

**Conflict Studies Research Centre**



**Southern Balkan Challenges  
After The Hague Indictment**

**James Pettifer**

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## **Key Points**

- \* The Hague indictment of Kosovo Prime Minister Ramush Haradinaj offers both opportunities and dangers for the international community.
- \* The US, while supporting the general principle of Kosovo independence, is currently letting the Europeans take the lead on the issue.
- \* There is a short window of opportunity for political progress if a major conference can be arranged to progress the political status issue.
- \* In the medium term, if political progress is not forthcoming, the risk of conflict in the region, in Kosovo, Macedonia, Preshevo and Cameria increases substantially.

# **Southern Balkan Challenges After The Hague Indictment**

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The indictment sending Kosovo Prime Minister Ramush Haradinaj to the Hague Tribunal (ICTY) had been long expected after a period of preparation of Kosovo and international public opinion. The fact that he has accepted the indictment and has gone to the Hague voluntarily has provided a good public relations coup for the Kosovo Albanian leadership by contrast to the intransigence and lack of cooperation with ICTY in most other Balkan countries, and is likely to increase the pressures for rapid progress towards independence within Kosovo. But it is not seen that way in Serbia, and the Serbian position is increasingly closely linked to the residual influence of Greece and its associated orbit within the EU.

The party of Hardinaj is in general seen in Kosovo and the world in general as very much aligned to the Anglo-American axis within Kosovo and had only about 8% of the votes. Although there are able secondary figures in it, and Haradinaj's chosen successor, Bajram Kosumi has become the new Prime Minister, there is no obvious replacement for the mixture of political capacity, war record, personal charm and energy of Haradinaj, and as the party was formed from a number of different groups in 2001, some with very radical origins, it remains to be seen what its future will be. This party is important in extra-regional terms, as it dominates the key section of western Kosova adjoining the border with Albania.

The great advantage for the international community (IC) of stopping the ICTY indicting Haradinaj was that he was a profoundly capable figure who accepted most UK and US policy initiatives, whatever they were, and played a very responsible role in ethnic relations at the time of the March 2004 crisis. He is a man who had learned western European languages, abandoned militarism and provided a positive role model for many of his wartime followers. As the evidence against him at the Hague is widely believed to come from exclusively Serbian and Russian witnesses, and the Hague judicial committee is believed to have originally agreed in December 2004-January 2005 that it was insufficient for indictment, his arrest is likely to be seen in Kosovo as a poor reward for extensive cooperation with UNMIK and the Kosovo authorities and a productive, if short, period as Kosovo Prime Minister.

In EU terms, the arrest is a victory for Greece and Greek-aligned nations such as Denmark, who have been arguing that the arrest of Haradinaj would give the political initiative back to 'moderates' and condemn the Kosova Liberation Army (KLA) heritage in the eyes of other Albanians. It represents an appeasement of renewed nationalism in Serbia and the success in recent local elections of the Serbian Radical Party.<sup>1</sup>

There is one single positive aspect of Haradinaj's departure from the political scene, which is that he may be replaced as Prime Minister by someone who is regarded as acceptable as a negotiating partner for Serbia. It remains to be seen if this will be the case with Bajram Kosumi, who was also very active in the KLA orbit in the war

and had previously been gaoled by the Serbs for several years in the 1980s as a student leader. But enforced bilateral negotiations are clearly the EU strategy and also something positive for some sections of opinion in Washington, who still hope the Europeans can provide a 'solution' to the Kosovo problem without undue US involvement or responsibility. The very odd revival by European foreign policy chief Javier Solana of the old '3 republics' idea for a Serbia-Montenegrin-Kosovo confederation also reflects the revival within the EU of atavistic political ideas dating from the late 1990s. According to this trend of almost exclusively European opinion, the Kosovo Democratic League of Dr Ibrahim Rugova can be mobilised as a 'moderate' force, and a deal with Serbia could be brokered at a political conference that falls short of Kosovo independence.<sup>2</sup>

This viewpoint has superficial attractions particularly for some of the anti-Muslim Roman Catholic lobby in the EU orbit and anti-Islam neo-cons in the US, but rests on a wholly dated and obsolete view of Kosovo Albanian politics, in particular the firm commitment of the LDK party to independence and the growing Kosovo organic links with Macedonian Albanians which will endanger the political process in Macedonia if Kosovo independence is stalled.<sup>3</sup> The analysis itself rests on wishful thinking. The main benefactor of the indictment in terms of inner-Kosovo realpolitik is not Rugova who has had to accept the continuation of the AAK/LDK coalition in government but actually the PDK party of ex-KLA political spokesman Hashim Thaci, which now has about 30% of the vote and is the main opposition party in Parliament in Prishtina. Thaci's party has not been well supported in far western Kosovo, mainly as a result of AAK votes for the Haradinaj interest there after the wartime period. In the absence of Haradinaj at the Hague, Thaci and the PDK can challenge for this new potential support. Thaci-allied forces overthrew the 'moderate' previous leadership of the Preshevo Albanians in the 2003 elections, and Preshevo also offers the PDK in Prishtina major political opportunities.

The role of Greece as a closet standard bearer in the EU for Serbian nationalist aspirations to retain control of Kosovo is also risking the opening of a military dimension to the Cameria human rights campaign in north west Greece. This issue is likely to play a central role in the coming Albanian election campaign in summer 2005.

## **US Policy in Flux**

The visits of US Secretary of State Condoleezza Rice and President Bush to Europe last month were a clear signal of the intentions of the new administration to rebuild US/EU links in the aftermath of the Iraq elections. Kosovo as an issue was discussed, and it appears that Ms Rice was won over to the view that the US should stick strongly to the current UN 'Standards before Status' policy. This is not a major new departure but is likely to delay the nation building process somewhat, as it will be used by Greece and associated opinion within the EU and Russia as a means of delaying any progress whatsoever towards independence. It was noticeable during the visit of Greek leader Karamanlis to Kosovo in the first week of March that he made frequent reference to the need to involve Russia in the negotiations for the future of Kosovo, which with the current Putin administration is a guarantee that Kosovo independence (or indeed any real pressure on Serbia to even attend political status talks, in all probability) will be vetoed. Thus an autumn crisis over Kosovo beckons.

The US was content to leave the mechanics of the indictment and arrest to the UK, with a carefully orchestrated visit of Foreign Office Minister Denis MacShane which promoted Haradinaj's achievements, a visit by General Mike Jackson and a deployment of UK forces to augment KFOR capacity and the dispatch of senior UK diplomat Carne Ross to be Haradinaj's diplomatic advisor in February.

## **Opportunity For Progress**

There is a short period of time, perhaps as little as three months, for political progress to be made before the undercurrent of resentment and anger at the indictment of Haradinaj widely felt in Kosovo Albanian circles leads to political radicalism and possibly paramilitary violence. If this takes place, the Serbs in Kosovo will be the first victims. The Haradinaj family has made considerable sacrifices for Kosovo, including two of the Prime Minister's brothers being killed, and some will see his arrest as just the latest United Nations-led assault on a hero of the liberation war, and on the KLA heritage in general. The absence of UN or ICTY action to arrest the numerous thugs and murderers from the wartime period among the Serb community who currently reside freely in northern Mitrovica and Leposavic has also not gone unnoticed.

If the IC has concrete progress to offer the 95% Albanian majority - and the only real progress that matters is the starting date for a political status conference - then the departure of Haradinaj to the Hague may have been politically justified, however morally repugnant to most Kosovars and friends of Kosovo. If progress is not made, then it is likely to increase Albanian radicalism considerably. Paramilitary action will be a politically attractive option for more nationalist Albanians, as they can now argue that the Haradinaj indictment shows that the key sections of the IC are prepared to override their own internal justices and manipulate the rule of international law to protect renewed Serbian nationalism, and that only force on the ground is respected, as in Macedonia in 2001. The likely fields of paramilitary action may be in Macedonia, or Preshevo and/or Cameria.

## **Serbia**

It is clearly the hope of the international community that the successful surrender will allow greater moral pressure to be put on Serbia to surrender major war crimes suspects to the Hague. This thinking forms an important part of the conventional wisdom in the IC, and illustrates the attempt to use the judicial process and the ICTY as an agent of 'conflict resolution'. It is also designed to try to boost the reformist Tadic in Belgrade, against the 'conservative' Kostunica, and rests on an outlook about the real nature of current Serbian politics which contains much vague hope and ill-founded wishful thinking. Although some progress on ICTY extraditions may be possible, it is unlikely that given the weakness of Tadic's position on a whole range of issues, particularly the economy, he will be prepared for a major and risky confrontation with mainstream Serbian nationalist opinion over major figures going to the Hague (even assuming that the government has the practical capacity to locate them). Haradinaj's arrest is a further illustration of how the Hague Tribunal can raise the political stakes in any particular context, without providing a political framework to resolve the issues raised. In Serbia what will be seen as the 'victory' of the Haradinaj indictment over the KLA tradition will only reinforce the view that Kosovo is and should remain Serb, and enable them to continue in their present state of denial about many aspects of the war and associated human rights violations.<sup>4</sup>

**Macedonia**

The local elections in Macedonia, with full results due in April, are being keenly contested, and within the 25% Albanian minority in the west, are a contest between the governing coalition BDI party of Ali Ahmeti and the party of long standing rival Arben Xhaferi. Both have close Kosovo links, of different kinds, and both contain more or less unreconstructed elements from the soldiers of the National Liberation Army left over from the 2001 wartime period. There are the well known problems in implementing the Ochrid Accords, and it would be very easy indeed for either party, or small numbers of militants acting outside the control of the leadership, to destabilise the current fragile government. Militant action within Macedonia has always been the 'X-factor' in Albanian nationalist strategy, going back to the mid-1990s,<sup>5</sup> and is likely to figure again in Kosovo Albanian calculations by mid-summer 2005 if Kosovo political progress is slow or non-existent.

**Cameria**

The human rights campaign for property restitution/compensation rights from the displaced Cam Albanian minority in north west Greece has been in progress for three years now in Albania, and has had a marked if often unseen effect on the Tirana political landscape.<sup>6</sup> A vote committing the Albanian government to action over the issue was only very narrowly defeated in the Tirana Parliament in the summer of 2004, and the refusal of Greece to enter into any kind of talks over Cam property rights is likely to be a renewed focus for tension. The Cams have been determinedly moderate in their requests and there is no doubt the issue could be solved once and for all by a modest financial settlement if Greece were prepared to offer compensation under international law for the World War II period expulsions. Greece to date refuses to recognise that there is any issue to discuss. An important aspect of this is not the merits of the Cam claims, which are clear under international law, but the fact that a negotiated settlement with the Cams would open the door to claims from displaced Slav-Macedonians for substantial property they claim in central northern Greece and in Thessaloniki.<sup>7</sup> As with all these Balkan disputes, moderate leaderships can quickly be overtaken by more radical forces in the absence of political dialogue, and there are signs of such militant forces emerging in the Cam Albanian diaspora, particularly in Turkey, and in the United States and Canada.

**Preshevo**

There has been considerable radicalisation in Preshevo valley Albanian politics in the last six months, and the local tactical situation (human rights crisis) and strategic development (the Serbs are building a very large new military base in the north Preshevo valley on the borders of Kosovo)<sup>8</sup> both give a basis for the Albanians reopening the Preshevo issue later this year in the absence of progress in Kosovo.

**Conclusion**

There is a history within the emergence of the new Albanian political space in the Balkans in the aftermath of communism of pressure being taken off Albanian setbacks in Kosovo by militant action elsewhere. The war in Macedonia in 2001 was the clearest large scale example of this, preceded by the Preshevo conflict. The amount of military capacity needed to open a Cameria front is very small indeed, given the geography of the Greek-Albanian border, and this is now a third realistic paramilitary option. The Cams have the advantage that their claimed land adjoins the island of Corfu, one of the single largest sources of Greek tourist revenue.

## Southern Balkan Challenges After The Hague Indictment

It remains to be seen if the IC is capable of rising to the challenge of Kosovo, and preventing these regional dangers. The Haradinaj indictment is not an encouraging sign. Although worthwhile work is being done in the diplomatic arena, such as the preparation of the first Kosovo Constitution, and work on maintaining an IC content in the judicial process after independence, the direction of the Rice-Solana discussions must give rise to concern about whether the IC leadership in diplomacy is really prepared as yet to confront the renewal of Serbian nationalism.<sup>9</sup>

It is essential that this is done if a Kosovo settlement is to be achieved without renewed violence within Kosovo itself. The Haradinaj decision is in essence an appeasement of Belgrade, and will be seen as such. It also dramatically increases the risks to the future of the remaining Serbs in Kosovo if there is a repeat of the March 2004 riots. The decision, overruling most internal Hague legal advice, indicates that forces within the Republican administration are unwilling to build on the positive heritage of the Clinton period in freeing Kosovo from Serbian hegemony. This is likely to reopen other regional conflicts in the medium term if Kosovo progress is not forthcoming.

**ENDNOTES**


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<sup>1</sup> Ie in recent local elections in Vojvodina, particularly Novi Sad.

<sup>2</sup> Possibly also in association with the very small Ore party of media magnate Veton Surroi.

<sup>3</sup> EU Foreign policy chief Javier Solana is widely believed to be close to, or a full member of, the extremist and controversial Opus Dei secret organisation.

<sup>4</sup> Thus there has been no mention of any kind by Rice or Solana in the time since the Haradinaj indictment of the fact that leading figures from the Serbian armed forces active in the Kosovo war are currently under ICTY indictment but currently reside freely in Serbia.

<sup>5</sup> See James Pettifer, 'Kosova Express', C Hurst & Co, London and Wisconsin, 2005.

<sup>6</sup> See Miranda Vickers, 'The Cham Issue: Albanian national and property claims in Greece', CSRC, G109, April 2002.

<sup>7</sup> Even Greece has recognised the reality of the Cam claims by setting up an enquiry commission into them in Athens, with the aim of establishing the exact land tenure situation in Cameria.

<sup>8</sup> In the view of some commentators, Preshevo is taking up almost the whole of the current construction budget of the Serbian armed forces.

<sup>9</sup> Thus in the weeks since the Haradinaj indictment, Belgrade has been emboldened to state that independence is not available for Kosovo, and only a solution of 'more than autonomy' is envisaged, Zeri newspaper, 16 March 2005.

## **Want to Know More ...?**

See: James Pettifer, *'Kosovo March 2004 – the Endgame Begins'*, Conflict Studies Research Centre, 04/04, March 2004

Bob Churcher, *'Preshevo/Kosovo Lindore – a Continuing Cause for Concern'*, Conflict Studies Research Centre, G117, March 2003

Miranda Vickers, *'The Cham Issue: Albanian National & Property Claims in Greece'*, Conflict Studies Research Centre, G109, April 2002

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