

***Ioannis Armakolas and James Ker-Lindsay (eds.): The Politics of Recognition and Engagement: EU Member State Relations with Kosovo***

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This collection of 11 academic essays examines the responses to Kosovo's declaration of independence by nine EU member states in order of perceived support/constructiveness: ranging from the strongest supporters, the United Kingdom and Germany, to two of the weakest recognizers: the Czech Republic and Poland as well as all five EU non-recognizers: again from the most to the least supportive of Kosovo: Greece, Slovakia, Romania, Cyprus and Spain.

The study is co-edited by Ioannis Armakolas (PhD), an Assistant Professor of Comparative Politics of South East Europe at the University of Macedonia, in Thessaloniki, Greece, and James Ker-Lindsay, a visiting professor at LSEE/LSE and the author or editor of over a dozen books on secession and recognition, including *The Foreign Policy of Counter Secession: Preventing the Recognition of Contested States*, and *Kosovo: the Path to Contested Statehood*. The two co-editors co-authored the first chapter, "*Kosovo, EU Member States and the Recognition-Enlargement Nexus*". They set out that the "*volume is the result of a major project carried out between 2016 and 2018*", in which with the support of the Kosovo Open Society Foundation, ten contributors were brought together for two workshops in Pristina, during which a methodology was defined that was intended to "*maximize the comparative value of this work*" (p. 11). Dr. Ker-Lindsay authored the chapter on the UK and Dr. Armolakis authored the chapter on Greece. The other eight contributors, Agon Demjaha, Julia Himmrich, Tomáš Dopita, Jarosław Wiśniewski, Milan Nič, Paul Ivan, Isabelle Ioannides and Ruth Ferrero-Turrión, authored the chapters on the policies of their respective states. Each chapter sets out chronologically the decision-making process of a given EU member state, showing the domestic and regional political challenges in recognizing or not recognizing Kosovo, the related lobbying efforts, including by Pristina, Belgrade and Washington, as well as the extent of the EU-member state's recent engagement or non-engagement with Kosovo's institutions.

The purpose of this study is to show that the issue of recognition vs. non-recognition of Kosovo among EU-member states should not be seen in binary terms. The differences among the recognizers as well as among the non-recognizers are substantial. Some recognizers – in the case of this study, the Czech Republic and Poland, due to both domestic political influences and their traditionally close ties with Belgrade – are perceived as actually more passive in their engagement with Kosovo's institutions than two of the non-recognizing EU member states: Greece and Slovakia. This compendium is a landmark in examining the individual positions of EU member states, albeit it only deals with one third of them – it explores not only the grounds for either their recognizing or not recognizing Kosovo's declaration of independence in 2008 but also the degree of their subsequent engagement with Kosovo. It is thus a valuable work; the chapters on the stances of the Czech Republic, Poland, Romania Greece and Cyprus, about which the literature outside of these countries to date has been quite limited, are particularly

insightful. The authors also note the coordination among the “*soft non-recognizers*” Greece, Slovakia and Romania on issues such as Schengen visas.

Some of the sourcing is problematical. Citing sources by merely referring to them as a “*European diplomat*”, a “*British official*” (pp. 53–55), “*German government officials*” (pp. 78–79), a “*former senior diplomat*” (p. 104), a “*Slovak official*” (pp. 152, 155, 162), etc. is excessively vague. It risks some authors finding themselves in an echo chamber, where an unclear number of anonymous sources hampers the reader’s ability to judge the authority and determine the actual number of sources. If multiple diplomats from a single country were used by an author, they should have been more clearly identified as separate sources. Greater clarity should have also been provided regarding whether an anonymous source had actually been directly engaged in the issue of recognition. Despite providing chronological accounts, institutional memory can be remarkably weak a decade or more after a policy was set, and the justification for the policy may well have changed in the interim as key elements or details were forgotten or rewritten; officials move on to other posts and are replaced by newcomers, who all too often may lack a full understanding of their office’s past reasoning. Moreover, perceptions of and stances on very basic issues such as the legality of Kosovo’s declaration of independence or the continued validity of UN Security Council Resolution 1244 (1999) can differ even within one specialized office. No two diplomats from a given country, and no two international civil servants from a given organization are likely to provide identical, off-the-record explanations or justifications for a policy. Hence, the book would have benefitted had the net been cast to encompass a broader selection of critical views and were it clearer to the reader that a cited official had actually been directly engaged in the decision-making process or in relations with Kosovo after the declaration of independence.

Although Kosovo gets its own chapter, which on the whole is well argued, Serbia does not. Instead, references to Belgrade’s Kosovo policy are scattered throughout the book, above all in the chapter on the UK’s recognition of Kosovo. Greater attention could have been given to Belgrade’s role of *spoiler* or *mischief-maker* in relation to Pristina, former Serbian Foreign Minister Vuk Jeremić and his successor, Ivica Dačić. They have persuaded undecided states not to recognize Kosovo and have lobbied recognizing states to either rescind their recognitions or claim that they had not in fact recognized Kosovo in the first place. To date, Belgrade has persuaded over ten percent of the states which recognized Kosovo to withdraw their recognitions: Suriname, Burundi, Papua New Guinea, Lesotho, Comoros, Dominica, Grenada, the Solomon Islands, Madagascar, Palau, Togo and the Central African Republic. In addition, several states which senior Kosovo officials had claimed had informed them of their decisions to recognize Kosovo subsequently asserted that they had never done so: these include Nigeria, Uganda, São Tomé e Príncipe and Equatorial Guinea. In this connection, it should be noted that present and past foreign ministers of Kosovo, including Skender Hyseni, Behgjet Pacolli, and Enver Hoxhaj, repeatedly erred in speaking to the media about imminent recognitions by naming the countries or regional associations of states in question, thereby inadvertently tipping off their Serbian counterparts, who lost no time in jetting off to the countries in question and using a variety of arguments, in many cases successfully, to persuade their interlocutors to desist from recognizing Kosovo. These included a) not wanting to undermine the deliberations of the International Court of Justice in The Hague prior to its 2010 ruling on the legality of Kosovo’s declaration of independence, b) not wanting to undermine the dialogue with Pristina, c) recalling Belgrade’s traditional solidarity with members of the Non-Aligned Movement, d) recalling ex-Yugoslavia’s Cold War-era weapons supplies to national liberation movements, e.g. to the ANC in South Africa, and e) allegedly providing financial/business incentives as a *quid pro quo* for either not recognizing Kosovo, withdrawing recognition, or renouncing recognition of Kosovo.

Although no EU-member states have retracted their recognition to date, Czech President Miloš Zeman, while on a visit to Belgrade in September 2019, called for the Czech Republic to de-recognize Kosovo, an option that Prime Minister Andrej Babiš and Foreign Minister Tomáš Petříček have so far dismissed. Former Czech Foreign Minister Karel Schwarzenberg has argued that it is impossible to de-recognize a country. However, in the unlikely event that Prague were to retract its recognition of Kosovo, would Poland and Hungary follow?

The term *unilateral declaration of independence* or *UDI* in reference to Kosovo crops up repeatedly in many of the chapters of the study. The co-editors argue in a footnote on page 1 without offering any reference supporting their argument that *“in legal terms, a unilateral declaration of independence is a neutral term to describe any act of secession that occurs without the consent or agreement of both relevant parties: the seceding territory and the ‘parent state’, as the territory it is seceding from is usually known.”* I would argue, however, that the term as applied to Kosovo is anything but neutral. Rather, it is inaccurate, politically colored, and has been one of Belgrade’s mantras in objecting to Kosovo’s independence. Historically, “Unilateral Declaration of Independence” is what the British colony of Southern Rhodesia, backed by the Union of South Africa termed its own secession from the UK in 1965. This first modern UDI was denounced by the UK, the British Commonwealth and the United Nations. This was due to Southern Rhodesia having been governed by its white community, which made up five percent of the population; Rhodesia as its secessionist rulers had renamed it in 1964 remained *de jure* a British colony until black majority rule was achieved, enabling the establishment of the internationally recognized state of Zimbabwe in 1980. As the chapter on Cyprus notes, the declaration of independence by the Turkish Republic of Northern Cyprus in 1983 also constituted a UDI, was recognized only by Turkey, and was roundly condemned by the UN and its member states. The Cyprus chapter also notes that Cypriot politicians have been at pains to point out that Kosovo’s and Northern Cyprus’ declarations of independence were not comparable. Thus, the term UDI has a distinct air of illegitimacy and implies virtually unanimous opposition by the international community.

In contrast to Southern Rhodesia and Northern Cyprus’ UDIs, Kosovo’s declaration of independence came following the conclusion of a process intended to negotiate a resolution of Kosovo’s status led by the UN Special Envoy for Kosovo, the former Finnish President Martti Ahtisaari. Moreover, Kosovo’s declaration was thoroughly consulted with the U.S., the U.K., France, Germany and Italy, known as the Quint, which choreographed and supervised the drafting of the declaration, the lists of speakers and guests at the ceremony of the adoption of the declaration, the design of Kosovo’s flag and its text-less anthem. Hence Kosovo’s declaration of independence, which was neither unilateral nor condemned by the United Nations, was internationally coordinated and supervised.

Regrettably, the author and/or editors of the chapter on Germany has/have put the term “UDI” in the mouth of German President Franz-Walter Steinmeier, when in fact he said something rather different. Steinmeier’s address to the Bundestag on 20 February 2008, cited in the chapter on Germany, contains no use of the term “UDI” but rather summarizes Berlin’s frustration with the lack of an agreement between Belgrade and Pristina despite the efforts of Germany and other Quint members. In fact, Steinmeier said, *“For nine years we sought an amicable solution, something everyone would have preferred to the procedure we now face. But this proved impossible. That is why we have to show responsibility in a situation where we cannot escape by abstaining, even if that is what some would prefer. We need to work together now to support Kosovo and its people and, whatever situation we come up with, we need to make the most of it: [achieving] the democratic rule of law with European values not only in Kosovo but throughout the Western Balkans.”*<sup>1</sup>

A reference in the study to the International Court of Justice’s (ICJ) non-binding opinion of July 2010 on the legality under international law of Kosovo’s Declaration of

Independence is misleading. It should be recalled that the ICJ took up the matter after Serbia decided to circumvent the UN Security Council and approach the General Assembly (GA) to request a ruling from the ICJ. Much to Belgrade's surprise, the ICJ ruled that the declaration was legal under international law. The argument that the ICJ did not take a position on whether Kosovo was a state or not is disingenuous as the GA did not put this question to the ICJ. Hence the court was under no obligation to provide an opinion on the matter.

Numerous states had delayed their recognition of Kosovo at the behest of the Serbian Foreign Minister at the time, Vuk Jeremić. He had urged states to desist from recognizing Kosovo until after the ICJ ruling, convinced that the court would rule in Serbia's favor. In the immediate aftermath of the ICJ ruling, US and EU negotiators, in an effort to prevent Belgrade from seeking support for an ill-advised new GA resolution, persuaded Serbian President Boris Tadić and Foreign Minister Jeremić to agree to a more constructive GA resolution which would call for the launch of an EU-led, US-supported dialogue between Belgrade and Pristina. Inevitably, this new, open-ended dialogue was immediately seized upon by Belgrade in all further discussions with non-recognizers as grounds not to recognize Kosovo pending a successful conclusion of the dialogue, thereby further reducing new recognitions to a trickle. While the dialogue made some headway in 2013 and even subsequently, for multiple reasons it has proven to be an unreliable vehicle to achieve genuine progress in overcoming differences and finding lasting solutions and has repeatedly fallen victim to domestic political considerations in Pristina and Belgrade.

Only a fleeting mention is made in this study of the EU Planning Team (EUPT), which had a year on the ground in Kosovo to prepare for the deployment of the European Union Rule of Law Mission in Kosovo (EULEX), which in turn only took over responsibility for peace and justice from the United Nations Mission in Kosovo (UNMIK) in December 2008. The EUPT proved itself ill-prepared for the reality that in the wake of Kosovo's declaration of independence on 17 February 2008, five of the then 27 EU member states would not recognize Kosovo. This lack of unity forced a substantial dilution of EULEX's mandate. Belgrade and the Serbs in northern Kosovo quickly realized that without unified backing through recognition of Kosovo by all 27 of the EU member states, EULEX's deployment would be easy to resist. EULEX was thus thwarted in its efforts to achieve full operational capability in Kosovo's four Serb-majority (98%) municipalities north of the Ibar River (North Mitrovica, Zvečan, Zubin Potok and Leposavić), where after independence the international police and justice mission's active engagement was needed at least as much as everywhere else in Kosovo.

In conclusion, although the list price risks making this work inaccessible to many practitioners, and despite a few shortcomings, including the absence of a chapter focusing on Belgrade's efforts to lobby against Kosovo's recognition, and the use of the misnomer "UDI" to describe Kosovo's supervised declaration of independence, this study is nevertheless a valuable handbook which explains in detail the individual paths of nine EU-member states in deciding whether or not to recognize Kosovo as well as in their relative engagement or non-engagement with independent Kosovo.

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<sup>1</sup> This quote is my translation of the transcript citation in footnote 44 on p. 70. The original source of the transcript is: Deutscher Bundestag (2008): Plenarprotokoll 16/144. Stenographischer Bericht 144. Sitzung 16. Wahlperiode. Berlin, 20. 2. 2008, p. 15189.

## **AUTHOR BIOGRAPHY**

Jolyon Naegele worked for 14 years as a political analyst for the UN peacekeeping mission in Kosovo (2003–2017), and previously reported on East Central and Southeastern Europe for Voice of America (1984–1994) and RFE/RL (1996–2003).