

# How Rhetorical Strategies Reproduce Compromise Agreements

## The Case of the Nuclear Non-proliferation Regime

By Markus Kornprobst

**Abstract.** How do actors, once they have reached agreement on a compromise, make this compromise persist? Being rooted in mutual concessions, it can never be taken for granted that compromises, once agreed upon, stay in place. Contestation about compliance is something that is very much to be expected and does not inevitably destabilise a compromise. Whether such a destabilisation occurs or not depends on how actors communicate with one another. I contend that whether compromise persists or not has a lot to do with the interplay of offensive and defensive rhetorical strategies that actors employ. I identify six offensive strategies (recourse, elaboration, entrapment, accusation, ostracism, abandonment) and six defensive ones (accommodation, placation, denial, deflection, inattentiveness, rejection), and chart the degrees to which offensive-defensive exchanges of strategies are conducive to reproducing compromises. Recourse-accommodation interplays on the one hand (most conducive) and abandonment-rejection interplays on the other (least conducive) form the poles of the spectrum of exchanges. I probe my theoretical framework by inquiring into the stability of the grand compromise that underpins the nuclear non-proliferation regime. The findings support my framework. The parties have tended to stay away from heavy rhetorical artillery and stuck to less robust rhetorical strategies. Elaboration and placation strategies have played a particularly important role for making the grand compromise persist.

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## **Introduction**

Reaching an agreement is the one thing; making it stay in place is the other. When it comes to compromise agreements, the latter is often at least as difficult to accomplish as the former. Making such an agreement is about making mutual promises. Making such an agreement last is about channelling almost inevitable contestation about whether the promises are kept or not into directions that do not undermine the compromise. Given the nature of compromise agreements, contestation is very much to be expected. After all, a compromise is unlike a consensus. A significant measure of controversy remains woven into it. The parties believe that it is not the best agreement possible. They have to make concessions, which can turn out to be more far-reaching and even painful than anticipated.

How these contestations play out is even more crucial in systems of governance than government. In government systems, say a traditional nation-state, there is a central authority that can come to the rescue of compromise agreements that are beleaguered by acrimonious contestation on their implementation. In governance systems, which abound in the international realm, it is a different matter. The distribution of authority across actors puts the onus on these multiple actors not to let the compromise agreement collapse in the face of contestation. To put this differently, it is up to the actors to channel the often inevitable contestation about compliance with a compromise agreement in a fashion that does not damage this compromise beyond repair. Under what conditions they succeed and fail to accomplish this is the subject of this inquiry.

My argument focuses on the *rhetorical strategies* that actors employ. I outline six offensive strategies (recourse, elaboration, entrapment, accusation, ostracism and

abandonment) strategies and six defensive ones (accommodation, placation, denial, deflection, inattentiveness, and rejection), and I propose that the more exchanges of offensive and defensive strategies approximate recourse-accommodation interplays, the more they contribute to making a compromise persist.

I put this framework to the test by inquiring into communicative exchanges on the grand compromise on which the nuclear non-proliferation governance system is based. In the 1970 Nuclear Non-proliferation Treaty (NPT), nuclear weapon states (NWS) promise to disarm and help non-nuclear weapons states (NNWS) reap the benefits of the peaceful use of nuclear energy; in return NNWS promise not to arm themselves with nuclear weapons and subject themselves to detailed safeguard agreements. The case-study finds strong evidence for the salience of rhetorical strategies. There is plenty of contestation. In this contestation, recourse-accommodation interplays are rare occasions. But heavy rhetorical weaponry such as ostracism, abandonment, inattentiveness, and rejection strategies are equally rare. Instead, less robust rhetorical strategies such as entrapment, accusation, denial and deflection, and especially elaboration-placation exchanges play an important role in making the grand compromise persist.

This argument seeks to make three sets of contributions: First, systematically inquiring into what happens *after* a compromise has been agreed upon, it sheds new light on the stability of compromise agreements. In the normative literature on compromise, there is an important debate about how warranted compromises are in a political system. Some authors endorse compromise as a quintessential democratic type of agreement reached in a pluralistic society.<sup>1</sup> Others caution that it is an inherently unstable kind of

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<sup>1</sup> Richard Bellamy, *Liberalism and Pluralism: Towards a Politics of Compromise*, London, Routledge, 1999.

agreement due to the considerable measure of disagreement that remains woven into it.<sup>2</sup> To put the issue at stake more provocatively: do compromises compromise governance? Second, this piece builds on but also moves beyond the existing literature on rhetorical strategies. It broadens our understanding of rhetorical strategies by examining the interplay of a range of offensive and defensive strategies instead of focusing on a single strategy such as entrapment.<sup>3</sup> At the same time, it adds nuance to the study of rhetorical strategies by zooming in on the link between these strategies and the reproduction of a particular type of agreement, i.e. compromise instead of dealing with agreements more generally. Third, this article provides novel insights into the workings of nuclear non-proliferation. It is highly unlikely that the parties to the NPT will stop their mutual allegations of broken promises any time soon. In order to prevent the collapse of the foundational principles of this governance system this contestation has to be channelled into directions that allow for the reproduction of the grand compromise. Rhetorical strategies tell us a lot about this reproduction.

I develop my argumentation in four steps: I begin with a conceptual discussion of rhetorical strategies; follow up with identifying the grand compromise that constitutes the non-proliferation regime; and then investigate into how rhetorical strategies affect the

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<sup>2</sup> Luc Boltanski and Laurent Thévenot, *On Justification: Economies of Worth*, Princeton, Princeton University Press, 2006. For a carefully researched empirical version of this argument, see also Chris Alden and Ward Anseeuw, *Land, Liberation and Compromise in Southern Africa*, New York, Palgrave Macmillan, 2009, p. 178.

<sup>3</sup> Frank Schimmelfennig, 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union', *International Organization* 55: 1 (2001), pp. 47-80; Jean-Frédéric Morin and E. Richard Gold, 'Consensus-seeking, Distrust and Rhetorical Entrapment: The WTO Decision on Access to Medicines', *European Journal of International Relations* 16: 4 (2010), pp. 563-587; Dionyssi Dimitrakopoulos, 'Norms, Strategies and Political Change: Explaining the Establishment of the Convention on the Future of Europe', *European Journal of International Relations* 14: 2 (2008), pp. 319-342.

grand compromise, and with it the stability of the non-proliferation regime. The conclusion summarises my findings and discusses its implications.

### **Rhetorical Strategies and the Stability of Compromises**

This section defines rhetorical strategies, develops a typology of offensive and defensive strategies, and charts a framework for how different interplays of rhetorical strategies affect the reproduction of compromise agreements.

For the purposes of this study, I define a rhetorical strategy as a broad set of communicative moves and counter-moves through which actors convey the extent of their identifications and disidentifications. Thus defined, rhetorical strategies have three key characteristics. First, they are *broad* sets of communicative moves and counter-moves. Rhetorical strategies are the ‘grand strategies’ of communication in a given issue area; they are painted in broad strokes. Note, for instance, that a rhetorical strategy is not the same as a bargaining strategy. While the latter are meticulous and highly specific calculations of how to act and react on a bargaining table,<sup>4</sup> the former merely circumscribe a general direction of communicative moves and counter-moves, no matter whether an actual bargaining situation evolves or not.

Second, through rhetorical strategies, actors express the degree to which they *identify and disidentify* with other actors and ideas. As Kenneth Burke taught us, rhetoric is a vehicle for actors to put themselves in relation to whom and what makes up their

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<sup>4</sup> On the nature of bargaining strategies, see, for example: Harvey E. Lapan and Todd Sandler, ‘To Bargain or Not To Bargain: That is The Question’, *The American Economic Review* 78: 2 (1988), pp. 16-21; Carolyn Rhodes, ‘Reciprocity in Trade: The Utility of a Bargaining Strategy’, *International Organization* 43: 2 (1989), pp. 273-299

environment.<sup>5</sup> This putting themselves in relation occurs on a spectrum from identification to disidentification (or division, as Burke tends to refer to it). Rhetorical strategies are anything but an exception in this regard. De Certeau puts this relational aspect very well. Strategy ‘is an effort to delimit one’s own place in a world bewitched by the invisible power of the Other.’<sup>6</sup> Hence, rhetorical strategies thus understood are not necessarily attempts ‘to persuade other actors to act according to one’s preferences’<sup>7</sup>, as Schimmelfennig puts it in his seminal research on entrapment strategies. On a more foundational level, rhetorical strategies delineate – at times even demarcate – Self vis-à-vis other actors and ideas. This may or may not be linked to attempts to persuade.

Third, rhetorical strategies are the procedural vehicles through which actors convey their identifications and disidentifications. This conveying makes a difference. As classical works on rhetoric remind us, speakers first generate their substantive orientations about an issue, for instance through the use of *enthymeme* according to Aristotle. Then, orators try to figure out how to best package their substantive orientations. In other words, they arrive at rhetorical strategies for how to send their messages to audiences. In the course of this packaging, the orator’s substantive orientations remain at the core of the message, but certain aspects are added and underlined while others are omitted and downplayed.<sup>8</sup> This is of major relevance for

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<sup>5</sup> Kenneth Burke, *A Rhetoric of Motives*, New York, Prentice-Hall, 1950.

<sup>6</sup> Michel De Certeau, *The Practice of Everyday Life*, Berkeley, University of California Press, 1988, p. 36. Burke (from whom Schimmelfennig otherwise draws heavily) makes a similar point when he argues that identification, and not persuasion, is the aim of rhetoric: Kenneth Burke, *A Rhetoric of Motives*, Berkeley, University of California Press, 1969.

<sup>7</sup> Frank Schimmelfennig, *The EU, NATO and the Integration of Europe: Rules and Rhetoric*. Cambridge, Cambridge University Press, 2003, p. 5.

<sup>8</sup> Aristotle, *Art of Rhetoric*. Cambridge, Harvard University Press, 1975. See also Marcus Tullius Cicero, *De Oratore*, London, William Heinemann, 1967 and Quintilian. *Institutio Oratoria*, Cambridge, Harvard University Press, 1953. I have argued elsewhere that rhetorical strategies are generated by political judgments. Yet since this paper focuses on the link between rhetorical strategies and the persistence of compromise agreements, I follow Chowdhury and Krebs and deliberately bracket this question. The

rhetorical strategies. The extent to which actors positively or negatively identify with other actors and ideas does not come unfiltered. It is this filter that can make a major difference in communicative encounters.

What types of rhetorical strategies are there? Schimmelfennig's research on the strategy of entrapment (or shaming) sparked a research programme on this type of strategy.<sup>9</sup> A number of authors add more strategies.<sup>10</sup> These are important steps towards a better understanding of the range of rhetorical strategies but there is need for further elaboration. There are two issues in particular. First, the existing literature tends to focus on more robust strategies. Schimmelfennig's entrapment is already rather robust and, say, Chowdhury and Krebs's important addition of a delegitimizing strategy (Self denies Other being a legitimate actor) helps us understand an even more robust strategy. But we also need a better grasp of less robust strategies. Second, the existing literature tends to focus on offensive strategies. It tells us something about how challengers direct their challenges at defenders. It does not tell us much about defensive strategies. Yet the latter are an important piece of the overall puzzle. Studying strategy – no matter whether

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purpose of this paper is to show that rhetorical strategies matter for the reproduction of compromises. See Markus Kornprobst, 'The *Agent's* Logics of Action: Defining and Mapping Political Judgement', *International Theory* 18: 3 (2011), pp. 70-104; and Arjun Chowdhury and Ronald R. Krebs, 'Talking about terror: Counterterrorist campaigns and the logic of representation', *European Journal of International Relations* 16: 1 (2010), pp. 125-150.

<sup>9</sup> Morin and Gold, 'Consensus-seeking, Distrust and Rhetorical Entrapment'; Dimitrakopoulos, 'Norms, Strategies and Political Change'.

<sup>10</sup> David Cohen, 'The rhetoric of justice: strategies of reconciliation and revenge in the restoration of Athenian democracy in 403 BC', *European Journal of Sociology* 42: 2 (2001), pp. 335-356; Carsten Reinemann and Marcus Maurer, 'Unifying or Polarizing? Short-term effects and postdebate Consequences of different rhetorical strategies in televised debates', *Journal of Communication* 55: 2 (2005), pp. 775-794; Roy Suddaby and Royston Greenwood, 'Rhetorical Strategies of Legitimacy', *Administrative Quarterly* 50: 1 (2005), pp. 35-67; Chowdhury and Krebs, 'Talking about Terror'.

rhetorical or other – requires studying the interplay of offensive and defensive strategies.<sup>11</sup>

Table 1 lists six ideal-typical offensive strategies. They share in common that they approximate rhetorical strategies frequently used for contesting compliance records with compromise agreements. But they differ in the extent to which they position Self vis-à-vis the compromise and vis-à-vis Other as appropriate partner for the compromise. Being geared towards ironing out minor compliance problems, *recourse* is the softest offensive strategy. The interlocutor emphasises that she fully embraces the compromise and considers Other the perfect partner for implementing the compromise. *Elaboration* and *entrapment* strategies, too, fully embrace the compromise but differ in how they depict Other. Elaboration strategies no longer portray Other as perfect partner in compromise but call upon him to improve on his compliance record by elaborating on his promises made in the compromise. Entrapment strategies go a step further. Portraying compliance with the compromise as part and parcel of Other's identity, actors using this offensive strategy attempt to shame defenders into compliance.<sup>12</sup> In *accusation* and *ostracism* strategies, the offensive party's priorities shift. While these strategies endorse the compromise, this endorsement is no longer put centre stage. Instead, these strategies focus on the allegations of non-compliance levelled at Other. Accusation does this still in somewhat more controlled fashion. It singles out others for breaking their promises and formulates clear demands for how defenders ought to change their compliance record. *Ostracism*, by contrast, is akin to what Chowdhury and Krebs label delegitimizing. This

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<sup>11</sup> Game theory is very good at doing this; see especially Robert Axelrod, *The Evolution of Cooperation*, New York, Basic Books, 1984.



strategy pillories the non-complier as an actor with whom virtually any kind of cooperation – the implementation of the compromise included – is impossible. *Abandonment* is the sharpest offensive strategy. A principal endorsement of the compromise may still feature at the margins of this strategy. Yet this strategy revolves around agitating against Other as well as the threat to withdraw from the compromise agreement altogether due to the poor compliance record of Other.

Table 1: Offensive Rhetorical Strategies

	Self vis-à-vis Compromise	Self vis-à-vis Partnership with Other
Recourse	xxx	xxx
Elaboration	xxx	xx
Entrapment	xxx	x
Accusation	xx	x
Ostracism	xx	
Abandonment	(x)	

x stands for level of identification

There are six ideal-typical defensive strategies to counter these offensive strategies. They differ in the extent to which they position Self vis-à-vis the compromise and vis-à-vis Other’s offensive strategy. *Accommodation* is the least resolute strategy of defence. Self strongly endorses the compromise, fully acknowledges the own shortcomings of compliance mentioned in Other’s offensive strategies, and announces to fix them. *Placation* means to return a soft answer. Self fully endorses the compromise and, for the sake of the compromise, moves towards Other’s demands. But there is no full identification with the latter; there is a notable measure of distancing from them. Defenders using a strategy of *denial* also fully endorse the compromise but deny that Other has much of a point in criticising them. A strategy of *deflection* responds to blame

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<sup>12</sup> Entrapment is what the literature, following Schimmelfennig’s work, also often refers to as shaming. Mattern’s work on usages of a ‘narrative gun’ echo this rhetorical strategy. Janice Bially Mattern, ‘The Power Politics of Identity’, *European Journal of International Relations* 7: 3 (2001), pp. 349-398.

with blame. The focus of the counter-strategy is on rebuking Other’s offensive strategy by blaming Other; the compromise itself remains endorsed but it is no longer a key part of the message. *Inattentiveness* ignores the accusations levelled against the defender. Inattentiveness, in contrast to other strategies, is a strategy that is not verbalised. But the ignoring conveys an important message about the distancing of Self from the compromise itself as well as Other’s strategy to forge compliance. Finally, a strategy of *rejection* discards Other’s criticism by rejecting much (or even all) of the compromise.

Table 2: Defensive Rhetorical Strategies

	Self vis-à-vis Compromise	Self vis-à-vis Strategy of Other
Accommodation	xxx	xxx
Placation	xxx	xx
Denial	xxx	x
Deflection	xx	x
Inattentiveness	x	x
Rejection	(x)	

x stands for level of identification

What do rhetorical strategies do? The interplay of such strategies cuts deeper than often assumed. Compromise agreements – as any kinds of agreements – are never carved into stone. It can never be assumed that they persist. Whether they do or not has a lot to do with interplays of rhetorical strategies over time. Chowdhury and Krebs have it exactly right. Rhetorical strategies bestow legitimacy or undermine legitimacy. It is through the interplay of these strategies that the formula ‘I agree to do a if you do b’ comes to be seen as appropriate – even the only imaginable – agreement or that it comes to be understood as inappropriate – even foolhardy – agreement. Figure 1 outlines what interplays of offensive and defensive strategies do to existing compromises. To put simply, *the more the iterated exchange of strategies approximates a recourse-accommodation interplay, the more it entrenches a compromise*. These strategies share in common that they put a

strong emphasis on fully identifying Self with the compromise as well as the co-operative relationship with Other. Reiterating these emphases again and again makes the compromise sink into the taken-for-granted social background. Conversely, *the closer the iterated exchange of strategies comes to an abandonment-rejection interplay, the weaker the compromise becomes*. Such an interplay contributes to the collapse of a compromise because it undermines the legitimacy of a compromise. Self demarcates itself from the compromise and the partner in compromise.

**\*\*Figure 1 about here\*\***

### **Studying Nuclear Non-proliferation and the Grand Compromise**

This section identifies the grand compromise that constitutes the nuclear non-proliferation regime, discusses the concessions made by the parties, and outlines some basic methodological choices of my research.

The NPT is based on a grand compromise. The parties agreed to a rather complex compromise. NWS promise to disarm, and, in return, NNWS promise not to arm themselves with nuclear weapons. With disarmament being expected to take some time, NWS promise NNWS security assurances (i.e. not to threaten or use nuclear weapons against them) until it is completed. They also promise to work towards abolishing nuclear weapons by not proliferating them. Mutual promises to disarm and not to arm are linked to another pair of promises. NWS promise NNWS to help them reap the benefits of the peaceful use of nuclear energy and, in return, NNWS agree to sign safeguard agreements with the International Atomic Energy Agency (IAEA) to verify that they do not use nuclear expertise for developing nuclear weapons. Figure 2 summarises the grand compromise.

**\*\*Figure 2 about here\*\***

There are two very good reasons for studying this case. First, the grand compromise is not just any compromise. It is no exaggeration to say that a tight control over nuclear weapons is a matter of life and death for humankind. Improving our grasp of how this grand compromise becomes reproduced, therefore, is a highly important issue. Second, the grand compromise makes for a demanding plausibility probe for the theoretical framework developed above. Ever since the parties agreed upon it in 1970, issues of compliance have given rise to contestation, diplomatic skirmishes, and angry shouting matches. Nevertheless, however, the grand compromise has remained in place. What explains this persistence amid all this contestation?

For established approaches in International Relations, this question is a puzzle that is not easily solved. The two prevailing logics of action – consequences and appropriateness<sup>13</sup> – have no straight-forward answer for how to answer this question. The persistence of the grand compromise over the *longue durée* may point towards the logic of appropriateness. After all, this logic fully acknowledges that shared norms and principles may be rather sticky. Nevertheless, this logic is not an obvious candidate for answering the research puzzle. Actors are assumed to comply not because of the configuration of pay-offs but due to the constellation of identity-constituting norms. They comply with these norms because non-compliance would violate their very own identity.<sup>14</sup> Thus, compliance with identity-constituting norms should happen without too

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<sup>13</sup> James March and Johan Olsen, *Rediscovering Institutions: The Organizational Basis of Politics*, New York, The Free Press, 1989.

<sup>14</sup> The logic of appropriateness is formulated in juxtaposition to consequentialism. See Thomas, 'Norms, Identity and National Security in Germany and Japan'. In Peter Katzenstein (ed), *The Culture of National Security: Norms and Identity in World Politics*, New York, Columbia University Press, 1996; Robert Herman, 'Identity, Norms, and National Security: The Soviet Foreign Policy Revolution and the End of the

much contestation. Following norms, with these norms being internalised, happens without much reflection. It comes natural to actors. There is, however, a lot of contestation when it comes to the grand compromise.

The logic of consequences also experiences difficulties in explaining this puzzle. In contrast to the logic of appropriateness, consequentialism allows – under certain circumstances even expects – some contestation about compliance. Too much contestation, however, especially if related to the pillars of a cooperative effort, is expected to seriously undermine this effort. Martin summarises these expectations very well. She writes that ‘any agreements must be self-enforcing’, and she elaborates that this means, *inter alia*, mechanisms to ‘avoid temptations to cheat’, ‘high-quality information about the actions (...) of other states, and about the likely consequences of cheating on agreements.’<sup>15</sup> Yet parties inside and outside the nuclear non-proliferation regime have been branded as cheaters, for example the US and India due to their nuclear deal in 2005 (charge of proliferation) and, even more so, Iraq, North Korea and Iran for their ambiguous policies (charge of nuclear armament). High-quality information is notoriously difficult to come by because several parties (such as Iraq in the past and Iran at present) as well as former parties (especially North Korea) have anything but an impeccable record of allowing inspectors to complete their inherently difficult task of verifying the thin line separating civilian and military usages of nuclear technology. When it comes to consequences of cheating, the North Korean case – the state is, in all likelihood, now a nuclear state and could opt to leave the regime altogether – does not set

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Cold War’. In Peter Katzenstein (ed), *The Culture of National Security: Norms and Identity in World Politics*, New York, Columbia University Press, 1996.

<sup>15</sup> Lisa Martin, ‘Neoliberalism’, in Tim Dunne, Milja Kurki, and Steve Smith (eds.), *International Relations Theories*, Oxford: Oxford University Press, 2007, p. 111.

an all too firm precedent.<sup>16</sup> Despite all of these serious co-operation problems and despite rational choice's dire predictions about their disruptive consequences, however, the non-proliferation regime is still very much with us.

This is not to say that these logics do not provide important insights into the non-proliferation regime.<sup>17</sup> Yet our explanations are in need of refinement in order to account for the puzzle. Rhetorical strategies cannot be easily pigeon-holed into either one of these logics. Do they help resolve the puzzle? My empirical analysis focuses on the two key issues about how to fix the implementation record over the last four decades: disarmament, and technological transfers for peaceful use.<sup>18</sup> I use the parties' statements immediately prior, during and immediately after the quinquennial NPT Review Conferences in order to identify the types of rhetorical strategies they privilege.<sup>19</sup> The following synopsis of my findings focuses on the key protagonists of the contestation.

### **Compromise-Reproducing Interplays I: Disarmament (and Security Assurances)**

As soon as the ink had dried on the NPT, many NNWS – especially the Non-Aligned Movement but others as well – alleged that NWS were breaking the most central of their

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<sup>16</sup> Literature on rational design points to re-negotiations and a new equilibrium as a way out of these problems. Yet this is not what happened with the nuclear non-proliferation regime. Parties have agreed on adjustments, for example Security Council Resolution 1540 in 2004. But these adjustments hardly qualify as a new equilibrium that allows moving beyond the fundamental problems that have beset the regime from the very beginning. On rational design, see Barbara Koremenos, Charles Lipson, and Duncan Snidal, 'Rational Design: Looking Back to Move Forward', *International Organization*, 55 (4), 1051-1082.

<sup>17</sup> For recent studies adding to our understanding of non-proliferation as seen through the lens of appropriateness and consequentialism, respectively, see, for instance, Maria Rost Rublee, *Nonproliferation Norms: Why States Choose Nuclear Restraint*, Athens, University of Georgia Press, 2009; and Daniel Verdier, 2008. 'Multilateralism, Bilateralism, and Exclusion in the Nuclear Proliferation Regime', *International Organization* 62: 3 (2008):439-476.

<sup>18</sup> Somewhat more recently, another issue – the establishment of a Nuclear-Weapon-Free Zone (NWFZ) in the Middle East – has become very prominent as well. Nonetheless, disarmament and peaceful use are the key issues of the non-proliferation regime given the time frame of this study (1970-2010).

<sup>19</sup> I retrieved these documents mainly from the IAEA Library (for the proceedings of the first Review Conferences), the United Nations (<http://www.un.org/depts/ddar/>) and Reaching Critical Will

promises (Art. 6, NPT), i.e. to disarm.<sup>20</sup> This issue has drawn criticism at every review conference. During the Cold War, the principal protagonists of this contestation have been the United States and the Soviet Union on the one hand and the Non-Aligned Movement on the other.

For the most part, the latter relied heavily on elaboration and entrapment strategies. Elaboration strategies slightly differed among Non-Aligned members but concurred on the necessity to specify the disarmament steps to be pursued by the NWS. This included the demand for a concrete timeline of disarmament steps, culminating with the abolishment of nuclear weapons.<sup>21</sup> Widely employed elaboration strategies also concurred in their demands to stop all kinds of nuclear tests as well as the production of weapons-grade fissionable materials.<sup>22</sup> The postulates of this three-fold elaboration – timetable for disarmament, comprehensive test ban, and fissile material cut-off – have crucially shaped every review conference.

Entrapment strategies also abounded. A particularly noteworthy of them recurred during the Cold War when the Non-Aligned Movement tried to use the NWS's

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(<http://www.reachingcriticalwill.org>). The latter is a non-governmental initiative associated with the Women's International League for Peace and Freedom.

<sup>20</sup> This section focuses on the most enduring major issues surrounding disarmament since 1970. For more details on other contentious issues, such as alleged nuclear proliferation in the shape of weapons sharing (e.g. US-Germany) and technical support (e.g. US-India deal) as well as the specific issues surrounding North Korea and Iran, see, for instance, the following recent pieces: Tanya Ogilvie-White, 'International Responses to Iranian Nuclear Defiance: The Non-Aligned Movement and the Issue of Non-Compliance', *European Journal of International Law* 18: 3 (2007), pp. 453-476; David Cortwright and Raimo Väyrynen, 'Towards Nuclear Zero', *Adelphi Papers* 410 (2010), p. 87; Jason Kirk, Indian-Americans and the U.S.–India Nuclear Agreement: Consolidation of an Ethnic Lobby? *Foreign Policy Analysis* (2008) 4, 275–300; Leonard Weiss, U.S.- India Nuclear Cooperation: Better Later than Sooner, *Nonproliferation Review* 14: 3 (2007), pp. 429-456.

<sup>21</sup> Gaynor, Ireland, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975); Dabiri, Iran, Summary Record of the Third Plenary Meeting, NPT Review Conference (1980); Abdel-Maguid, Egypt, Summary Record of the Sixth Plenary Meeting, NPT Review Conference (1985); Nasseri, Iran, Summary Record of the Third Plenary Meeting, NPT Review Conference (1990); Elaraby, Egypt, Summary Record of the Ninth Plenary Meeting, NPT Review Conference (1990).



commitment to non-proliferation as a rhetorical weapon to shame them into disarming. The Movement re-defined proliferation. Non-Aligned states conceded that the NPT's record is acceptable with regard to preventing horizontal proliferation, i.e. the proliferation of nuclear states. But they complained that it is dismal as far as putting an end to vertical proliferation is concerned, i.e. the further development of nuclear weapons technology by NWS.<sup>23</sup> NWS, thus, were portrayed as violating exactly those aspects of the NPT that they themselves emphasised heavily.

Throughout the Cold War, NWS – and here especially the United States and the Soviet Union – privileged the counter-strategies of denial and deflection in order to respond to elaboration and entrapment. Washington's and Moscow's usual denial strategy simply amounted to stating that the superpowers actually do disarm. Arms control agreements such as SALT II were heralded as great successes of disarmament.<sup>24</sup> Deflection strategies pointed the finger back to NNWS. For a while, Washington propagated an interpretation of the disarmament obligation in the NPT as general disarmament and not nuclear disarmament.<sup>25</sup> Thus, NNWS were blamed for not disarming themselves. NWS also pointed the finger towards one another. Before 1985,

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<sup>22</sup> Fartash, Iran, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975); Elaraby, Egypt, Summary Record of the Ninth Plenary Meeting, NPT Review Conference (1990); Spring, Ireland, Summary Record of the Second Meeting, NPT Review and Extension Conference (1995).

<sup>23</sup> Abdel-Maguid, Egypt, Summary Record of the Sixth Plenary Meeting, NPT Review Conference (1985).

<sup>24</sup> Morokhov, USSR, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975); Earle, US, Summary Record of the Second Plenary Meeting, NPT Review Conference (1980); Morozov, USSR, Summary Record of the Second Plenary Meeting, NPT Review Conference (1980); Lehman, US, Summary Record of the Third Plenary Meeting, NPT Review Conference (1990); Petrovsky, USSR, Summary Record of the Third Plenary Meeting, NPT Review Conference (1990).

<sup>25</sup> Earle, US, Summary Record of the Second Plenary Meeting, NPT Review Conference (1980); Lehman, US, Summary Record of the Third Plenary Meeting, NPT Review Conference (1990).

the other side across the Iron Curtain was frequently criticised of being guilty of shortcomings in implementing disarmament.<sup>26</sup>

Due to the persisting problems with disarmament, NNWS heavily relied on an elaboration strategy to push another issue forward on the agenda, i.e. security assurances. With NWS not relinquishing nuclear weapons, many NNWS demanded to be at least reasonably safe from them. They called upon NWS to provide them with negative assurances, i.e. not to be threatened or attacked by them. These assurances should be unambiguous, multilateral, and legally binding. NWS responded with a mix of denial and placation. Initially, they pointed to Security Council Resolution 255 (1968), arguing that this resolution provides sufficient assurances.<sup>27</sup> Somewhat later, they moved from denial towards placation. They provided a few more details on Resolution 255, for example the United States at the General Assembly in 1978. Many NNWS, however, remained far from convinced that these assurances provided ‘adequate security’, as Washington claimed they would.<sup>28</sup> NNWS replied with continued elaboration attempts. Ireland criticized existing guarantees for being full of ‘ambiguities and contradictions’ and suggested more specific stipulations.<sup>29</sup> Other representatives of NNWS moved further from elaboration to entrapment strategies. Iran, for instance, cautioned that it was the responsibility of the NWS to distance themselves from discriminatory practices of the

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<sup>26</sup> Ennals, US, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975); Adelman, US, Summary Record of the Fourth Plenary Meeting, NPT Review Conference (1985); Issraelyan, USSR, Summary Record of the Third Plenary Meeting, NPT Review Conference (1985); Dunn, US, Summary Record of the Sixth Plenary Meeting, NPT Review Conference (1985).

<sup>27</sup> Morokhov, USSR, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975); Earle, US, Summary Record of the Third Plenary Meeting, NPT Review Conference (1980).

<sup>28</sup> Lehman, US, Summary Record of the Third Plenary Meeting, NPT Review Conference (1990).

<sup>29</sup> Gaynor, Ireland, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975).

non-proliferation regime and make the regime – very much in the spirit of the NPT – ‘more equitable’; more meaningful security guarantees would be vital for this.<sup>30</sup>

During the Cold War, there was only one notable exception from the dominant interplay of elaboration and entrapment strategies on the one hand, and denial and deflection on the other. In 1980, the issues to be discussed became even more controversial. The Non-Aligned Movement realised that its expectations in Article 6 of the NPT – and with it much of the NPT – would not be met in the foreseeable future. The NPT had not contributed to nuclear disarmament. Instead, the arms race between the superpowers had gained further momentum. This had repercussions for the selection of rhetorical strategies. The Non-Aligned Movement put together a ‘Working Paper containing some basic elements’ for a final document. The dominant strategy discernible in these basic elements is accusation but there are tendencies to move towards ostracism as well. There is the accusation that due to the refusal of NWS to disarm, Article 6 has ‘remained dead letter’. There is also the crossing over from accusation to ostracism when these elements single out the United States and the Soviet Union for their inaction, listing increasing arms expenditures and the acquisition of new nuclear warheads in great detail.<sup>31</sup> The superpowers, on their part, responded partly with the usual mix of denial and deflection. But they also employed inattentiveness. In his message to the Review Conference, US President Jimmy Carter did not mention the word ‘disarmament’ at all.<sup>32</sup>

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<sup>30</sup> Dabiri, Iran, Summary Record of the Second Plenary Meeting, NPT Review Conference (1980).

<sup>31</sup> Group 77, Working paper containing some basic elements for the sections of the final document of the Conference dealing with items allocated to Main Committee I, NPT/Conf. II/C.I/2, pp. 2-3. For simplifying purposes, I do not distinguish between the G77 and the Non-Aligned Movement because the membership is almost identical. At earlier review conferences, the group self-identified as G77 and later as Non-Aligned Movement.

<sup>32</sup> Carter, Message to the Participants, NPT Review Conference (1980). Note that the NPT was a priority on Carter’s foreign policy agenda. This serves as a reminder that priorities are not automatically translated into a particular rhetorical strategy.

This usage of more robust strategies contributed to the failure to agree on a final document. But it is important to keep this usage in perspective. Considering the highly controversial issues on the table, it still amounted to ‘soft’ talk. The strategies filtered the potentially explosive controversies, for the most part allowing only criticism and counter-criticism to pass that did not question the grand compromise or the other side in principal terms. In this way, even the more robust strategies contributed to re-producing the grand compromise.

The post-Cold War pattern of strategic exchanges exhibited somewhat more variation but, all in all, the heavy reliance on compromise-reproducing strategies remained in place. With the end of the Cold War, NNWS, and especially the Non-Aligned Movement, had again high expectations for disarmament. After all, the superpower competition had finally come to an end. But Washington and Moscow were, at least in the eyes of the Movement, slow to implement tangible steps towards nuclear disarmament. Thus, in 1990, 1995 and 2005, states temporarily resorted again to the use of more robust strategies.<sup>33</sup> 1990 was already a troubled review conference, with Washington, for example, pursuing an inattentiveness strategy about issues surrounding a FMCT.<sup>34</sup> But 2005 marked the low point. At the 2000 Review Conference, Washington had pursued a placation strategy and agreed to the so-called Thirteen Steps towards disarmament in the final document. Only five years later, the George W. Bush Administration, being sceptical of relying too much on multilateral efforts, resorted back to a denial strategy. The United States argued that it was in compliance with Article 6 and

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<sup>33</sup> In 1995, clashes over disarmament even threatened the main purpose of this conference, i.e. the indefinite extension of the NPT. In order to prevent this important endeavour from failing, the conference chair resorted to a procedural trick. The parties accepted the indefinite extension of the NPT without voting on it.

<sup>34</sup> Lehman, US, Summary Record of the Third Plenary Meeting, NPT Review Conference (1990).

belittled the legal status of the Thirteen Steps. As Thomas Rademaker put it shortly before the 2005 Review Conference: ‘None of the other countries at the upcoming review conference, if asked what they have done under Article VI (...), will be able to point to a record anywhere near as compelling as the United States can point to.’ He continues that ‘the 13 steps do not encapsulate the obligations of Article VI in the NPT. The obligations of Article VI are encapsulated in Article VI.’<sup>35</sup> At the Review Conference, Iran delivered its most acerbic criticism against the United States as yet, which culminated in branding Washington ‘extremist’<sup>36</sup>. The use of such ostracising strategies remained the exception but accusation strategies proliferated. Egypt heralded the Thirteen Steps as a ‘substantial milestone’ and demanded compliance with them in unequivocal language.<sup>37</sup> Even NWS and especially China levelled accusations against Washington, urging the United States to keep its promises. Against the backdrop of Washington’s move to discard the Anti-Ballistic-Missile Treaty and its reluctance to fully endorse the Comprehensive Test Ban Treaty (CTBT) and Fissile Material Cut-off Treaty (FMCT), China made this criticism against the United States very explicit.<sup>38</sup> Russian statements address the United States more indirectly, pursuing an entrapment strategy.<sup>39</sup> The 2005 Review Conference may very well have been the most controversial of them all. But, again, the dominant rhetorical strategies filtered much of the prevailing disappointment and anger out of the diplomatic talk, and channelled it into a mode that did not deliver a fatal blow against the grand compromise, and, with it, the nuclear non-proliferation regime.

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<sup>35</sup> Wade Boese and Miles Pomper, *Interview with Assistant Secretary of State Stephen Rademaker*, 19 April 2005, available online at <http://www.armscontrol.org/print/2176>.

<sup>36</sup> Zarif, Iran, Concluding Statement, NPT Review Conference (2005).

<sup>37</sup> Fathalla, Egypt, Statement at the General Debate, NPT Review Conference (2005).

<sup>38</sup> Van, China, Statement at the General Debate, NPT Review Conference (2005).

<sup>39</sup> Kinslyak, Russia, Statement at the General Debate, NPT Review Conference (2005).

In 2000 and 2010, the parties exchanged more conciliatory rhetorical strategies.<sup>40</sup> With Russia having moved towards placcation from 1990 onwards,<sup>41</sup> the United States moved into the same direction under Clinton. In principle, Washington endorsed the CTBT and a FMCT and also more tangible steps towards disarmament. Washington, however, continued to argue against a set timetable for disarmament.<sup>42</sup> In other words, it clearly was a placcation rather than an accommodation strategy that the Clinton Administration employed. The Obama Administration picked up this thread after the George W. Bush interlude. Just before the 2010 Review Conference, Obama delivered his Prague Speech, re-affirming the grand compromise in general and committing the United States to more disarmament in particular. Washington joined the other permanent members of the Security Council in issuing a joint statement – an unprecedented happening at Review Conferences – and assured NNWS to take ‘steps towards irreversible and transparent disarmament, including provisions for verification’, the ratification of the CTBT, and the conclusion of a FMCT. Egypt, pursuing a determined elaboration strategy on behalf of the Non-Aligned Movement, kept on pushing for a timeframe for disarmament. It proposed a disarmament process structured into three phases; the last phase should end by 2025. It reaffirmed three principles of disarmament, i.e. transparency, verifiability and irreversibility. Finally, it put again a strong emphasis on the need for better security assurances.<sup>43</sup> These soft rhetorical strategies did not resolve the disarmament issues at stake. Most importantly, there is no timetable for disarmament. But they did play their role in reproducing and strengthening the grand

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<sup>40</sup> There were, of course, also exceptions to this trend. See, for example, Kharrazi, Iran, Statement at the General Debate, NPT Review Conference (2000).

<sup>41</sup> Petrovsky, USSR, Summary Record of the Third Plenary Meeting, NPT Review Conference (1990).

<sup>42</sup> Albright, US, Statement at the General Debate, NPT Review Conference (2000).

compromise, and with it the nuclear non-proliferation regime. As the Australian Foreign Minister put it, '[i]n stark contrast to the failed 2005 Conference, the 2010 Conference unanimously adopted a comprehensive and forward-looking final document which is a strong global commitment to the nuclear non-proliferation regime.'<sup>44</sup>

### **Compromise-reproducing Interplays II: Peaceful Use and Safeguards**

The peaceful use for safeguards provision of the grand compromise has been subject to major contestation ever since the compromise had been agreed upon as well. Yet once again, the diplomatic language used for the contestation hardly got out of hand. The interplay of rhetorical strategies helped to reproduce the compromise.

The elaboration strategy soon surfaced as one of the NNWS's key attempt to make NWS transfer technology. At the first Review Conference, Iran set the tone for what was to come in every Review Conference since when it urged that action must be taken to secure that the developing countries enjoyed the benefits of nuclear technology. In order to accomplish this primary objective of the NPT, Teheran called for two sets of measures: unilateral and multilateral technological transfers. Among NPT-members, those with access to nuclear technology should help those without to reap the benefits of the peaceful use of nuclear energy. Furthermore, the NPT regime should thicken its institutional apparatus in order to promote technological transfers. Iran even called for creating a new international organisation entrusted with this task.<sup>45</sup> The idea of a fuel

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<sup>43</sup> Non-Aligned Movement, Statement at the Main Committee I, delivered by Badr, Egypt, NPT Review Conference (2010).

<sup>44</sup> Smith, Successful NPT Review Conference, Media release, 30 May 2010, at <http://www.foreignminister.gov.au/releases/2010/fa-s100530.html>.

<sup>45</sup> Fartash, Iran, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975).

bank soon became part of this package of demands for strengthening multilateral institutions.<sup>46</sup> Entrapment strategies were used frequently as well.

Sharper strategies were also repeatedly used. This had a lot to do with the cases of Israel and South Africa, who succeeded to acquire nuclear capabilities for military use. There were many allegations that they accomplished this with help from the West. The Non-Aligned Movement and other outspoken NPT-members, responded with a mix of entrapment and accusation. For them, a double-violation of the NPT had occurred. Not only did states with nuclear capabilities transfer technology to non-NPT members instead of fulfilling their legal obligations to transfer technology to NPT members. They even transferred technology ready for military use. Ireland, defining itself as honest broker in the nuclear non-proliferation regime, pursued an entrapment strategy. Reminding nuclear suppliers of their duties, the Irish delegation complained that the ‘tendency of suppliers to apply a double standard compromised the purposes of the Treaty itself.’<sup>47</sup> Iranian diplomats were less diplomatic about this issue. They accused, at times in rather sharp language, the West of breaching the NPT.<sup>48</sup>

For a long time, NWS reacted with a mixture of denial and deflection strategies. Denial featured prominently. They routinely stated that they transferred technology to NPT-members in need and that the allegation that they violated the NPT was simply false.<sup>49</sup> Deflection was frequently used as well. Initially, NWS called for more research

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<sup>46</sup> Abdel-Maguid, Egypt, Summary Record of the Sixth Plenary Meeting, NPT Review Conference (1985).

<sup>47</sup> Gaynor, Ireland, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975).

<sup>48</sup> Sirjani, Iran, Summary Record of the Fourth Plenary Meeting, NPT Review Conference (1985); Nasser, Iran, Summary Record of the Third Plenary Meeting, NPT Review Conference (1990); Velayati, Iran, Summary Record of the Eighth Meeting, NPT Review and Extension Conference (1995).

<sup>49</sup> Morokhov, USSR, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975); Morozov, USSR, Summary Record of the Second Plenary Meeting, NPT Review Conference (1980); Adelman, Summary Record of the Fourth Plenary Meeting, NPT Review Conference (1985); Dunn, US, Summary Record of the Sixth Plenary Meeting, NPT Review Conference (1985).



on peaceful nuclear explosions<sup>50</sup> but this line of argumentation stopped when it became clear that it was impossible to draw an unambiguous line between peaceful explosions and military detonations.<sup>51</sup> Another attempt of deflection consisted in attempts to forge a new ranking of NPT objectives. The advocated re-ranking put the promises of NNWS – especially safeguards – clearly ahead of other objectives. Peaceful use was found towards the bottom of the list.<sup>52</sup>

This interplay of softer strategies came under pressure in 1980 when it became clear to the nuclear have nots of the Non-Aligned Movement how irreconcilable their position was with what the superpowers and nuclear suppliers defended. Whereas the former postulated multilateral checks on the transfer of nuclear technology within the framework of the NPT, the latter defended their restrictive practices. The disappointment and anger within the Non-Aligned Movement led to the selection of harder rhetorical strategies. The Working Paper containing formulations for a final document, already quoted above, accuses nuclear suppliers of breaking the NPT due to their ‘additional unilateral measures’, which amount to an ‘unacceptable practice’.<sup>53</sup> Nuclear suppliers, on their part, reacted with the familiar denial and deflection strategies. Brezhnev’s Message to the Review Conference, for example, states that the Soviet Union, fully in line with the NPT, embraces the principle of technological transfers for peaceful use but sees no contradiction between this principle and bilateral checks against the diversion of such technology for military use.<sup>54</sup> This change in interplay is again reminiscent of what

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<sup>50</sup> Ennals, US, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975).

<sup>51</sup> Thus, Article 5 of the NPT became defunct.

<sup>52</sup> Adelman, US, Summary Record of the Fourth Plenary Meeting, NPT Review Conference (1985); Luce, UK, Summary Record of the Sixth Plenary Meeting, NPT Review Conference (1985).

<sup>53</sup> Group 77, Working paper containing some basic elements for the sections of the final document of the Conference dealing with items allocated to Main Committee I, NPT/Conf. II/C.I/2, pp. 2.

<sup>54</sup> Brezhnev, USSR, Statement to the Participants, NPT Review Conference (1980).

happened with the disarmament issue. Even when the solution of issues appeared as unattainable as can be to the parties, the rhetorical strategies selected by them filtered much of the explosiveness of this situation out of communicative encounters. Thus, the interplay of strategies did not escalate to an extent where it could come to do away with the foundation of what was being debated, i.e. the grand compromise.

For NWS, it was not enough to employ defensive strategies only. After all, they were determined to strengthen safeguards. Thus, they joined the contestation with an offensive strategy of elaboration on their part. The demand for more and more comprehensive safeguards was there from the start<sup>55</sup> and it became more and more urgent with time, especially after the discovery of a secret nuclear programme in Iraq in the aftermath of the First Gulf War.<sup>56</sup> This call for elaboration was a difficult one to make because safeguards have always been closely linked to peaceful use. If a country concludes and abides by safeguards, it is amenable to technological transfers helping it to benefit from peaceful use.<sup>57</sup> NNWS exploited this linkage and deflected these calls for elaboration. They did so by asking two different kinds of hard questions: Why keep promises (safeguards) if the other side breaks them (peaceful use)?<sup>58</sup> Why are safeguards not universal, applying to NWS and non-NPT states as well?<sup>59</sup>

Little rapprochement happened between the parties in the immediate aftermath of the Cold War. On the contrary, debates on peaceful use, similar to disarmament, became more acrimonious in 1990 and 1995, and reached their low point in 2005. Partly

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<sup>55</sup> Ennals, US, Summary Record of the Second Plenary Meeting, NPT Review Conference (1975).

<sup>56</sup> Juppé, France, Summary Record of the Second Meeting, NPT Review and Extension Conference (1995).

<sup>57</sup> Earle, US, Summary Record of the Second Plenary Meeting, NPT Review Conference (1980); Morozov, USSR, Summary Record of the Second Plenary Meeting, NPT Review Conference (1980); Rivasseau, France, Statement at the General Debate, NPT Review Conference (2005).

<sup>58</sup> Dabiri, Iran, Summary Record of the Third Plenary Meeting, NPT Review Conference (1980).

responding to North Korea's withdrawal from the NPT, George W. Bush pursued a mix of accusation and elaboration strategies. His determination to shut down a "loophole" in the NPT, namely that a state can pursue ENR capacity ostensibly for peaceful purposes while cynically planning all along to use that capacity to manufacture material for nuclear weapons",<sup>60</sup> implies accusations against a number of NPT parties with an ambivalent record in this regard, such as Iran. His proposals for urging "new barriers [...] for preventing the acquisition of WMD!" amounted to an elaboration strategy. These new proposals included measures within the NPT, such as making safeguard agreements and additional protocols the gold standard of verification as well as those outside of the NPT, be they unilateral or multilateral (Nuclear Suppliers Group and G8). Taken together with Bush's downplaying of the principle of peaceful use, this alerted many NNWS. More moderate responses, revolving around entrapment and accusation, still dominated.<sup>61</sup> Iran pursued an ostracism strategy, alleging that the United States has not 'the slightest regard for the concerns of the rest of the international community.'<sup>62</sup> But such sharp words were the exception rather than the rule. Despite the highly contentious issues discussed, the discussion itself tended to stay away from the compromise-undermining end of the spectrum of rhetorical strategies.

In 2000 and 2010, Washington – and also other nuclear suppliers – responded to the persisting elaboration, entrapment and accusation strategies of the Non-Aligned

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<sup>59</sup> Spring, Ireland, Summary Record of the Second Meeting, NPT Review and Extension Conference (1995).

<sup>60</sup> Sanders, US, Closing Statement, NPT Review Conference (2005). 'ENR' means uranium enrichment and plutonium reprocessing.

<sup>61</sup> Van, China, Statement at the General Debate, NPT Review Conference (2005).

<sup>62</sup> Zarif, Iran, Concluding Statement, NPT Review Conference (2005).

Movement to strengthen peaceful use<sup>63</sup> with a placation strategy. The Joint Statement of the P5 is telling in this regard. The following passages read almost as a statement of the Non-Aligned Movement, with the crucial exception of one word. The P5 affirm the ‘inalienable right of all States Party to the NPT reflected in Article IV [peaceful use].’ They also recognise that peaceful use is tied in with achieving ‘the Millennium Development Goals and sustainable development.’ They even ‘underline the particular importance of international co-operation’ for accomplishing technological transfers for peaceful use. But they also qualify – and this shows clearly that it is a placation and not an accommodation strategy – that bilateral checks are necessary, too. It is this one word that makes quite a difference.

The results of these interplays of rhetorical strategies resemble what has happened to the disarmament provisions of the grand compromise. There has been no movement on the fundamentally contentious issues. Contestation waxed and waned, often dependent on world political constellations, for example the Washington-led intervention against Saddam Hussein, as well as on leaders in power. Obama, for instance, certainly made a difference. But what has been constant despite the ups and downs of contestation is the dominance of rhetorical strategies that tend to reproduce rather than undermine the grand compromise. The grand compromise, in other words, has given rise to major contestation. But the way the contestation is carried out contributes to the persistence of the grand compromise.

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<sup>63</sup> In 2000, the offensive strategies were still shaper. In 2010, however, the tone was different. The Non-Aligned Movement, pursued an elaboration strategy: Non-Aligned Movement, Statement at the Main Committee I, delivered by Badr, Egypt, NPT Review Conference (2010).

## Conclusion

The gist of my argument is that it is very normal that actors quarrel about the implementation of a compromise agreement. But it matters *how* they quarrel. Some exchanges of rhetorical strategies are more conducive to the reproduction of compromises than others. My analysis of the reproduction of the grand compromise of the NPT regime provides empirical evidence for these conceptual claims. As far as offensive strategies are concerned, the parties tended to stay away from the least robust (recourse) and the most robust (abandonment) strategies. Other robust strategies such as ostracism, although occasionally used, were far from dominant. Likewise, the parties usually stayed away from the least robust (accommodation) and most robust (inattentiveness and rejection) defensive strategies. Instead, elaboration and entrapment, and occasionally also accusation, were frequently used offensive strategies, while placation, denial and occasionally also deflection were often employed defensive strategies. Interplays of elaboration and placation strategies were of crucial importance, strengthening the compromise again after having been under pressure, for instance in 2000 and 2010.

My findings have at least three important implications. First, compromises, in principle, are warranted types of agreements.<sup>64</sup> Not only are they frequently the only kind of agreement possible among parties and do they adequately reflect the plurality inherent in virtually any kind of governance system, but they can also make for rather stable kinds of agreements. Whether such stability ensues or not is critically dependent on the talk that the parties employ to debate the implementation record of compromises. There is

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<sup>64</sup> This does not apply to what Margalit calls ‘rotten compromises’: Avishai Margalit, *On Compromise and Rotten Compromises*, Princeton: Princeton University Press, 2009.

language that reproduces compromises even amid major contestation. But there is also language that undermines compromises.<sup>65</sup>

Second, research into rhetorical strategies tells us something important about how language reproduces or undermines compromises. Rhetorical strategies are not just empty talk; and they are not just cheap talk<sup>66</sup> either. Placation, for example, is first and foremost taking wind out of a challenger's sails. For scholars assuming that only tangible bargaining outcomes matter this may very well appear insufficient. Yet this study's findings caution against such a narrow view of communication. Placation contributes to bestowing legitimacy on the agreement whose compliance is in question by confirming that the agreement is the right kind of agreement. Needless to say, the opposite holds as well. Rough talk contributes to undermining the legitimacy of an agreement. Staying with non-proliferation issues, consider how the United States and North Korea, delegitimising each other as co-operation partners through ostracising, abandonment and rejection strategies, came to undo the Agreed Framework, which had been heralded as landmark document in 1994.

Third, we should not be too complacent about the direction in which the nuclear non-proliferation regime is headed. All in all, the past record has been rather solid. Despite their long-time irreconcilable positions, the parties have reproduced the grand compromise by filtering much of their anger and frustrations out of the diplomatic language in which they have communicated with one another. There is, however, no guarantee that this pattern will continue. If anything, the trend is less promising. The

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<sup>65</sup> On the salience of talk, see Jennifer Mitzen, 'Reading Habermas in Anarchy: Multilateral Diplomacy and Global Public Spheres', *American Political Science Review* 99: 3 (2005), pp. 401-417.

<sup>66</sup> Literature on cheap talk contends that talk matters in a pre-bargaining situation because of the exchange of information among parties. For a recent statement, see Kristopher W. Ramsay, 'Cheap Talk Diplomacy,

enthusiasm about the 2010 Review Conference in diplomatic, journalist, and academic circles notwithstanding, rhetorical exchanges have escalated more frequently in the post-Cold War era than before. At the same time, post-1989 Review Conferences failed more frequently in generating final documents (1990, 1995, 2005) than before (1980). In other words, there may be a very good – and rather non-academic – reason for taking the salience of rhetorical strategies seriously.

This article may appear to some as a study on second best options. When it comes to agreements, I did not look at consensus but compromise. When it comes to the reproduction of compromises, I did not inquire not into how deliberating actors let the ‘better argument’<sup>67</sup> come to the fore but how they employ rhetorical strategies to stand their ground in communicative encounters. Yet these seemingly second best options are anything but far-fetched. Given the plurality of modern governance systems, compromises are a very frequently found kind of agreement and the exchange of rhetorical strategies an equally frequently found mode of contesting the implementation records of such compromise agreements. It is these rhetorical strategies – more precisely, the interplay of offensive and defensive strategies – that channel the contestation into directions that are conducive or non-conducive to the reproduction of compromises. In other words, *how* actors say something really makes a difference.

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Voluntary Negotiations, and Variable Bargaining Power’, *International Studies Quarterly* 55: 4 (2011), 1003-1023.

<sup>67</sup> Jürgen Habermas, *Erläuterungen zur Diskursethik*, Frankfurt am Main, Suhrkamp, 1991.