

After Palestine, can Spain recognize Kosovo?

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Abstract: On 17 February 2008, Kosovo declared its independence from Serbia, receiving recognition from over half of the UN member states, the majority of the European Union, Council of Europe and NATO member states, as well as the most industrialized states in the global economic forum. However, Kosovo did not receive recognition from Serbia, China, Russia, India, certain states with diplomatic grievances with the USA, communist dictatorial states like North Korea, and five EU member states, including Romania, Greece, Cyprus, Slovakia, and Spain. This article focuses on Spain’s possibilities and reasons for recognizing Kosovo or not. Using qualitative methodology, five university professors—two from Madrid, one from Barcelona, and two Kosovar professors, one from the University of Pristina and the other from the University of Winchester, England—were interviewed with open-ended questions in November-December 2023. The research identified opportunities and reasons for Spain’s hesitation in recognizing Kosovo, including Spain’s domestic context, historical relations with the Western Balkans and the newly formed countries after the dissolution of Yugoslavia in the early 1990s, as well as the European and international political context. The research results show that Spain has been hesitant to recognize new states quickly, not only in the case of Kosovo, due to the context of autonomist aspirations within Spain and reluctance to draw parallels between Kosovo and Spain’s autonomous regions.

Keywords: Kosovo; Palestine; recognition; reasons; Spain

1. Introduction

In 1974, Kosovo and Vojvodina were officially declared an Autonomous Socialist province within the Socialist Federal Republic of Yugoslavia. This decision was made to recognize and grant a degree of self-governance to the region’s population. However, in 1989, the autonomy of Kosovo was violently revoked, and the Yugoslav military, police, and administrative apparatus were established in the region until 1999 (Medeiros, 2021). During the 1990s, the Albanian majority in Kosovo sought to peacefully achieve the Republic of Kosovo through the Democratic League of Kosovo, led by Ibrahim Rugova. Despite their peaceful efforts, they were met with resistance from the Serbian government. As a result, armed guerrilla resistance eventually emerged, with the Kosovo Liberation Army making its first public appearance on 28 November 1997 (Kamil and Şaşkın, 2022). This led to a local and international armed conflict from February 1998 until 12 June 1999, resulting in the deaths of many civilians, primarily Albanians. In response, NATO intervened militarily on 24 March 1999, by attacking former Yugoslavia’s military bases. To bring stability to the region, the United Nations Security Council passed Resolution 1244 in 1999, establishing an international civil administration with the assistance of multinational troops from NATO providing military security administration

(Poghosyan and Berg, 2021). During the period between 2006 and 2007, Serbia and Kosovo engaged in crucial negotiations to determine the future status of Kosovo. The talks were mediated by both Western and Russian powers, with the aim of finding a mutually agreeable solution. In 2007, Martin Ahtisaari presented a Comprehensive Proposal for the Final Status Solution of Kosovo, which played a pivotal role in shaping the future of Kosovo (Siboe, 2020). The proposal served as the basis for the new Constitution of Kosovo, which was adopted in 2008. The document laid out the framework for a democratic and independent Kosovo, outlining its political, economic, and social systems. Though Serbia officially refused the proposal, the Serbs of Kosovo implemented ethnic decentralization and created new municipalities with a Serbian majority and local governance based on the document. The majority of Western states and their allies recognized this document, which came into force in Kosovo. On 17 February 2008, Kosovo declared independence, which is now recognized by over 100 states. However, five European Union states continue to withhold recognition, including Spain, Romania, Cyprus, Slovakia, and Greece. Spain remains one of the EU's most vocal opponents of Kosovo's independence. In the year 2010, the International Court of Justice (ICJ) issued an advisory opinion stating that Kosovo's unilateral declaration of independence had not violated any international law (ICJ, 2010). Despite this ruling, Spain has continued to maintain its stance of non-recognition towards Kosovo. This article explores the possibilities, reasons and underlying factors contributing to Spain's persistent refusal to recognize Kosovo as an independent state.

2. Literature review

2.1. Spain's participation in NATO airstrikes

Spain has established a strong presence within the international community by joining several prominent organizations. As early as 1955, Spain was already a member of the United Nations, followed by its membership in the World Bank in 1958, the Organization for Economic Cooperation and Development in 1961, and the Organization for Security and Cooperation in Europe in 1973. Spain also became a member of the Council of Europe in 1977, joined NATO in 1982, and shortly thereafter joined the European Economic Community (NATO, 2022). Following extensive peace negotiations involving Yugoslav and Kosovar parties, alongside international diplomats from the USA, EU, and Russia, NATO initiated military attacks on Yugoslav military targets across Serbia, Montenegro, and Kosovo. Albeit, with the challenge due to the lack of authorization from the UN Security Council. Although the UNSC did not provide a resolution on intervention in Kosovo, it did not completely hinder the necessary action. The democratic world responded with attentiveness and gravity towards the atrocities being inflicted upon the civilian population. The NATO states refused to be held captive to the possibility of Russia's and China's veto in the UNSC. The situation in Kosovo was deemed alarming by the UNSC, as evidenced by Resolution 1199 (1998). The UNSC expressed deep concern for the deteriorating humanitarian situation in Kosovo, as described in the Secretary-General's report, and emphasized the need to prevent a humanitarian catastrophe (UNSC Resolution 1199, 1998). Additionally, Resolution 1203 (1998) re-emphasized

the urgency of preventing a humanitarian catastrophe and served as a warning to Yugoslav-Serbian forces against repeating atrocities like the Srebrenica massacre in Bosnia and Herzegovina (UNSC Resolution 1203, 1998). The United States and its NATO allies also faced another major obstacle in formulating a Kosovo intervention: there were several resolutions condemning the actions of Milosevic, but none of the resolutions expressly authorized the use of force due in large part to Russia and China's threat of veto for any authorization of international intervention (Garey, 2020). Meanwhile, United Kingdom Government argued that ... a UNSCR [Security Council Resolution] would give a clear legal base for NATO action, as well as being politically desirable. But force can also be justified on the grounds of overwhelming humanitarian necessity without a UNSCR. The following criteria would need to be applied: (a) that there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief; (b) that it is objectively clear that there is no practicable alternative to the use of force if lives are to be saved; (c) that the proposed use of force is necessary and proportionate to the aim (the relief of humanitarian need) and is strictly limited in time and scope to this aim (Wheeler, 2007). In the case of the war in Kosovo, Great Britain's criteria were fully satisfied.

Despite the conflict taking a genocidal turn, the efforts of mediators to de-escalate the situation persisted. In an attempt to establish peace, an international conference was convened in February 1999 in Rambouillet and Paris, France. During this conference, both the Serbian and Albanian sides were urged to agree. After the Paris talks closed without success, FRY/Serb military forces launched an offensive against entire villages and civilian installations. Within days, over 200,000 people had fled, many into the nearby mountains or across the borders and into Albania, Macedonia and other countries in the region (Steinke, 2015). Obviously, Milosevic had never intended to accept a political solution. So on 24 March 1999, NATO began its Operation Allied Force (Solana, 1999). However, NATO governments argued that their action was both legal and morally justified because it was aimed at 'averting a humanitarian catastrophe', and hence was in conformity with Security Council Resolutions 1199 and 1203, which had demanded Serbian forces to stop their violations of human rights in Kosovo (Wheeler, 2007) The lack of authorization from the UNSC was used by China and Russia, who are permanent members of the Security Council, to condemn NATO's military operation against the former Yugoslavia. The Chinese Ambassador to the UN, described NATO's military operations as a 'blatant violation of the UN Charter, as well as the accepted norms in international law', while, President Boris Yeltsin called NATO's operation 'nothing other than an open aggression' (Latawski and Smith, 2018). During a UN Security Council meeting on 26 March 1999, the Slovenian Ambassador expressed his government's preference for direct Security Council authorization. He also acknowledged that the Council has the primary but not exclusive responsibility for maintaining international peace and security. He urged all 'Council members to carefully consider how to uphold the Council's authority and fulfill its primary responsibility as required by the Charter'. The ambassador argued that Russia and China's threat of vetoes was a violation of Article 24 and impeded the Council from carrying out its crucial obligations (Wheeler, 2007). Also, the Secretary General of the UN, Kofi Annan, in a press release dated 7

April 1999, states, that no government has the right to hide behind national sovereignty to violate the human rights or fundamental freedoms of its peoples. He added that if we allow the United Nations to become the refuge of “ethnic cleansers” or mass murderers, we will betray the very ideals that inspired the founding of the United Nations (United Nations, General Secretary, 1999). This stance supported actions to prevent future humanitarian disasters. Moreover, it was asserted that NATO had received the implicit authorization of the Security Council for military action on account of its support for the Holbrooke-Milosevic agreement, which had, as noted, been concluded with the threat of airstrikes in the background (Latawski and Smith, 2018). NATO air campaign achieved every one of its goals. Having seriously underestimated Allied resolve, Milosevic accepted the alliance’s demands on 3 June after 77 days, with no casualties of its own, NATO had prevailed., a humanitarian disaster had been averted, about one million refugees could now return in safety and ethnic cleansing had been reversed (Solana, 1999).

Spain joined the airstrikes against the former Yugoslavia. Spain’s prime minister applauded NATO efforts in Kosovo, saying that military action is the only way to end ethnic cleansing in the Balkans.

Jose Maria Aznar Lopez stated “Spain, a NATO member, fully backs the operation in Yugoslavia. Ethnic cleansing, genocide and incompatible coexistence cannot be the rules we live by.” Aznar was determined that “Serbian troops must be dislodged from Kosovo in order to halt the killing. International peace-keeping forces are necessary to shepherd ethnic Albanian refugees back to their homes. Military force is the only way Serbia will comply with these demands”. According to his statement at that time “Milosevic will only accept these when he has no choice, and we must be a success in Kosovo” (Pappas, 1999). Spanish Prime Minister Jose Maria Aznar Lopez in 1999, also visited the Kosovar refugee camp in Albania, giving his support and courage (AP, 1999). A little while later, the Spanish army also made a special contribution to the Kosovar refugees. The first Spanish troops have arrived in Albania to play their part in NATO’s efforts to contain the refugee crisis. In April 1999, a Spanish navy ship carrying 651 soldiers and 40 officers docked in the port of Durres. Their task over the next several days will be to build camps for nearly five thousand ethnic Albanian refugees (AP, 1999). In June 1999, KFOR was deployed to Kosovo following a 78-day air campaign. Its mandate was derived from United Nations Security Council Resolution 1244 and the Military-Technical Agreement between NATO and the Federal Republic of Yugoslavia and Serbia. KFOR is classified as a peace enforcement operation under Chapter VII of the UN Charter. Presently, KFOR is comprised of around 4500 soldiers from 27 allied and partner countries. Its mission remains focused on promoting a secure and stable environment for all communities and individuals residing in Kosovo. This includes deterring hostilities and threats by Yugoslav and Serbian forces, facilitating public safety and order, supporting humanitarian efforts, and collaborating with the international civilian presence (NATO, 2023).

On 10 June 1999, Resolution 1244 was adopted, followed by the entry of the first elements of the NATO-led Kosovo Force into Kosovo on 12 June. By 20 June, the Serbian forces had withdrawn, and KFOR consisted of around 50,000 individuals from NATO member countries, partner countries, and other non-NATO countries under

unified command and control. In early 2002, KFOR was downsized to approximately 39,000 troops. A better security environment made it possible for NATO to reduce KFOR troop levels even further, to 26,000 by June 2003 and 17,500 by the end of the same year (NATO, 2023). During the Yugoslav military target attacks and after the armed conflict ended in 1999, Spain played a role in NATO's actions and the KFOR mission to ensure peace and security in Kosovo. Notably, Lieutenant General Juan Ortuno, a Spanish commander, led the NATO-led Kosovo peacekeeping force from 18 April 2000, to 16 October 2000 (KFOR, 2023). A year after Kosovo declared independence on 17 February 2008, Spain withdrew its military troops from Kosovo despite NATO's criticism. On a visit to Kosovo, Defense Minister Carme Chacon surprised many by saying: "The mission has been completed and it is time to return home." NATO subsequently criticized Madrid for announcing the withdrawal before it had been discussed with its allies, while the US said it was deeply disappointed (BBC News, 2009).

2.2. Spain's stances on Kosovo's independence

After the break-up of the former Yugoslavia in 1992, the Spanish foreign policy towards the Western Balkans was shaped by the guidelines of the international institutions (EU, UN, NATO). However, a new point of inflection happened on 17 February 2008 when the territory of Kosovo unilaterally declared its independence from Serbia (Gutiérrez-Chico and González-Fuente, 2021).

Spain's reaction against the declaration of Kosovo's independence was immediate, one day after the declaration, on 18 February 2008, Spanish Foreign Minister told reporters that "The government of Spain will not recognize the unilateral act proclaimed yesterday by the assembly of Kosovo, because we consider ... this does not respect international law", adding that to be legal, secession required either an agreement between the parties or a U.N. Security Council resolution (John, 2008). Quick reaction to the act of Kosovo's declaration of independence is also explained by the disregard of Spain's request for the postponement of the declaration of independence by the Kosovo authorities. Pepe Pons, former Spanish Director within the Ministry of Foreign Affairs of Spain, states that "Kosovo would be an elections issue", and to strengthen this more concern Spain Foreign Minister Moratinos had asked the authorities in Pristina to postpone the declaration of independence until after the general elections (Sarriá and Demjaha, 2019). Spain's request exceeded Kosovo's and its allies' expectations. Kosovo's leaders couldn't afford to lose this crucial momentum. In 2012, the Spanish Prime Minister hinted that Spain's attitude towards Kosovo is based on "internal factors" (Ferrero-Turrión, 2020). This implies that for Spain, the main handicap remains the internal secessionist movements, about its attitude towards the declaration of independence of Kosovo. The attitude of the Basque regional government also contributes to this argument, which after the declaration of Kosovo's independence, through the government's spokesperson Miren Azkarate, states that Kosovo is a "lesson" in solving identity conflicts, stressing that respecting the "will of citizens is the key to solving political problems" (Elcorreo, 2008). However, when Basques and Catalans cite Kosovo as a precedent, it only serves to reinforce Spain's opposition to Kosovo's independence.

It is important to note that drawing a comparison between Kosovo and Catalonia is inaccurate. The circumstances surrounding Kosovo's declaration of independence in 2008 are fundamentally different from those of Catalonia in 2017. Sarriá and Demjaha (2019) emphasize that 'instead of recognizing 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'. Also, the author Sterio (2017) points out that 'international law, at best, begrudgingly tolerates secession in extreme and rare instances, where the mother state is not a democratic nation which respects human rights. The Catalan do not have a sound international law-based argument... and cannot claim a particular legal right to secede'. Although Spain upheld its stance on recognizing Kosovo, after the declaration of independence of Catalonia in 2017, the former Serbian foreign minister, accused world powers of using double standards by refusing to accept the Catalan independence referendum while largely welcoming a separate Kosovo (Vasovic, 2017).

2.3. Spain's position within the European Union

Following the declaration of Kosovo's independence on 17 February 2008, the European Union faced a unique challenge. While the majority of member states acknowledged its independence, several countries, including Spain, Cyprus, Greece, Slovakia, and Romania, opposed it. To address this issue, the Council of the European Union stated that 'member states will decide, by national practice and international law, on their relations with Kosovo' (Council of the European Union, 2008). This position adopted by the EU allowed countries like Spain to take a firm stance against acknowledging Kosovo as a sovereign state. In general, Spain's position has even reached the heart of the European Union itself, although in some cases it has softened its approach as "when signing the Stabilization and Association Agreement or the non-blocking of Council declarations pertaining to Kosovo" (Molina and Montoro, 2022). Spain, like the other member states of the European Union that have not recognized the independence of Kosovo, was in favor of the liberalization of visas for Kosovo (Taylor, 2023), although proclaimed that will not allow the citizens of Kosovo to travel to its territory (The diplomat in Spain, 2023).

The views of Spain are legalistic, they are based on concrete actions in order not to allow the identification of Spain or the EU as the recognizer of the state of Kosovo. Spain takes actions and complaints in terminology as far as led the Commission completely dropping the use of the 'WB6' term, and instead replacing it with the vague term 'Western Balkans Partners' in declarations and reports. In the process of Kosovo's integration into the European Union, great caution is also shown, For Madrid, 'accession' and 'perspective' have a different meaning and connotations. The former implies a clear acknowledgment of aspirations to joining the EU, while the latter has a vaguer meaning, implying only EU's commitment to the region (Sarriá and Demjaha, 2021).

Spain's unwavering stance on recognizing Kosovo may shift if it conflicts with the interests of the European Union. When read together, Articles 24(3), 4(3) and 32(1) send a clear signal to the Member States that they are under an obligation to adapt their recognition policies to the Union's recognition policy even though recognition is de

jure an internal question of every State. If a certain Member State persists in its policy of non-recognition of a State whose recognition is incorporated in the EU's objectives, the EU can tolerate this as long as it does not jeopardize the same objective (Novak, 2023).

According to a document released by the European Commission on 5 January 2024, Spain has acknowledged the use of regular passports from Kosovo, but has not extended recognition to diplomatic or official passports from the same country (European Commission, 2024). This move was justified by a spokesperson from the Spanish Ministry of Foreign Affairs, Elena Aljarilla Cortezon, who cited the acceptance of regular Kosovo passports by all Schengen countries that do not recognize Kosovo (Redenica, 2024). Meanwhile, Spanish Foreign Minister José Manuel Albares maintained that 'Spain still does not recognize Kosovo, the sovereignty or independence of Kosovo, because we do not recognize unilateral declarations of independence' (Dunai and Jopson, 2024). This recognition of the Kosovo passport by Spain marks a significant step forward in the Spain-Kosovo relationship since 2008. It could be interpreted as an indication of Spain's willingness to re-evaluate its position regarding Kosovo.

An additional development that is not necessarily related to Spain's recent position about Kosovo, concerns the proposed EU reform presented by Germany and France. Among other things, this would also include proposing changes to the decision-making method in the Union. The document recommends more majority voting rather than unanimity voting in the Council, including on key foreign policy and defense decisions. This would mean EU countries would no longer be able to veto decisions such as economic sanctions, arms supply, or financial support to Ukraine, as Hungary has done in the past (Jones, 2023). Moreover, this reform would streamline decision-making processes for EU enlargement, security issues, and sanctions, among other crucial matters for the Union. Consequently, Kosovo and other aspiring nations' paths towards integration into the European Union would be expedited. Spain's recognition of Kosovo passports can be seen as a reflection of the European Union's consensual approach to foreign policy, particularly in light of the ongoing conflict between Russia and Ukraine. This decision is also indicative of the EU's need for a cohesive foreign policy agenda.

2.4. Spain's position in the ICJ

Spain, in the International Court of Justice, has presented an opinion that emphasizes that the declaration of independence by the Provisional Institutions of Kosovo is not under international law, listing three reasons a) it ignores Serbia's right to sovereignty and territorial integrity, b) it is not by the interim international administration regime or with the provisional self-government regime for Kosovo, and c) it comes into conflict with the rules and principles governing the process to determine Kosovo's future status launched by the Security Council, and which may not be legitimately altered without its express consent. This process is based on negotiation among the interested parties and on the principle that any final settlement must be acceptable to all of them (Couvreur, 2009).

Knowing the internal problems of Spain, undoubtedly the third reason established in the opinion sent to the ICG is the basic basis of building the idea to consider Kosovo's declaration of independence, as an act that contradicts international law. Spain's reason for non-recognition due to the violation of international law does not have sufficient validity, after the decision of the ICJ. It strengthens the idea that the recognition of Kosovo's independence from Spain depends on Spain's internal problems, emphasizing the Basque and Catalan territories. After the International Court of Justice decided that Kosovo's declaration of independence approved on 17 February 2008 did not violate international law (ICJ, 2010), had broken with the already cold cordial relations with the Kosovar diplomacy; although it is worth mentioning that before 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 four EU member states which do not recognize Kosovo (Sarriá and Demjaha, 2019). Although the Declaration of Independence of Kosovo received a favorable advisory opinion, Spain remained steadfast in its decision not to recognize the state of Kosovo. This was due to the expectation from the leaders of Kosovo that the Spanish position, along with other European countries who have not recognized Kosovo, might change after the ICJ ruling. However, to this day, Spain and others have not recognized Kosovo.

2.5. Spain recognizes Palestine, but not Kosovo

Just before the announcement of Kosovo's independence, the former Spanish Prime Minister expressed deep concern: "I am very worried about Kosovo. Milosevic was not overthrown so that Kosovo would be independent. Drawing new borders in Europe, recognizing 'de facto' the self-determination of territories, is the shortest route to disaster. I do not believe that the future of Europe should be based on ethnically pure societies" (Tertsch, 2007). Therefore, following the developments in Kosovo, Spain's stance on the matter became clear. The subject of secession and recognition has been a contentious issue, particularly about Western Sahara and Palestine, aside from Kosovo. Spain viewed Kosovo's secession from former Yugoslavia differently than the approach taken with Palestine, which was justified in the context of decolonization. The Spanish Parliament voted on 14 November 2014, in favor of recognizing Palestine. MPs voted 319:2 in favor of draft legislation demanding that Prime Minister Mariano Rajoy's government recognize Palestine as a state. The bill said the "only solution to the conflict is the coexistence of two states, Israel and Palestine." Rajoy's conservative People's Party was widely in favor of the bill, but set a requirement that a negotiation process between the two-guarantee peace and security first (DW, 2014). Throughout history, Spain has maintained a firm stance towards secession processes that lack agreement between the parties involved. In line with this logic, Spain has recognized new states when there was unambiguous consensus in the international community, as in the case of South Sudan in 2011 (Molina and Montoro, 2022). Spain has consistently taken a firm stance against recognizing Kosovo, even extending its opposition to Kosovo's inclusion in various international organizations

related to sports, culture, and more. Spain was against Kosovo's membership in UNESCO. In both of Kosovo's attempts for membership, Spain voted against (Adamson, 2015). Spain maintained the same position in the case of Kosovo's application to Interpol. Spain also voted against Kosovo's membership in Interpol (B92, 2018).

Following Kosovo's integration into international sports organizations, any matches between Spain and Kosovo, whether individual or group sports, proved problematic for both parties. The concerns were due to past incidents that involved the Spanish administration's attitude towards Kosovan participation in sports events hosted by Spain. The systematic series of setbacks imposed by the former led the International Olympic Committee (IOC) to speak out. It warned against the awarding of international competitions to Spain. In addition, this diplomatic row has become a recent core topic in the Spanish Congress of Deputies (Gutiérrez-Chico and González-Fuente, 2021). Spain views Kosovo's independence as a unilateral secession from Serbia, despite having participated in an armed humanitarian intervention against the former Yugoslavia back in 1999. The purpose of this intervention was to prevent a humanitarian crisis, protect civilians from harm, and ensure the safe return of Albanian refugees to Kosovo. This is in contrast to how Spain values Palestine, which it sees as a context for decolonization. For this reason, Spain took steps and, together with Norway and Ireland, recognized the state of Palestine. Spanish officials stated that Spain recognized Palestine in an attempt to resolve the century-old conflict and manifest it during the year 2024 (Wilson, 2024). According to Spanish diplomats, "The recognition of the state of Palestine is not only a matter of historical justice with the beginning of generations of Palestine people, but it is also an imperative need to achieve real peace." The government's decision was aligned with UN Security Council resolutions 242 and 338—which set guidelines for a land-for-peace formula—as well as Spain's position within the European Union (Skujins, 2024).

Regarding the recognition of Kosovo, the Spanish officials emphasized that the situation of Kosovo with the Palestinian state is completely different, "The recognition of the state of Palestine does not affect the territorial integrity of Israel, since that territory has never legally been part of the state of Israel," (RL's Kosovo Service, 2024). In an effort to encourage Spain's recognition of Kosovo, the parliamentary group "Junts," led by Míriam Nogueras, has submitted a non-legislative proposal to the Spanish Congress. The proposal advocates for the Spanish government to formally recognize Kosovo as a sovereign state. The proponents assert that such recognition would not only facilitate Spain's alignment with the broader efforts towards the integration of the Western Balkans but also distinguish it from the foreign policy stances of Russia, China, and Belarus (Degà, 2024). Although Spain's recognition of Kosovo remains uncertain, it is more plausible now than it was before January 2024. In contrast to the situation with Palestine, Spain does not need to wait for a large-scale conflict akin to the Gaza conflict of 2024 to take steps toward recognizing Kosovo's independence. This is particularly relevant given Spain's participation in the NATO-led alliance that conducted airstrikes in response to Serbia's massacres of Albanian civilians.

3. Methodology

In the literature review, we used a non-systematic approach to identify and use relevant literature. We utilized various academic databases and sources, including Scopus, Taylor and Francis, EBSCO, JSTOR, Google Scholar, and specific international relations and political science journals. The literature search spanned from January to May 2023 and encompassed, but was not limited to, articles and studies published between 2007 and 2023. The review included diverse studies, such as books, qualitative studies, case studies, policy analyses, documents, reports, and articles from various media. The selected studies focused on Spain's foreign policy, Kosovo's independence, international state recognition, and the implications for Spain's relationships with Kosovo and Serbia, as well as potential internal Spanish consequences. We prioritized high-quality sources, including peer-reviewed articles, to ensure the reliability of the information.

We utilized a qualitative methodology, conducting five structured interviews from an academic perspective. Our goal was to gain insight into why Spain has yet to recognize Kosovo, as this viewpoint may differ from that of the general Spanish and Kosovar public. To explore this issue, we posed five open-ended questions to our interviewees via email. This approach allowed them ample time to provide thoughtful responses. Our interviews took place during November and December 2023. Our interviewees were professors hailing from both Spain and Kosovo. This diverse group of respondents was able to offer unique perspectives based on their experiences and knowledge of public opinion in both countries. Our study aimed to identify opportunities for recognition, as well as the reasons and internal/external factors contributing to Spain's ongoing opposition to recognizing Kosovo.

Data collection

Data was collected by targeting professors of political sciences and international relations in universities located in Spain and Kosovo. The official public and open websites of these universities were utilized to obtain contact information. An email was sent to 10 professors, and 5 responded promptly by email to participate in this study. All interviews were conducted in writing, and all interviewees agreed to have their first and last names recorded for the study. **Table 1** presents some of the collected data, including the interviewees, first and last names, their respective universities, country of origin, and academic title.

Table 1. The number of respondents interviewed.

Name and surname	Institution	Academic title	State
Arina Anatolievna Andreeva Andreeva	Universidad Complutense de Madrid	Professor	Spain
Jordi Argelaguet	Universitat Autònoma de Barcelona	Professor	Spain
Fernando Eutiquio Nuño Santana	Universidad Complutense de Madrid	Professor	Spain
Bekim Baliqi	University of Prishtina	Professor	Kosovo
Seb Bytyçi	University of Winchester	Professor	Great Britain
Total	5 respondents interviewed		

Source: Authors.

For the first research question, the interviewees were queried about both the general and specific reasons for Spain's non-recognition of Kosovo. RQ1: What are the reasons behind Spain's refusal to recognize Kosovo?

The second research question examined the differing attitudes of Spain before and after the announcement of Kosovo's declaration of independence, with interviewees providing insights. RQ2: What prompted Spain's involvement in the NATO bombing of Yugoslavia for humanitarian reasons, yet it still does not recognize Kosovo?

The third research question drew an analogy between Spain's stance on recognizing Palestine versus its reluctance to recognize Kosovo. RQ3: How does Spain's willingness to recognize Palestine compare to its stance on recognizing Kosovo?

4. Findings and discussion

During the in-depth interviews, varying perspectives were shared regarding Spain's recognition of Kosovo. The analysis of the interviewees' responses indicates progress in Spain's attitude towards Kosovo. However, the recognition of Kosovo by Spain cannot be anticipated shortly due to the reasons outlined below. Notably, the interviewees from Kosovo emphasized the internal political tensions in Spain, such as the Catalonia and Basque Country issues, as reasons for Spain's non-recognition. Meanwhile, the interviewees from Spain provided additional context, citing legal and international factors, including UN resolutions on Kosovo, and giving relatively less emphasis to the Catalonia and Basque Country issues. Also, the analysis of respondents' answers gives some key factors that influence Spain's political will to recognize Palestine, but not Kosovo:

- **Internal political concerns:** Respondents' answers in the study center around Spain's domestic political tensions, particularly related to Catalonia and the Basque country. These issues serve as significant reasons for Spain's non-recognition of Kosovo. The fear of setting a precedent for separatist movements within Spain appears to be a key concern among the interviewed respondents.
- **Legal and international factors:** While internal political considerations are emphasized by Kosovan interviewees, those from Spain provide additional context. They cite legal and international factors, including UN resolutions on Kosovo. This suggests that Spain's stance is influenced by a combination of domestic and international considerations.
- **Fear of precedent:** Respondents on both sides acknowledge Spain's fear that recognizing Kosovo could legitimize separatist movements within its own borders, especially in Catalonia. Spain's reluctance to recognize Kosovo seems linked to its desire to maintain territorial integrity and internal political stability, avoiding justification and political legitimacy for separatist tendencies, given Spain's status as a multi-regional state.
- **Geostrategic reasons:** Some respondents mention that Kosovo lacks significant geostrategic value for Spain. This may contribute to Spain's hesitation in changing its non-recognition position.

- **Comparison with Palestine:** Comparing Spain's stance on recognizing Kosovo and Palestine highlights different historical, cultural, and geopolitical dynamics. While Spain has strong cultural and diplomatic ties with Arab countries, it lacks a similar connection to the Balkan region, especially Kosovo. Additionally, Spain's support for Palestine is seen as part of a broader solidarity movement with Latin countries advocating for Palestinian decolonization, unlike Kosovo, which has a context of NATO military intervention without UN Security Council authorization.
- **Role of external influences:** Although external factors like Israel's recognition of Kosovo are mentioned, they do not serve as a pretext for Spain's specific foreign policy stance. Spain's decision appears more dependent on its internal political dynamics and recognition patterns among other EU member states.

When comparing the responses of respondents from Kosovo and Spain, we find both similarities and differences:

- **Group 1: Internal political concerns for non-recognition (Bekim Baliqi, Jordi Argelaguet, Seb Bytyçi, Fernando Eutiquio Nuño Santana):**

The responses from this group emphasize Spain's internal political tensions, particularly related to Catalonia and the Basque Country, as significant reasons for not recognizing Kosovo. They also highlight Spain's fear of setting a precedent for separatist movements within its own borders.

- **Group 2: Legal and international factors (Arina Anatolievna Andreeva Andreeva):**

This group's responses underscore legal and international factors, including UN resolutions on Kosovo and interpretations of the right to self-determination.

- **Group 3: Comparison between Attitudes toward Kosovo and Palestine (Jordi Argelaguet, Seb Bytyçi, Fernando Eutiquio Nuño Santana):**

These respondents mention comparisons between Spain's stance on recognizing Kosovo and Palestine, highlighting differences in historical, cultural, and geopolitical dynamics. Based on our respondents' answers, Spain's non-recognition of Kosovo is a complex issue influenced by a combination of domestic political concerns, legal considerations, fear of setting a separatist precedent, and unique geostrategic factors.

5. Conclusion

After a complete review of the literature and a qualitative research analysis, it has been concluded that Spain is currently not prepared to alter its stance regarding the recognition of Kosovo's independence. The rigidity of Spain's position is attributable to multiple factors, rather than a single determinant. Spain has been hesitant to recognize new states, such as Israel which was recognized after several decades, or the new states formed after the dissolution of former Yugoslavia, which were recognized much later compared to other European Union states. Secondly, Kosovo is viewed through the lens of Spanish foreign policy, with the historical context of the dissolution of former Yugoslavia. Spain sees similarities between former Yugoslavia and its diverse regions, which has contributed to its negative assessment of Yugoslavia's dissolution and Kosovo's subsequent independence. As such, the historical context of developments in the Balkans remains important to Spain, even in the context of the dissolution of former Yugoslavia. Thirdly, recent events in Catalonia, including the

2017 referendum for Catalonia's independence, its unconstitutional declaration according to the Constitutional Court of Spain, and the tensions created, have added to the reasons for Spain's refusal to recognize Kosovo. Spain is keen to avoid any comparisons between the recognition of Kosovo and the recognition of Catalonia as an independent state. Fourthly, in comparison to Palestine, Kosovo does not hold any geostrategic, historical, or economic significance for Spain. This is due to Spain's diplomatic and historical relations with Arab states, which prioritize the importance of Palestine over Kosovo. Fifthly, as a member of the European Union and North Atlantic Treaty, Spain seeks to align certain policies with its European and American partners regarding Kosovo. For instance, it recognizes Kosovo's passport after visa liberalization and as well as a heightened need for European unity in light of the Russia-Ukraine conflict. Sixthly, The Spanish government's refusal to recognize Kosovo while recognizing Palestine is based on the United Nations resolution that legitimizes independence for former colonial countries. Spain does not consider Kosovo to be part of this list. Seventhly, as a decentralized unitary state, Spain has faced strong challenges with some regions asserting claims for independence. Consequently, the government has been cautious in recognizing new states and has been slower to acknowledge certain aspects of statehood compared to other European Union nations. This approach is taken to prevent setting a precedent or drawing attention among sovereign leaders in Spain's various regions. Eighthly, Spain seeks the normalization of Kosovo's relations with Serbia through dialogue mediated by the European Union. If an agreement is reached, Spain may reconsider its stance to avoid diplomatic tensions with Serbia. Lastly, Spain's refusal to recognize Kosovo is influenced by a variety of factors, including internal context, nationalist or unified supranational European Union policies, and local and international developments.

Theoretical implications: This research holds significant theoretical implications as state recognition, relations, and diplomatic ties are not determined by a singular factor. Rather, they are shaped by a multitude of internal circumstances within the recognizing state, the global landscape, and international relations across various time periods. As a result, this study offers novel insights into the theories of international recognition and their contextual nature.

Practical implications: This study provides valuable insights that can have practical implications for the Ministries of Foreign Affairs of Kosovo and Spain to reassess their diplomatic relations and recognition of Kosovo. Additionally, the findings could be utilized in the strategy of Kosovo's Ministry of Foreign Affairs to lobby for recognition by Spain, based on the argument that the issue of Kosovo stems from a series of systematic rights violations against the Albanian ethnic majority, despite all diplomatic efforts before NATO bombed Yugoslavia in 1999. It is worth noting that the cases of Catalonia and Basque differ greatly from the unique case of Kosovo.

Limitations: The study has limitations due to the small sample size of interviewees, which prevents a broader perspective beyond the academic scope, for Spain's reasons for not recognizing Kosovo.

Further research: Future studies could delve into a comprehensive analysis of Spain's relations with Kosovo and Serbia be conducted. This study may include interviews with political leaders from various parties in Spain, as well as with officials

from the Government of Kosovo, including the Minister of Foreign Affairs. Furthermore, it may also be pertinent to analyze Spain's trade, economic, and historical relations with Serbia, considering its diplomatic implications. It is important to note that Spain's position on Kosovo is influenced by its desire to maintain positive diplomatic relations with Serbia, which has a longstanding history dating back over a century.

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Appendix

The complete questions and answers from the interviews.

During the in-depth interviews, varying perspectives were shared regarding Spain's recognition of Kosovo. Notably, the interviewees from Kosovo emphasized the internal political tensions in Spain, such as the Catalonia and Basque Country issues, as reasons for Spain's non-recognition. Meanwhile, the interviewees from Spain provided additional context, citing legal and international factors, including UN resolutions on Kosovo, and giving relatively less emphasis to the Catalonia and Basque Country issues.

RQ1: What are the reasons behind Spain's refusal to recognize Kosovo?

Bekim Baliqi presents a comprehensive analysis on why Spain has not yet recognized Kosovo. According to Baliqi, the chief reason for this lies in the domestic concerns of Spain, particularly the Catalonia and Basque issues. Spain's resistance to separatism stems from its fear of the disintegration of its own territories. This fear has led to Spain's reluctance to recognize Kosovo's independence and its stance on secessionist movements.

Arina Anatolievna Andreeva: I concur with my colleagues who espouse the notion of Spanish separatism, specifically concerning the Basques and Catalans. It is peculiar that the country prohibits referendums of the same nature for its two regions, yet permits a "green light" for secession. Additionally, the concept of legality is intertwined with this idea.

Jordi Argelaguet: Spain doesn't feel comfortable recognizing Kosovo because this case could give more legitimacy to the Catalan demands for self-determination.

Seb Bytyçi: Initially, it alludes to the apprehension that acknowledging Kosovo may potentially set a precedent for similar cases in Catalonia and the Basque Country, a development that could have significant implications for the region. Secondly, it highlights a certain level of empathy towards Serbia's stance on Kosovo, which warrants further examination and understanding. Lastly, it references the concept of deep conservatism, which is frequently linked to a firm adherence to tradition and reluctance to alter viewpoints.

Fernando Eutiquio Nuño Santana: The main reason is that Spain has not recognized Kosovo as a State due to mainly internal issues of a territorial nature and due to its interpretation of Public International Law which, despite the advisory opinion issued in 2010 by the International Court of Justice in The Hague, continues making recognition subject to Serbia doing so first. Another reason is that Kosovo does not have a relevant geostrategic interest for Spain. The recognition has no added value for Spain regarding the current status of equidistance between Kosovo and Serbia. As I have said, all governments, whether of the Popular Party or the PSOE, have preferred to maintain the same position of equidistance concerning Kosovo for fear of independence parallels, mainly Catalan and Basque. A third reason is that not recognizing Kosovo means Spain to focus on an agreement between Serbia and Kosovo, it seeks to encourage this to happen and help the European perspective of both countries, without getting involved in the process. This model of Spanish neutrality requires normalizing the existence of Kosovo and, at the same time, continuing to provide Serbia with confidence towards the EU.

RQ2: What prompted Spain's involvement in the NATO bombing of Yugoslavia for humanitarian reasons, yet it still does not recognize Kosovo?

Bekim Baliqi: The role of Spain in NATO, under the leadership of Javier Solana, a Spanish national, was primarily to ensure humanitarian protection. However, when it comes to the issue of recognizing Kosovo as an independent state, Spain's stance is rooted in internal factors that are not easily influenced by external forces. Even if Israel has recognized Kosovo, it is unlikely to challenge Spain's arguments or affect its softening stance towards the recognition of Kosovo. It appears that Spain's decision to recognize Kosovo is more dependent on the recognition by other EU member states than on the recognition by Israel.

Arina Anatolievna Andreeva: In every doctrine for foreign policy, Madrid confirmed its will to stick to and defend international law. The last one identifies in a very vague manner the right of people to self-determination. What does it mean "people"? Nation? Nationality? Community? Ethnos? What does self-determination mean? The right for secession

or to fight for political rights? There is only one resolution of the United Nations that gives a green light for independence: for ex-colonial countries and it has a list of those countries. Kosovo is not on the list. In consequence, the legal part is not by the side of Kosovo. But it doesn't mean that Kosovo doesn't have a right to a political discussion.

Jordi Argelaguet: Spain has collaborated with NATO and its allies to prevent humanitarian crises, but this does not necessarily indicate support for future Kosovo's actions. Spain has refrained from recognizing Kosovo due to concerns regarding Catalonia. It is worth noting, however, that the only similarity between the two cases is the International Court of Justice's advisory opinion on Kosovo's declaration of independence. No other comparison can be made.

Seb Bytyçi: Spain's non-recognition of Kosovo is largely due to its internal issues, specifically about Catalonia and the Basque Country. These regions have long been seeking greater autonomy and independence, which has created a challenging political climate within the country. As a result, Spain is hesitant to recognize Kosovo's independence, as it could set a precedent for similar movements within its borders.

Fernando Eutiquio Nuño Santana: Spain had no projection or prior interest in the Western Balkans until 1992. Spain was able to deploy in just 15 years – from 1992 to 2007 – an active political, military, and social involvement in the Western Balkans, inserted in turn in the Euro-Atlantic framework that developed in the wake of the Yugoslav conflict. However, in the following 15 years (2008-2023) the opposite trend has dominated: the adoption of a low, if not uncomfortable, profile. The disintegration of Yugoslavia, which was considered comparable in many aspects to Spain (territoriality, cultural and ethnic diversity), was a “shock” for Spain. The Foreign Minister in 1991, Francisco Fernández Ordóñez, tried unsuccessfully to stop the rapid German (and later European) recognition of Slovenia and Croatia. When violence broke out in Bosnia-Herzegovina, the Spanish Government became notably involved with one of the first deployments of Spanish blue helmets, UNPROFOR, which was later continued by operations SFOR and EUFOR (in total 46,000 soldiers, with 23 dead). Along with this long military mission, almost 5,000 refugees were welcomed and a notable effort was made in terms of development aid, both by the Spanish Agency for International Cooperation and through multiple initiatives by civil society and local governments. In 1995 Felipe González was even one of the six international leaders who supported the Dayton agreements in his capacity as acting president of the European Council. This impulse continued with the government of José María Aznar and, with less intensity, during the first term of José Luis Rodríguez Zapatero. In those years, the participation in the Alba mission in Albania (1997) stands out and, above all, the double operation linked to Kosovo: the Allied Force bombings on Serbia in 1999 and the contribution to the KFOR mission (through which another 22,000 Spanish troops). Diplomatic and economic ties were also strengthened. Embassies were then opened in Bosnia-Herzegovina (1999), Albania (2006), and North Macedonia (2006), as well as a Technical Cooperation Office in Sarajevo, but not in Serbia and Kosovo. Curiously, numerous Spaniards were protagonists of this process: Javier Solana between 1995 and 2009 (as secretary general of NATO first and as the first high representative of the EU later); Carlos Westerndorp, appointed high representative for Bosnia-Herzegovina in 1997 and former president Felipe González special representative of the OSCE Presidency for the Federal Republic of Yugoslavia in 1998.

RQ3: How does Spain's willingness to recognize Palestine compare to its stance on recognizing Kosovo?

Bekim Baliqi: Spain views these two cases as distinct and separate issues. Additionally, Spain's support for Palestine is seen as part of a broader movement of solidarity with Latin American nations that also back Palestine's cause as a matter of decolonization. Kosovo can strengthen cultural, economic, and academic ties, as well as exert influence on Spanish decision-makers and the public through various forms of public diplomacy.

Arina Anatolievna Andreeva: Agreeing on political matters can be quite complex, as it involves conflicting ideas of “self-determination” and “historical rights,” and the ability of a new state to function independently. Additionally, in the European region, where integration is valued over separatism, this becomes an even more sensitive topic. This argument could also be applied to the current Spanish status quo, where waiting for natural normalization of the situation could be the best solution. This reasoning was also used in the Catalanian referendum of 2014-2015, where separatism was seen as a solution to the economic, political, and social crises, but proved otherwise. Spanish foreign policy may not be placing sufficient emphasis on Western Europe and the Balkans. This perspective has been met with disapproval

from the academic community, given Spain's participation in military operations within the region as a member of NATO. Despite these concerns, the government seems unresponsive to the matter.

Jordi Argelaguet: Spain's relationship with Israel has been complex. It wasn't until 1986 that Spain recognized the State of Israel. This recognition was a precondition for Spain to be accepted into the European Community. Prior to this recognition, Spain was hesitant due to its special interest in maintaining its "traditional friendship" with Arab countries. This interest in Arab countries has been a constant in Spain's foreign policy since the dictatorship of Franco. The king of Spain has close relationships with leaders in Saudi Arabia and the Gulf, contributing to Spain being one of the most "pro-Palestinian" countries in the European Union. The current government, made up of PSOE and Sumar, also holds pro-Palestinian views. On the other hand, Spain's stance on the right of self-determination of peoples makes the recognition of Kosovo difficult. If Spain were to recognize Kosovo's unilateral proclamation of independence, it would weaken its position against a similar move by the Catalan parliament. To avoid this situation, Spain chooses not to recognize Kosovo.

Seb Bytyçi: Regarding Palestine and Kosovo, Spain has its reasons, influenced by both domestic and foreign policies. Spain's stance is influenced by both internal and external factors. Take, for instance, Israel's recognition of Kosovo's independence - it was motivated by a desire to secure recognition of Jerusalem as its capital from a state with a Muslim majority and also to comply with a request from the USA. To win Spain's recognition, Kosovo must engage in various forms of diplomacy, including cultural and sports. Additionally, Kosovo needs to seek recognition from the 5 EU member states that currently do not recognize it, as part of the ongoing dialogue process with Serbia, particularly with regards to the implementation of the Association.

Fernando Eutiquio Nuño Santana: Spain's friendly relations with Arab countries are long-standing. The vast majority of the territory of what is now Spain was part of Arab caliphates between 711 and 1492 (almost 800 years). The good relationship with the Arab countries is also vital for Spain's geostrategic relations in the modern age, to the south and the east. The good relationship with the Palestinian people has been a constant in recent decades, not only in the democratic period (1975-present) but even during the period of the dictatorship of General Francisco Franco (1939-1945). Likewise, Spain took a long time to recognize Israel as a State, it was not until January 1, 1986 (almost 40 years after the proclamation of the State of Israel). Spain has a connection with Palestine that, unfortunately, it does not have with Kosovo. Culturally, Spain does not share a tradition with the Balkan countries, something it does share with the Arab countries. From a diplomatic point of view, Spain has also defended the recognition of the States of Israel and Palestine for several decades and has defended this position in numerous international forums. This middle power role of Spain in the case of Palestine is very evident, however in the relationship with Kosovo, the status has been low profile for 15 years due to a lack of strategic and economic interest. Spain has not recognized Kosovo until now for two reasons. The main reason is the crisis caused by the Catalan independentists – including a unilateral declaration of independence in 2017. The Catalan process has contributed to the fact that all governments, whether led by the right (Popular Party) or the left (PSOE and Podemos), have preferred to maintain the same position of castling concerning Kosovo for fear of giving wings to Catalan independence aspirations. and, to a lesser extent, Basque. The secondary reason for non-recognition is that Kosovo does not have a geostrategic value for Spain that would encourage it to change its position.

The responses gathered indicate that the internal context of Spain, including the Catalan and Basque issues, along with concerns about legitimizing separatism within the country, and the differing stances of political parties in Spain's leadership, are the primary factors influencing the views of the interviewees.