

EU's Five Non-Recognizers and Kosovo

The Council for Inclusive Governance (CIG) organized a discussion on April 27, 2021, for a number of pundits from the five EU countries that do not recognize Kosovo's independence and analysts from Serbia and Kosovo. The speakers discussed the reasons for the reluctance of the five EU members to recognize Kosovo or to establish stronger working relations. Motives ranged from internal concerns and interests to their friendly relations with Serbia.

There was broad agreement that the main key to the 'five recognitions' is in Belgrade. If Serbia recognized Kosovo, the five EU non-recognizers would follow suit, most participants agreed, "They have nothing against Kosovo." Their 'non-recognition positions' are instead driven largely by their own secessionist movements or aspirations and partly by their historical relations with Serbia. The 'five non-recognizers' have been constructive on many issues though, largely respecting EU's collective policy toward Kosovo, including agreeing to grant Kosovo the Stabilization and Association Agreement (SAA). They also support Kosovo's visa liberalization and say Kosovo's future is in the EU. Ironically, it is those that recognized Kosovo, for example, France and the Netherlands, which are blocking Kosovo's visa liberalization. Many concluded that even though the recognition is unlikely in the short term, Kosovo and the five non-recognizers could establish "constructive cooperation and better working relations."

The report is based on the roundtable discussions held under the Chatham House Rule. The participants took part in their personal capacities. CIG has tried to be accurate and balanced in summarizing the discussions and asks for the understanding of participants whose remarks may have not been fully captured in this brief report. The report does not necessarily reflect the views of CIG and the Swiss Federal Department of Foreign Affairs, which supports the project.

Key points

- 1) The EU and the US should facilitate cooperation between Kosovo and the five EU non-recognizers. Greece is increasingly open to develop better economic and political relations with Kosovo. Romania is the most receptive and vulnerable to the US influence. Cyprus is also showing more willingness to adhere to EU's common policy on Kosovo. Despite its reservations, it had approved the EULEX mission. Slovakia is also constructive, recognizing travel documents, among others. Greece, Romania, and Slovakia have diplomatic offices in Kosovo. Only Spain remains "more Serb than Serbs themselves," refusing to recognize even those Kosovo documents that Serbia itself recognizes. Spanish officials refuse to even shake hands with Kosovo officials in international conferences, let alone meeting bilaterally. Spain, however, gave in to EU's collective pressure on SAA and was constructive in the implementation of a number of Kosovo-Serbia agreements.

- 2) All five non-recognizers have one condition for their recognition: Serbia recognizes Kosovo first or at least relinquishes its claim on Kosovo through a comprehensive agreement. Kosovars say this is an unfair condition. First, Kosovo can do little to secure Belgrade's cooperation and should not be punished because "the other side is not constructive." Second, the five non-recognizers grant Serbia a veto power over their foreign policy toward Kosovo. Many said that if Kosovo makes substantial democratic progress, fully adheres to minority rights, and puts the unification with Albania to rest once and for all, the five non-recognizers should reconsider their positions. Currently, on the issue of Kosovo, the five non-recognizers have a negative foreign policy agenda. They need to put together a positive agenda that promotes an agreement between Belgrade and Pristina and pledge to recognize Kosovo if a comprehensive agreement is reached, even if it is a de facto recognition.
- 3) Many speakers suggested building a relationship that allows for 'cooperation without recognition' – similar to relations between Kosovo and Serbia whereby the parties recognize each other's travel documents, engage in economic relations, all establish informal diplomatic relations – and the five non-recognizers commit not to block Kosovo's EU membership path. In the short and medium term, Kosovo needs their constructive cooperation just as much as their recognition, many speakers concluded.
- 4) Kosovo should become more proactive in engaging with the five non-recognizers through bilateral cooperation, such as opening liaison offices and establish economic relations. It should also fully commit to the Ahtisaari plan and its own constitution. Kosovo does not have a good record in the implementation of the laws related to minority communities. A 2016 Constitution Court ruling on the Decani Monastery property remains unimplemented, the only such Court decision unimplemented, a clear violation of Kosovo's constitution. This sends a signal to the Serbs in Kosovo that Kosovo's institutions alone are not sufficient to guarantee their rights. In addition, Kosovo should make progress in establishing the rule of law, developing its economy, and raising living standards. "Make it difficult for us to say no."
- 5) Until there is a breakthrough between Belgrade and Pristina, the US and the EU should align their policies on the region and work with civil society and governments on issues that bring the region closer to EU membership. The five non-recognizers can adopt 'do no harm agendas,' letting Kosovo citizens travel, play football with them, and trade. The five countries can also get together and develop a cohesive position and policy. The five can begin with an informal discussion about putting together positive steps, for example, a statement that they want to work Serbia and Kosovo and both belong in the EU. Even such positives statement, light on detail, could be helpful in Belgrade and Pristina.

Rationales for non-recognition

Greek rational. Greece's position is not fixed. It is based on a number of flexible principles, primarily on the principle that the dispute between Kosovo and Serbia should be resolved first before Greece reviews its position. Greece supports Kosovo's EU path, knowing well that statehood is a criterion for membership and that all EU members should recognize a state before it joins. Greece is among the friendliest of all non-recognizers, with Spain on the other end of the spectrum. Greece maintains that resolution of disputes with neighbors is a prerequisite for EU membership. Greece has some ideas for a comprehensive settlement: the settlement should include Serbia's recognition, but Serbia needs to get something in return. Kosovo could offer an advanced status for the Orthodox Church, upgrade the protection of cultural heritage, and establish the

Association for the 10 Serb-majority municipalities agreed in 2013 in Brussels. Greece believes a compromise between Kosovo and Serbia is necessary.

Romanian rational. Romania maintains that it would not recognize Kosovo before Serbia does. Romanians perceive the Serbs in a very favorable light and know little about the Kosovars. But Romania's position is driven by internal concerns over the Hungarian minority's autonomist aspirations. Unlike the ethnic Romanians, ethnic Hungarians in Romania support Kosovo's independence. Some Romanians themselves aspire to unite with Moldova, but Romania's state position is against redrawing borders, knowing unification with Moldova may have a steep price for Romania: Transnistria may successfully leave Moldova and Hungarians in Romania may make inroads toward secession. Therefore, Romania's position on Kosovo remains rooted on the international law on respecting borders. Romania will not change its position anytime soon. It has a lot of reasons to fear a potential precedent contagion, not only about the Hungarian majority in Romania acquiring independence, but also about other frozen conflicts in the neighboring countries. Romania might want to have some guarantees vis-à-vis the borders of Moldova and Hungary in return. But one actor can make a difference: the US has a lot of leverage on Romania and can use it to put pressure on Romania to make moves toward Kosovo, especially now that Russia's influence in the region may threaten Romania's interests and the US can do a lot about counteracting Russian influence.

Cypriot rational: Like Greece's position, Cyprus's stance is also based on a number of principles, but its principles are not as flexible as Greece's. Cyprus is among the most intransigent of the five non-recognizers. Its rationale for non-recognition is purely internal, a problem that is not expected to be resolved anytime soon. Its basic reason is its own security dilemma at home. Cyprus, however, should distinguish the fact that Kosovo is recognized by more than hundred UN member states and the self-proclaimed Turkish Cyprus is recognized only by one. After it joined the EU, Cyprus has "europeanized its foreign policy somewhat," increasingly aligning with EU's collective policy. Cyprus understands it cannot stand alone in the Union. It first opposed the EULEX mission to Kosovo but supported it in the end. In many ways, Cyprus has been more cooperative than Spain. Many speakers said Cyprus would continue to be "diplomatic in relation to Kosovo." It is vulnerable to geopolitics and needs the same allies that "sponsored Kosovo's independence." The recent financial crisis also made "the Cypriot foreign policy much more transactional," an approach that makes it more likely to build relations with Kosovo, but without recognizing it. "It is becoming easier to talk about Kosovo in Cyprus; the issue is evolving, slowly but evolving." The knowledge of Kosovo and the Albanians in Cyprus is almost non-existent within the wider public. Perhaps more person-to-person contacts, introductions of Kosovo in Cyprus are needed, "just to normalize the idea of talking."

Slovak rational: Slovakia's position is largely driven by the effect the recognition could have on its Hungarian minority demands. The pan-Slavic idea is also still present in the country. There are also some ethnic Slovaks living in Serbia, and Slovakia has friendly relations with Serbia. The former rather nationalist government was also more pro-Russian. The country now has a pro-European government and president but no changes on Kosovo policy should be expected soon. Slovakia conditions its recognition with "a legally-binding agreement between Kosovo and Serbia." Slovakia has normal relations with Kosovo though, recognizing Kosovo's passports, indicated it will not block Kosovo's membership in such international organizations as the

Interpol, and showing an increased willingness to “find compromises on a number of issues.” Slovakia’s development assistance also recognizes Kosovo as a program country.

Spanish rational. Spain’s position is purely driven by separatist movements in Spain’s Catalonia, Basque Country, and Galicia regions, movements that were violent and a lot of people were killed in clashed between the government forces and ETA. Spain’s position is stringent and there is “no carrot for Spain to make it change it.” Spain knows that it needs to find a solution on Kosovo in order to be considered a reliable partner by the US and a constructive EU member that support the Union’s common foreign policy, but these are not sufficient incentives. Spain believes that the risks from ‘the recognition precedent’ far outweigh the benefits. However, Spain supports the EU mediated dialogue between Kosovo and Serbia and has not blocked the implementation of agreements, such as the one on energy. EU’s foreign policy chief Josep Borrell, still as the Spanish Foreign Minister, said in 2019 that “Spain can’t be more Catholic than the pope,” indicating that Spain may be waiting for an agreement between Kosovo and Serbia before extending its recognition to Kosovo. Kosovo needs to be more present in the Spanish public discourse.

In conclusion, many participants said that Kosovo is at disadvantage as Serbia has indirectly considerable leverage on EU’s foreign policy towards Kosovo. A speaker suggested that the EEAS should help more by engaging with these states and offering something concrete. Kosovo and Serbia should both have a clear EU path. Unlike the UN that is a community of states, including authoritarian ones, the EU is a community of ideals, values, and progress. The Kosovo-Serbia dispute is a European problem and affects the entire region. The EU common policy should prevail in concluding the dispute.

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