



KOSOVO-SPAIN RELATIONS AND THE DILEMMAS ON THE PROBLEM OF NON-RECOGNITION

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Abstract

Eleven years after Kosovo's unilateral declaration of independence, Spain's position vis-à-vis Kosovo has not only not varied, but it has become stronger, turning Madrid into the leader of the Kosovo non recognizers club within the EU. This paper analyses Kosovo-Spain relations in the last eleven years. More specifically, the paper examines the reasons behind the non-recognition of Kosovo and the approach of the Spanish governments toward Kosovo's statehood. This is followed

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by a thorough analysis on how Kosovo's path for self-determination played a major role in Catalonia's quest for independence in 2017.

The empirical research demonstrates that Spain's main reason not to recognise Kosovo is based on the country's internal dynamics; namely, Catalonia and the Basque country. Likewise, the paper argues that the Spanish governments throughout the last eleven years have created an analogy between Kosovo and Catalonia; not in their political statements, but in their political decisions, by worsening the almost inexistent diplomatic relations with Kosovo, when the Catalan path for independence was at its highest peak. By the same token, the paper reveals that this position was enhanced and driven by Catalan separatism, that continuously used Kosovo's unilateral declaration of independence as a model to further their own path for self-determination. The data provided and analysed in this paper as well as the statements made are based on desk research and seven semi-structured interviews conducted in Prishtina, Brussels, Madrid and Barcelona in 2018.

Keywords: *Kosovo, Spain, non-recognition, Catalonia, unilateral declaration of independence (UDI)*

Introduction

The Spanish governments' involvement in the political development of the Western Balkans (WB) has always been marked by an absence of commercial trade, that has naturally resulted in a lack of interest and in the absence of a foreign policy agenda in the region. Kosovo-Spain relations in the last twenty-five years – first, as a province of Serbia and

then as an independent state – has followed this line, although the relations between the two deteriorated with the unilateral declaration of independence (hereinafter “UDI”) of Kosovo on 17 February 2008. Prior to that, Spain had followed the main EU foreign policy agenda in the WB, supporting the NATO bombing of Yugoslavia in 1999 and the establishment of UNMIK and providing later on a contingent of Spanish soldiers to the NATO mission in Kosovo (KFOR) (Pouw, 2016, 35).

Kosovo’s UDI broke with the detachment of the Spanish governments towards the development of the WB and turned the non-recognition of Kosovo (hereinafter “the Kosovo question”) into a state matter. Since then, the position of Spain vis-à-vis Kosovo became very rigid: from implementing a strong visa regime that alienated Kosovan citizens to enter Spain, to ban Kosovo national symbols in multiple sports events, being the 2018 World Karate Championship the latest one of these senseless events (Morina 2018). This paper aims to understand these political decisions, examining the Spain-Kosovo relations throughout the last eleven years. By the same token, the first part of the paper sheds light into the question of non-recognition by Spain.

Although many analysts and media outlets have indicated that Spain does not recognise Kosovo due to the territorial dynamics of the country – Catalonia and the Basque Country –, the Spanish government argues that its position is not based on the internal power struggle of Spain. They state, however, that they do not recognize Kosovo’s independence because its UDI was a breach of international law. Against this position, it is argued that the internal situation of Spain played a major role; however, the adherence to international law and the internal dynamics of

the Spanish Socialist party in power during Kosovo's UDI had also a distinctive role in shaping Madrid's position.

The second part of the paper focuses on Catalan separatism' usage of Kosovo's UDI and how it helped the central government in Madrid not only not to recognise Kosovo, but to deteriorate the relations with the former Serbian province. Although pressure existed from Basque separatism likewise, the research focuses primarily in the Catalan side. Furthermore, the paper looks at the role of Kosovo's path for self-determination in the Catalan path for independence and how Catalan separatism misused Kosovo's UDI to further their own path to break-up with Spain. Finally, the last part concludes, stating that, all in all, Catalonia and the Basque country are the major reasons not to recognise Kosovo and that Kosovo's UDI was perceived as a model by Catalan separatism in their quest for independence.

The methodology of this paper is based on a qualitative approach. The documentation has mainly been gathered through desk-research and semi-structured interviews, being political statements, policy papers, media press releases and government motions the major data sources of the research. This has been complemented by semi-structured interviews to Spanish and Kosovar politicians in Barcelona, Brussels, Prishtina and Madrid, that have helped to build the main claim of this paper: Firstly, Spain does not recognise Kosovo for internal reasons; and secondly, Catalonia repeatedly used Kosovo to further their own path for independence.

Spain's reaction to Kosovo's UDI: a faulty analogy

Although Spain's position not to recognise Kosovo only came into light on 18 February 2008, when the former socialist Minister of Foreign Affairs Miguel Angel Moratinos announced the official stance of the government, Spain's reluctance to support an independent Kosovo can be traced back to the negotiation of the final status of Kosovo in 2006, during the Ahtisaari Plan's proposal. Contrary to states such as the US, Germany or the United Kingdom, Spain saw the possible independence of Kosovo as an imposed decision, instead of the only viable solution (Perritt, 2010, 136), that could create an important precedent and have major implications for the Catalan and Basque's wills for independence (International Crisis Group 2007, 10). This approach made the Spanish government not to open a liaison office in Pristina, unlike some of its European partners, and it showed for the first time that the Spanish authorities were unequivocally comparing the Kosovo case with the internal disputes within Spain; although this stance would not become clearer until years later.

One day after the authorities in Kosovo declared its independence, on 18 February 2008, Miguel Angel Moratinos announced that Spain was not going to recognise Kosovo ([Reuters 18 Feb. 2008](#)), arguing that its UDI was a breach of international law. However, at the same time, Moratinos rushed to express that the government's decision had nothing to do with the Spanish internal situation – Catalonia and the Basque country at the time. Ever since then, nonetheless, the Spanish governments throughout the last years have supported this claim, regardless of the colour of the

party in power, establishing the position on Kosovo's non-recognition as a state matter.

According to the socialist government of Zapatero, Kosovo's declaration of independence was a serious violation of the 1244 UN Security Council resolution and the territorial integrity of Serbia – back then, the Federal Republic of Yugoslavia – and, therefore, an infringement of international law. The zealous defence of this branch of the law by the Socialist Party (PSOE) was and is driven by its adherence to the principles of international law. The PSOE came into power in 2004 condemning the illegal invasion of Iraq and the participation of Spanish troops on the ground. Thus, the return of the Socialist to power in 2004 was considered to be “a return to international legality” (Kosovo Calling 2012, 14). In fact, sustaining this approach, Moratinos went as far as to express in the aftermath of Kosovo's declaration that Iraq and Kosovo were textbook examples of a breach of international law ([El Mundo 18 Feb. 2008](#)).

The socialist government's official approach – and that of its successors – on the Kosovar dichotomy, however, needs to be complemented by other reasons. Otherwise, the defence of Kosovo's non-recognition based on international law would have been non-existent after the 2010 International Court of Justice (ICJ) advisory opinion on Kosovo's declaration. This decision ruled that Kosovo's declaration of independence was in accordance with international law, as “general international law contains no applicable prohibition on declarations of independence” (Reuters 22 Jul. 2010). Further reasons, thus, need to be analysed to grasp the complex stance of the different Spanish governments.

The unofficial version, mostly shared by scholars, analysts and national and international media outlets signals Catalonia and the Basque Country as the main factors not to recognise Kosovo. Since the prelude of Kosovo's declaration of independence, the Socialist government, in power at the time, unintentionally compared the two cases with Kosovo; something that led later on to the non-recognition path. For example, in a leaked document from the US Embassy in Spain, the American ambassador at the time stated that Spanish diplomats expressed that the recognition of Kosovo was "not a near-term prospect due to domestic considerations influenced by autonomous communities' politics, particularly in the Basque Country and Catalonia" (Pouw, 2016, 45).

The government's fear of creating a precedent that could later be replicated within Spanish borders was also fuelled by the political opposition in the Spanish Parliament. The Catalan and Basque nationalist parties supported and celebrated Kosovo's independence, albeit it was more the Basques – by then, the ones pressuring to achieve independence – that linked the Kosovar UDI to their own situation in the Basque Country. The spokesperson of the Basque government at the time, Miren Azkarate, referred to Kosovo's UDI as "a lesson for resolving identity conflicts in a peaceful and democratic way" (El País 17 Feb. 2008). On the other hand, the conservative Popular Party (PP) in the opposition used Catalan and Basque nationalist support towards Kosovo's independence as a sign of weakness of the central government towards Catalonia and the Basque Country.

The pressure of the PP was not a trivial issue for the socialist government, as there were general elections only three weeks after

Kosovo's independence, on 9 March 2008. This was of an utmost importance for the government, as not only the PP was in favour of not recognising Kosovo, but also the main newspapers in Madrid (El País, El Mundo and ABC) and the public opinion, that showed that 45 per cent of the population considered Kosovo's UDI as highly detrimental for the Spanish interests (Real Instituto Elcano 2008, 24). This concern was privately discussed in the Spanish diplomatic circles, and for example, Pepe Pons, former Spanish Director within the Ministry of Foreign Affairs of Spain, raised this fear, stating that "Kosovo would be an elections issue", as it was "in the headlines, and the debate in Europe (was) drawing the government's attention away from its campaign priorities" (Pouw, 2016, 45).

In this complex environment, Kosovo's UDI developed into a threat for the PSOE in power, that witnessed how the Catalan and Basque nationalists and PP's pressure on the Kosovo question could affect the socialists' governability of Spain. This concern had even led Moratinos to ask the authorities in Pristina to postpone the declaration until after the general elections, albeit with little success (Reuters 18 Feb. 2008). Kosovo declared independence unilaterally and Spain decided not to recognise it.

The Spanish government aligned with the position of countries such as of Russia, China, India and Brazil, and decided not to follow Turkey or the United Kingdom's line of supporting Kosovo's independence, despite the presence of self-determination movements within their borders. The socialist government lost an excellent opportunity in the aftermath of the declaration to denationalize the Spanish position on

Kosovo. Instead of recognising Kosovo and dissociating it from the internal situation of Spain, the government refused to do so, and thus, contributed to the formation of a faulty analogy between the two cases. This approach became later more obvious with the escalation of the independence movement in Catalonia in the past years.

Another reason that needs to be further explore is whether the personal connections of members of the socialist party played an active role in not recognising Kosovo. Members of parliament in Kosovo and Catalonia, such as Enver Hoxhaj, Deputy PM of Kosovo, or Jordi Xucla, Catalan European Democratic Party (PDeCAT), have pointed out at the personal connections of Moratinos as an important reason not to recognize Kosovo at the time (Interview, Hoxhaj, 2018; Xucla, 2018). Although this approach is contestable, research proves that Moratinos' friendship with Serbia is very enlightening. Belgrade was his first destination as a young diplomat in the 1980s and thirty years later, in 2009, he was awarded with the distinction of Honorary Citizen of Belgrade ([El Mundo 12 Dec. 2009](#)). During the ceremony, the former Serbian president Boris Tadic glorified Moratinos' role as a foreign affairs minister, stressing that "he had never met a minister in the world that had advocated so much for Belgrade and Serbia", and described him as the "angel protector of Belgrade and Serbia" (El Mundo 12 Dec. 2009). Certainly, one could not deny that personal opinions and connections often play a role in shaping national and foreign affairs politics.

To what extent Moratinos' personal connections played an important role not to recognize Kosovo is unclear. It is most likely, however, that his own ideas were not a decisive factor in the final decision not to

recognize Kosovo, as the position of Spain would have changed when he left his position as Minister of Foreign Affairs in October 2010. What is certain, instead, is that the decision on Kosovo's statehood was taken promptly and under high pressure by domestic policy issues in the prelude of the March 2008 general election. Should there have been no elections around the corner when Kosovo's UDI took place, the Spanish response to Kosovo's declaration could have been different.

The 2010 ICJ advisory opinion on Kosovo: a major setback for the Spanish position

The ICJ ruling on Kosovo's UDI on July 2010 did not result into a change of approach by the Spanish government. Prior to that, the Ministry of Foreign Affairs of Spain had presented long written statements advocating for the illegality of the declaration and the potential risk to create a historical precedent for other nations in the world (ICJ, Written Statements of the Kingdom of Spain, 2010). The ICJ judgment, however, did not refrain Spanish officials to continuously refer to Kosovo's declaration as a breach of international law. After the ruling it became clear that Spain was not recognizing Kosovo for purely internal policy matters. Thereby, instead of recognizing Kosovo and dissociating the case from Catalonia and the Basque Country, the government heightened the analogy between the two cases, not only ignoring that Kosovo and the internal situation in Spain were different situations, but also signalling that Catalonia and the Basque Country may had a case for independence.

From there on, the Spanish government continued to follow a very inconsistent approach, as their representatives started labelling Kosovo as a “sui generis case”, but simultaneously, they reaffirmed Kosovo’s unilateral path was setting a precedent for other nations’ will for independence (Leon Gross, 2008). This conflicting approach was driven by the fear that the Catalan and Basque separatists would instrumentalize Kosovo’s UDI to potentially follow the same path. In an unforeseen manner, and driven by the lack of congruity, Kosovo’s non-recognition gave the Catalan separatists a window of opportunity to create a (faulty) parallelism between the two cases, provoking the entrenchment of the Spanish position. In the aftermath of the ICJ judgment, Spain thus lost the momentum to recognize Kosovo and assert once and for all that the situation of Kosovo had nothing in common with the internal dynamics of Spain.

Furthermore, the outcome of the ICJ judgment broke with the already cold cordial relations with the Kosovar diplomacy; although it is worth mentioning that prior to the rendering of the judgment there had been a period of cooperation between the Spanish and Kosovar diplomacy, that had led to sit both in the same table during the Spanish EU presidency meeting in Sarajevo in 2010. The Spanish authorities thus started to follow a very rigid approach compared to the other five EU member states which do not recognize Kosovo.

Unlike Greece, Slovakia, Romania and Cyprus, the socialist government in Spain refused any official meetings with Kosovo’s authorities; they rejected once again the opening of a liaison office in Pristina and continued not to recognize Kosovo’s passport. The Spanish approach

became even tougher than the one followed in Belgrade or Moscow. It is worth mentioning that Kosovo's citizens can enter Serbia with a simple ID or Russia following a visa application, whilst their entry permit to Spain is rarely ever granted. The deterioration of the approach was not only influenced by the ICJ judgment, but also, and wrongly, by the awakening of the separatism movement in Catalonia in 2010 and 2011.

The change of government in Spain and the future perspectives

The change of government in 2011, with the accession to power of the conservative leader Mariano Rajoy (PP), did not affect the Spanish approach towards the youngest state in Europe. In an intense debate in the Congress of Spain in March 2012, Rajoy asserted the new government would not recognise Kosovo because "it was what it best suited the general interests of the country" (La Vanguardia 14 Mar. 2012). The strengthening of the Catalan separatism, even, made the PP government to deteriorate relations with Kosovo. Apart from the application of the rigid visa policy regime and the lack of diplomatic relations, Spain started to vote against the accession of Kosovo to international organizations, such as UNESCO and the FIFA, and to question the presence of Kosovo in the EU's Enlargement Plan (Europapress 30 Jan. 2018). Meetings with Kosovar diplomats were also avoided at all costs, which culminated in the notable absence of Rajoy at the EU-Western Balkans Summit in Sofia in May 2018. The Spanish government's move of deteriorating the relationships with Kosovo, while the Catalan crisis was moving forward, contributed, all in all, to

reinforce the faulty analogy between the two cases, showing again the inconsistency of the Spanish policy in the Kosovar dichotomy.

The democratic overthrow of Mariano Rajoy from power and the arrival of the socialist Pedro Sanchez to the Presidency in June 2018 were regarded by certain Kosovar politicians as an opportunity to develop a new approach towards Kosovo (Interview, Kurti, 2018; Hoxhaj, 2018). However, this reshuffle implied no change in the Spanish approach towards Kosovo in the short run. This has been illustrated in numerous occasions. In July 2018, the Socialist MP José Zaragoza asserted that “the approach of the new government (was) not likely to change, unless Serbia recognises Kosovo” (Interview, Zaragoza, 2018). In November 2018, the banning to display Kosovo’s flag and symbols in the World Karate Championship in Madrid made the recently appointed Spanish Minister of Foreign Affairs, Josep Borrell, to stress that “the new government would not recognize Kosovo” (El Diario 19 Nov. 2018).

To date, changes in the Spanish approach vis-à-vis Kosovo are very unlikely to happen; among all, due to the continuous political crisis in Catalonia, but also because there are no signs that the socialist government will dissociate Kosovo from the territorial dynamics of Spain (Vila Sarriá and Demjaha, 2019). Hence, a change in the Spanish “state matter” could only happen if a normalization agreement between Belgrade and Prishtina is signed, provided that this follows the recognition of Kosovo by Belgrade. Although this scenario seemed unattainable for years, the normalization of the relations could potentially happen, should Belgrade and Prishtina move forward with the contentious plan to exchange territories for purely ethnic reasons.

Redrawing the boundaries of the two countries could lead to the recognition of Kosovo by Serbia, and thus, many other countries, including Spain, could follow. Although Josep Borrell openly opposes the change of borders, he asserted that should Serbia recognize Kosovo in this context, Spain would have no objections to follow Serbia's steps (Europapress 19 Nov. 2018).

Pressure from with in: the Catalan case

Madrid's position not to recognize Kosovo and to further – and unintentionally – compare the Kosovo case with the internal situation in Spain came to the forefront thanks, inter alia, to the Catalan and Basque support for Kosovo's independence. The creation of this faulty analogy between the two situations was fuelled by the misuse of Kosovo's process for self-determination by Catalan and Basque separatists, that supported and instrumentalized Kosovo's UDI to further their own respective processes for independence. The section below looks at the role of the Kosovo case within the Catalan path for independence, asserting that Kosovo's UDI played an active and significant role in the Catalan constituent process.

Throughout the last years, especially when the Catalan crisis was at its highest peak, Catalan separatism started to mirror other independence movements, from Scotland to Kosovo, with Slovenia being the latest one in mind (France 24 10 Dec. 2018). However, in the case of Kosovo, this usage is not that recent, as it can be traced back to the prelude of Kosovo's independence in December 2007, when the MP Agusti Cerdá, Republican Left of Catalonia (ERC), openly referred to Kosovo's

potential independence as an “historical and unquestionable precedent for Catalonia and other nations in Europe” (El Periódico 13 Feb. 2008). This, together with the Convergence and Union (CiU) and the ERC support to Kosovo’s independence the day Kosovo’s unilateral declaration took place, had a significant impact in the central government decision not to recognize Kosovo.

CiU and ERC’s support towards Kosovo’s independence was very straight forward: for the aspirants of an independent Catalonia, Kosovo’s independence – and especially its international (although partial) recognition – left the door open to the creation of new states in Europe. This approach was immediately translated into an unconditional Catalan institutional support for the newest state in Europe. Both the ERC and the CiU supported Kosovo’s independence in the aftermath of the UDI, congratulating its people, although only ERC regarded Kosovo’s UDI as an important precedent in Europe (La Vanguardia 18 Feb. 2008). In April 2008, Joan Tardá, ERC MP, presented a motion in the Congress of Spain, urging Spanish authorities to recognize Kosovo (Official Gazette of the Congress of Spain, 7 May 2008). This support was also transferred to the regional authorities of Catalonia, where months later, in July 2008, the Catalan Parliament passed a resolution supporting “the will of Kosovo’s Assembly of becoming an independent state” (Official Gazette of the Parliament of Catalonia, Feb. 2008).

Catalan separatist’s recurrent misuse of the Kosovo case became more evident after the 2010-ICJ ruling, that at the same time overlapped with the escalation of support towards Catalan independence. Within the Catalan separatists’ interpretation – mostly by the ERC and somewhat

by the CiU – the ICJ decision was a watershed event, as it indicated that Catalonia could emulate the unilateral path without infringing international law. This interpretation, however, was extremely faulty and partisan because it ignored the events that had led to the independence of Kosovo a decade before (Vila Sarriá, 2017). ERC officials disregarded those events and focused primarily on the “legality” of the declaration. In this way, ERC openly stated that the judgment revealed that “Catalonia would have international legal basis” to declare independence (El País 23 Jul. 2010). This position was again reflected in an unsuccessful motion in the Congress of Spain weeks later, which called for the urgent recognition of Kosovo (Official Gazette of the Congress of Spain Sept. 2010).

Although CiU received the ICJ decision with great joy, and congratulated Kosovo’s authorities for it, the party avoided comparing Kosovo’s decision with the situation in Catalonia. This can be explained through two different arguments: firstly, in the board of CiU there were a minority of autonomist leaders, rather than pro-independence – as CiU was a convergence of two parties, the Democratic Convergence of Catalonia and the Democratic Union of Catalonia; and secondly, pro-independence leaders within CiU had their spotlight on the Scottish path. This is to say, a referendum of self-determination that was agreed upon with the central government. On the contrary, ERC considered the example of Kosovo as the most successful path to follow.

The impossibility to negotiate a legal and constitutional referendum with the central government in 2014, however, led both CiU and ERC to focus on the Kosovar path. Since then, the allusions to Kosovo’s unilateral road

became very recurrent, and brought Catalan leaders to try meet Kosovar representatives in Pristina with no success. In the book *“The Last 100 Meters: The Road Map to Winning the Catalan Republic”* (2016), Quim Torra, Catalan president in office, stressed that “nothing could be the same after the ICJ decision on Kosovo’s UDI” (Torra i Pla, 2016). This was also followed by Marta Rovira’s declaration, ERC’s Secretary General, on June 2016, stressing that Catalonia should mirror Kosovo’s process for independence (La Vanguardia 28 Jun. 2016).

Kosovo’s path was finally emulated by Catalan leaders on 27 October 2017, when the Catalan Parliament declared independence unilaterally. Nonetheless, the result was very different. Unlike Kosovo, Catalonia received no international recognition. Even Kosovo, the state that Catalan separatists had fervently defended, declined to recognise Catalonia, and asserted once and for all that Catalonia and Kosovo were disparate cases with very few similarities in common.

Conclusion

This paper shows that the non-recognition of Kosovo by Spain cannot solely be explained through the adherence to international law of the different Spanish governments throughout the last years. The internal situation of Spain – the Basque Country and Catalonia – played, and continues to play, by contrast, a fundamental role; albeit other reasons such as the proximity of the general elections in Spain in March 2008 and the pressure of the PP and the Catalan and Basque nationalists parties during these elections contribute to understand the complex decision taken by the Spanish authorities in the last years.

The decision not to recognise Kosovo based on the situation in Catalonia and the Basque Country helped form a faulty analogy between the two cases. Although this has been tacitly refused by the different Spanish governments, the worsening of Spanish relations with Kosovo, whilst the crisis in Catalonia was at its highest peak, confirm the Spanish government compared, unintentionally, the two cases. Likewise, this event was motivated by the pressure of Catalan separatists that supported Kosovo's statehood in an unconditional manner and misused its path for self-determination to further their own path for independence, ignoring the singularities of the Kosovar case.

Kosovo's path for self-determination played a significant role in the Catalan process for independence. Since the declaration of the former Serbian province in 17 February 2008, the Catalan support for its independence, through political statements and motions, was and has been exhaustive, *inter alia*, because Catalan separatism regard Kosovo's independence, and specially the ICJ-2010 decision, as an historical precedent, that could be replicated elsewhere whilst complying with international law. This position was partisan and selfish and highly contributed to the Spanish approach not to recognize Kosovo.

In the foreseeable future, it is very unlikely that the government of Spain will change its position vis-à-vis Kosovo, regardless of the government in power. Both the PP and the PSOE – parties in power for the last thirty years – have shown that the Kosovo question is a state matter, that will remain unaltered as long as Serbia and Kosovo do not achieve a mutual agreement, by which the former recognizes Kosovo as an independent

state. Furthermore, Spain's approach will most likely continue to lay in the strong line of non-recognizers, as there is no likelihood that the Spanish position will dissociate Kosovo from the internal situation in Spain; and being the crisis in Catalonia still high and persistent, no change in Madrid's policy vis-à-vis Kosovo is foreseen.

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