Diplomatic Counterinsurgency

Lessons from Bosnia and Herzegovina

Philippe Leroux-Martin

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Future of Diplomacy Project
Harvard Kennedy School of Government

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Diplomatic Counterinsurgency

War does not stop when the armed conflict ends. This compelling eyewitness account of a key political crisis in Bosnia and Herzegovina in 2007 demonstrates how interventions from foreign powers to end armed conflict can create new forms of conflict that are not only determined and resilient, but can lead groups to challenge the power of fragile states through political and legal means. Countering such challenges is an integral but often ignored part of peace processes. How do these nonviolent wars evolve? How can the power of fragile states be challenged through nonviolent means in the aftermath of armed conflict? And what is the role of diplomacy in countering such challenges? This book offers key insights for policy makers dealing with fragile states who seek answers to such questions.

Philippe Leroux-Martin is a Canadian lawyer who worked for the Office of the High Representative in Bosnia and Herzegovina as a member of a team of legal advisors who oversaw the legal aspects of the Dayton peace agreement implementation. Mr. Leroux-Martin also acted as chief legal advisor to the Police Restructuring Commission of Bosnia and Herzegovina chaired by former Belgian Prime Minister Wilfried Martens. Following his work in Sarajevo, he headed the legal department of the International Civilian Office, an organization established to supervise and coordinate Kosovo's accession to independence in 2008–9. He is currently a Fellow with the Future of Diplomacy Project of the Belfer Center for Science and International Affairs at the Harvard Kennedy School.

To those affected by war

Foreword

The violent breakup of Yugoslavia and resulting wars in Bosnia and Kosovo were among the most difficult international crises of the 1990s. One of the most dramatic moments came during the summer and autumn of 1995. From the Srebrenica massacre in July to the decision by the United States and NATO to intervene militarily in September to the Dayton peace agreement in November, the end of the war in Bosnia and Herzegovina was a dramatic and pivotal event. That story has been chronicled by many, including most notably the late Richard C. Holbrooke, who deserves eternal credit for having stopped the fighting, in the riveting account of his bulldozer diplomacy, *To End a War*.

The story not yet told, however, is the stolid, difficult, complex, and vital work done in the eighteen years since the Dayton Accords by an army of international civil servants, diplomats, and lawyers to save Dayton's peace and build it brick by brick in a sometimes hostile and unforgiving landscape. In the years following Dayton, more than a few skeptics charged that Dayton delivered a weak and seemingly ungovernable state where power was shared uneasily among the former warring factions – the Muslim, Croat, and Serb residents of Bosnia. There were many occasions when the unstable state threatened to collapse amid the political infighting and power struggles of these three competing groups.

The work to preserve Dayton and build a new state was led by the UN-appointed High Representative and his staff. The great majority of these people were not high-profile generals or diplomats but mainly young, often idealistic, and dedicated international civil servants and government officials from Europe, Canada, and the United

States like Philippe Leroux-Martin. Their job was to implement the Dayton Accords by convincing the people of the country to live and work together, to compromise, and to share power grudgingly if not always peacefully. More often than not, the local political factions representing Serb, Croat, and Muslim interests appeared as political insurgents in a fight to preserve the past or, at least, the interests of one group above the other. The High Representative and his staff can be seen as practitioners of counterinsurgency to maintain the peace. And, thus the title of this interesting and important book – *Diplomatic Counterinsurgency*.

"War does not stop with the end of armed conflict," writes Leroux-Martin in his own Introduction to this book. Political battles continued over some of the very issues that caused war in the first place. The story he has written thus fills in the blank pages of the war in Bosnia and its aftermath. It tells the story of how peace was preserved and violent conflict did not recur as many had predicted following Dayton's hesitant and unstable beginning. The lessons of this time are well worth learning for all of us who believe that the challenge of building and preserving peace is the core work of the United Nations in an often unstable world.

In a much larger sense, Leroux-Martin's book is a tribute to diplomacy – the sometimes forgotten art of preserving peace and stability among the more than 195 states in the world today. Diplomacy is often misunderstood and unappreciated because it is the antithesis of war – slow, begrudging, painstaking, difficult, and sometimes inconclusive. But diplomacy's great promise is that we humans can find a way to resolve or regulate our differences and find a better way forward than by fighting each other.

Philippe Leroux-Martin is the right person to tell this story. Like hundreds of others, he worked for peace in a country torn apart by war. A young attorney from Montreal, he spent years in the Balkans, first in Bosnia and then in Kosovo, to help the people of the region to recover from the bitter and bloody conflicts of the 1990s and find their way to stability and then an uncertain peace. He tells the story of the twists and turns, pressures and compromises of the daily work of peace from the perspective of an insider.

Philippe is a Fellow in a program I direct at the Harvard Kennedy School, the Future of Diplomacy Project, under whose auspices he wrote this book.

This is an important book with a vital message. Peace in places like Bosnia can only be built by the tireless work of people who understand that a return to violent conflict is unacceptable. Although he is too humble to say it, Leroux-Martin's book is a tribute to both him and the many others who had the courage, dedication, and tenacity to work for a better future in the Balkans and in the world.

Nicholas Burns
Professor of the Practice of Diplomacy and International Politics
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I had the great fortune to meet and live alongside exceptional people during my time in Bosnia and Kosovo. I would like to thank each of them for their friendship and support during these years. I want to

thank especially John Farquarhson, Branka Pešić, Majda Idrizbegović, Edouard d'Aoust, Michael Doyle, Mirna Jančić, Alexis Hupin, and Daniel Bronkhorst.

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Finally, I want to thank my wife, Julie Stitzel, whose love, understanding, and contagious positive outlook on life have allowed me to finish this book while raising a young family. I am forever indebted to her.

Contents

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.

* * *

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.

* * *

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.

* * *

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