Introduction

In November 2008, while my colleagues and I were working late at the International Civilian Office in Kosovo, a bomb exploded under our office. The low-intensity explosion shattered the front part of our building. Stunned but unhurt, we evacuated outside the organization's compound amid alarm bells, smoke, confusion, and panic. A group called the Army of the Republic of Kosovo claimed responsibility for the explosion. The persons responsible for the bombing were never apprehended.[1] Given that our organization had been established to support and supervise Kosovo's accession to statehood, many of us could hardly understand why we had been bombed.

The explosion had shattered more than windows and doors. It had shaken a certain sense of certainty conveyed by the acronyms, timetables, media briefs, and coordination meetings that filled our days. Kosovo was not in the midst of armed conflict. The cafes, restaurants, schools, museums, and shops of its capital were bustling with activity. Stability and security had returned to Kosovo. The former province had just declared its independence a few months earlier – a process our organization was mandated to support. Many billboards displayed messages thanking countries who had recognized Kosovo's independence, including my own. Who could, or would want to, bomb us in Pristina almost a decade after the end of armed conflict in Kosovo?

The blast deepened a sense of doubt about delineations between war, violence, peace, and conflict in my mind. These doubts had started to occupy my thoughts a few years before, during my work in the Legal Department of the Office of the High Representative in Bosnia and Herzegovina (OHR), the international civilian enforcement mechanism

of the Dayton peace agreement. As a young lawyer from Canada, I had arrived in Bosnia and Herzegovina with well-delineated conceptions of war and peace. But in 2007, an intense political crisis rocked the country and directly challenged the foundations of such conceptions. Republika Srpska, the majority Bosnian Serb Entity of Bosnia and Herzegovina, had been resisting international efforts to knit Bosnia back together since the end of the war in 1995. In an attempt to strengthen the efficiency of the country's parliamentary and governmental institutions, our office enacted measures that triggered an intense confrontation with the leadership of Republika Srpska and that had crucial consequences for the fragile state of Bosnia and Herzegovina.

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This book opens by telling the story of this political crisis. Its first part captures the personalities, the politics, and the mistakes that shaped this confrontation. It provides an account of the pressure, the surprises, the panic, and the loss of perspective that characterized the work of those involved in the crisis. Although the 2007 crisis lasted for only six weeks, its strategic significance was important. Its outcome emboldened the pursuit of wartime objectives amongst the divided political factions of Bosnia and reduced the capacity of the international community to manage conflict. Underneath the immediate crisis, tectonic plates were shifting quickly. Studying their movements provides us with unique insights.

Reflecting on these events, the second part of the book proposes three main points.

First, it suggests that, in places such as Bosnia and Kosovo, war does not stop with the end of armed conflict. Clausewitz wrote that "war is merely the continuation of policy by other means."[2] This book suggests that, in societies emerging from armed struggle, politics is often the continuation of wars by other means. As foreign powers intervene in war-torn environments, they do not merely implement peace processes. They push armed conflict to morph into intense nonviolent confrontations where parties continue to pursue war objectives through nonviolent means. They intervene in the nonviolent extension of war. They intervene in *nonviolent wars*.

Second, the experience with the peace process in Bosnia suggests that it is perfectly possible for parties engaged in intense nonviolent

confrontations to undermine or overthrow the power of states – and that of foreign actors supporting them – through nonviolent means. Insurgency and counterinsurgency are not exclusively military concepts. The experience in Bosnia and Herzegovina illustrates how countering legal, administrative, and political challenges against fragile state structures may form an integral part of peace processes – a process for which this book suggests the name *diplomatic counterinsurgency*.

Last, the book argues that the capacity for intervention to manage nonviolent wars is limited. Rather than engaging in protracted confrontations, intervention ought to consider approaching conflict more strategically. Those shaping intervention strategy ought to consider applying power more densely against critical points in conflict systems, and use remaining sources of power to steer conflict away from its violent potential.

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The reflections and suggestions in this book stem from my practical experience working on the legal aspects of the peace processes in Bosnia and Kosovo for almost a decade. They are therefore linked, and influenced, by these particular contexts. Understanding the dynamics of international intervention in such contexts provides valuable insight for policy makers grappling with similar forms of intervention elsewhere.

This book is not directly concerned with the extensive debates and discussions pertaining to whether, when, and under what conditions it may be justifiable for outsiders to intervene in a state's internal affairs to protect populations in need. Rather, it offers insights about concrete problems and questions that emerge once such interventions are under way.

Nor does this book outline a model purporting to accurately predict conflict mutations. After many years of direct involvement in this field, I do not believe that such a model can exist. Plans and models are essential to manage intervention. But they can create a false sense of certainty and become misleading. This book proposes, rather, a number of considerations and insights to help frame the thinking of those directly intervening in conflict systems. Those immersed in the unique and complex realities of a given conflict are in a much better position

to predict and manage its potential mutations and dynamics. I am aware that some of the propositions of this book may challenge a number of assumptions about peace processes and spark disagreement. I humbly submit them in the hope they will stimulate discussions and debate in this field.

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Tolstoy wrote in *War and Peace* that young persons coming back from war had a tendency to describe war not as it had happened but as they wished it had happened. But aren't those of us involved in peace operations suffering from similar tendencies? Don't we harbor idealized notions of peace as we intervene? Don't we idealize the peace outcomes we think we can create? The lines between war and peace are not as clear as we may wish. Our quest for certitude, predictability, and certainty prevents us from seizing more fully the complex and unpredictable world in which we intervene. While illusions of certainty may provide us with comfort, they expose us to surprises. These surprises can be costly. This is what many of us in the Office of the High Representative were about to discover in 2007. A crisis to which this book now turns.

Part I The Battle

Prologue

On no other morning since I started working as a legal advisor at the Office of the High Representative for Bosnia and Herzegovina had I felt such dread crossing the Vrbanja bridge over the Miljacka river in Sarajevo. As I walked toward the monolithic white building where our office was located, I could feel thoughts pulsing through my brain. I knew it was exhaustion. The crisis had been going on for six weeks. How much more could I take?

Located on a street named after Emerik Blum, a famous Sarajevo engineer born at the turn of the twentieth century who had founded one of Yugoslavia's biggest engineering firms, the office looked like a giant seamless block built by aliens as a symbol of their presence. Flanked by a flower shop, a gas station, and a small cafe bar, it stood across the central parliamentary and governmental institutions of Bosnia and Herzegovina and acted as a foreign magnet in the political landscape of Sarajevo. Vehicles of embassies and international missions came and went through its gates. Journalists and demonstrators would often gather in front of the building. I showed my ID to the security guard at the gate and pressed my way through the metal doors, as I had every working day of the past four years. I made my way to the Legal Department and, before going to my office, stopped by the office of its head, my boss. Every morning, we would discuss the main points that had emerged from the daily morning briefing with the High Representative. Each day came with a new problem. Could we block attempts from Bosnian Muslim politicians to rename the Sarajevo Airport after one of their wartime heroes, inevitably perceived as a villain by the other sides? Did a resigning minister have an obligation

to attend sessions of the government until replaced? What level of government owned the military barracks of the former Yugoslav army under Bosnia's new constitution? These were the kind of questions that dominated our daily thoughts.

Through the years, my boss's skills and hard work had transformed his office into one of those informal hubs that one finds in many organizations. Groups of advisors from different departments would gather there spontaneously and discuss the latest developments in Bosnia's affairs until late at night. Sitting in the sofa or at the small circular conference table in his office, advisors would discuss freely. My boss excelled in this environment. Widely respected in the organization, he had a unique understanding of the country and the region and had served under several High Representatives. He had an affinity for complex federal structures of multinational states and could quickly see through the legal and political ramifications of any problem. He had come to Bosnia and Herzegovina shortly after the end of the conflict to work on electoral reform and rose quickly within the ranks of international organizations. We liked each other from the first day we met and had worked closely together for the past four years.

I found him sitting silently behind his desk. He was playing with his pen and did not look up.

"Lajčák has decided to strike a deal," he said.

"What? Are you serious?"

"Yes, I think this is the end."

We had not slept much since the crisis had started. Miroslav Lajčák, the High Representative for Bosnia and Herzegovina, was meant to announce his decision at the morning meeting. He was going to make crucial concessions – something we had strenuously advised against.

On my way to Lajčák's office to attend the daily morning meeting, my hands were shaking. An external force seemed to be propelling me through the corridors as my mind struggled to understand what was happening.

I knew we had been defeated.

1 We Fired First

> Many years ago, Harry (the Hat) Walker spoke for many of us when he opposed changes in the rules of baseball: "I think it is dangerous to fool around with fundamentals because they can have a chain effect on other parts. Every move in that direction should be taken with extreme caution because the consequences could be disastrous."[1]

Six weeks before, my boss had come to my office to give me an update on the outcome of negotiations on police reform:
"Dodik killed Lajčák's proposed deal on police reform. Lajčák is apparently very upset," he said.
"And what are we going to do now?"
"The Political Department has called a meeting to discuss the way forward."

As I walked through the corridors leading to the secure room where the meeting had been scheduled, I had no idea that we were on the eve of what would develop into the most serious crisis in Bosnia since the end of armed conflict in 1995.

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Throughout history, the Balkans have often been associated with ethnic tensions, intrigues, and problems. The word *balkanization* is used to describe a process by which an entity disintegrates into mutually hostile units. Although such clichés have little connection to the nuanced reality of life in the region, they have certainly been revived by the wars that swept through the region during the violent collapse of Yugoslavia in the 1990s. Bosnia and Herzegovina, the most multiethnic republic of

the former Yugoslavia, has often been portrayed as a territory haunted by old, intractable ethnic tensions. The complexity of its politics, history, and structures tends to baffle most observers, including those of us who have worked there. They are worth a quick review.

Until 1991, Bosnia and Herzegovina was not a country. It was one of the six republics that composed the Socialist Federal Republic of Yugoslavia. Marshal Tito, the leader of the Partisans (the communist resistance group that regained Yugoslavia from Nazi Germany) ruled over Yugoslavia until his death in 1980. His regime kept Yugoslavia together and controlled ethnic nationalism through a policy known as *brotherhood and unity*. In Bosnia, Bosniaks (Bosnian Muslims), Croats, and Serbs, the main ethnic groups, had lived together peacefully as part of Tito's communist Yugoslavia. His death and the fall of the communist one-party system created a political vacuum that led to the rise of nationalist parties throughout Yugoslavia. Slobodan Milošević's embrace of nationalism in one of the federal republics, Serbia, ignited a fire that caused Yugoslavia to burn.

Through a number of complex maneuvers, Milošević disrupted the delicate political balance of the Yugoslav federal system. Tito's regime had been mindful of the need to prevent one single republic from being able to impose its will on others. Tito achieved this objective by counterbalancing the votes of the Serbian government with those of two autonomous regions in Serbia: Vojvodina and Kosovo. After his rise to power, Milošević abolished the autonomous status of Vojvodina and Kosovo, significantly strengthening Serbia's position in the Yugoslav system.[2]

Refusing to remain part of a federation dominated by Serbia, the republics of Slovenia and Croatia declared their independence in 1991.[3] The secessions of Slovenia and Croatia made the prospect of evolving within a Serb-dominated Yugoslavia an acute concern for many in Bosnia. This fear would contribute to Bosnia's descent into war. Bosnia and Herzegovina's declaration of independence followed shortly after those of Slovenia and Croatia. But Bosnia's path to statehood would be tragic. In a disintegration process marked by ethnic nationalism, the most multiethnic republic of all former Yugoslav republics would prove particularly vulnerable to attempts by neighboring republics Serbia and Croatia to annex parts of its territory inhabited by Bosnian Serbs or Bosnian Croats.