte višesmislice i također sukladan Der Derianovom pojmu diplomacije kao "posredovanja otuđenosti".

Ključne riječi: diplomatska višesmislica; pristup višesmislici u čijem je središtu pojam moći; racionalni pristup višesmislici; pregovori u Rambouilletu; mirovni pregovori; diplomacija SAD-a