



The Kosovo Juggling Act? Zapatero's delicate balance act between Spanish constraints and European imperatives

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At the outset of the VIII Legislature of the Spanish Parliament (2004-2008) José Luis Rodríguez Zapatero was to put up two major political objectives for his incoming Socialist government. These objectives were designed to mark a sure and fast political contrast with the Conservatives (*Partido Popular*; *PP*) the Socialists (*Partido Socialista Obrero Español*; *PSOE*) were succeeding at the helm of the Spanish state.

First, at home Zapatero would announce the opening talks to reform the regional statutes (*estatutos*) of Spain's autonomous regions (*comunidades autónomas*). This was hailed as a small revolution in Spanish political landscape, given that the existing statutes had not been updated since they elaborated in the post-Franco Spanish transition process towards democracy. Already as they were penned in the late 1970s many of these statutes were to their critics deemed as too limited and lacking in ambition. They were, nevertheless, adopted – and arguably have been left unreformed since – as a consequence of that they represent a delicate equilibrium between different conceptions of Spain, whether as a unitary, centralized state or as a more pluralistic, decentralized and/or (con)federated scheme.

Second and abroad, the newly instated Socialist government would charter a decisive course to 'return' Spain to Europe, i.e. distancing it from the unabashed Atlanticism legacy of preceding prime minister José María Aznar and his attempt to divide Europe into the 'Old' and the 'New' by joining the latter in support for the US over Iraq. The Socialists were determined to replace the 'photo at the Azores' – figuring the former Spanish Prime Minister together with Tony Blair, George Bush and Jose Manuel Barroso at the eve of the Iraq invasion – by another image of Spain. After a trilateral meeting with (then) German Chancellor Gerhard Schröder and (then) French President Jacques Chirac, José Luis Rodríguez Zapatero arranged for all three to pose smiling for cameras and Zapatero told reporters present that this meant that "Old Europe has taken on a new lease of life" with Spain in its midst¹. To further prove his staunch European credentials, Zapatero declared that Spain would be the first EU member states to submit the European Constitution (May 2004) to public referendum.

However, as the VIII Legislature drew to a close it seemed during a few months that these two political objectives, apparently unrelated, would threaten to clash and create a potential electoral backlash for the incumbent government. As the international debates in regards to the final status of Kosovo took off in 2007, the Socialist government would find itself in an uncomfortable position between the domestic proverbial "rock" and the European "hard place".

The Socialist conundrum

Kosovo, as a territorial reality, means relatively little to Spain in geostrategic terms. Nor are there any close linguistic, historical or cultural affinities between the international

protectorate and Spain². Kosovo, as the Balkans in overall, has therefore a relative low political significance to Spanish foreign- or domestic policy making³.

However, as UN Envoy Matti Ahtisaari's attempts to find a mutable acceptable solution between Serbia and the Kosovar regional government in regards to the final status of the international protectorate failed and when throughout the fall of 2007 Kosovar authorities declared repeatedly that they would settle for no less than independence, the Spanish government inevitably found itself in a tight spot.

Spanish media would jump on the opportunity to draw parallels between the Serbian central government's handling of Kosovo's secessionist ambitions, on the one hand, and Madrid vis-à-vis Vitoria (the Basque Country) or Barcelona (the capital of Catalonia), the two Spanish regional capitals with greatest aspirations in terms of their respective autonomies, on the other. In particular the media's interest centered on the precedent that Kosovo could create in international law if the territory secedes from Serbia without one of the two explicit covers which the international law foresees: either as a consequence of mutual agreement (as was e.g. the case over Serbia and Montenegro) or more exceptionally by ways of a United Nations Security Council decision. Should a unilateral declaration of independence be issued by the Kosovo regional assembly, it may serve as a precedent for other regional realities with secessionist ambitions.

Along a similar vein, in the Spanish Parliament the *Partido Popular* would show their strong opposition of a Spanish diplomatic recognition of any new state not adhering in its creation to the established principles of international law⁴. Hence at repeated occasions the PP demanded in the Spanish Parliament's Lower House (*el Congreso*) that the Socialist government make its policy on Kosovo explicit and that the Spanish stance would be an unambiguous statement in favor of current international practice. An opinion, published in an influential conservative Spanish daily, would put a voice to Partido Popular's fear that "[t]he self-determination of Albanians in Serbia constitutes a dangerous precedent for Spain, because it will incite [regional] nationalists to demand even more strongly the right to unilaterally declare their independence"⁵. Such a view may not be entirely unfounded given that to the mind of at least one regional nationalist delegate in the Spanish Parliament, Kosovo indeed held value as a political analogy, stating: "[w]hat is evident is that Kosovo will become independent, Montenegro already is, Scotland will hold a referendum in 2010 and it is evident that [regional] nations of the Spanish state also have the right to decide"⁶.

The Socialist government found itself thus under considerable pressure to adopt a coherent stance on Kosovo. The domestic political situation was indeed an awkward one. On the one hand the Socialist government did not want to fuel longstanding debates within the Basque society or Catalonia about their relation to the Spanish state. But the Socialists could not simply adopt the *Partido Popular's* propositions on a rigid interpretation of international law as a consequence of sitting in a minority government, sustained in the Spanish Parliament by key regional nationalist parties.

The PSOE, fearful of a revival of the acrimonious debates which preceded the reform of the Catalanian statute in 2004-5, therefore quickly reacted to the media's and the opposition's propositions by adopting the contrary view that the government saw no parallels between the Serbian-Kosovo situation and Spanish domestic matters. Indeed, Zapatero would in December 2007 remark that the situation between the central Serbian government and the Kosovar regional government was "exceptional"⁷. This position had also been defended earlier in the year by the Spanish Minister of Foreign Affairs and Cooperation, Miguel Ángel Moratinos, who in an interview affirmed

unequivocally that "Kosovo has no relation to territorial and administrative divisions in Spain from either a political, diplomatic or a legal position"⁸.

Spain, Kosovo and Europe

However, matters would come further to a head as a consequence of Spain's international commitments. On the one hand, Spain held the OSCE Presidency during 2007 and on the other hand, as a member of the European Union Spain needed to clarify its stance on Kosovo. The Socialist government would therefore find, as debates within the EU over Kosovo heated up, that the Spanish domestic situation constrained the government's desire to be a constructive contributor to the European "common good" by ways of these two institutions. The result was inevitably to be a delicate diplomatic juggling act.

As the President of the OSCE Spain has had to walk a tight line to bridge the growing divergences between OSCE members, even if the organization was not the principal forum for deliberations over Kosovo's final status. The Organization would not entirely be able to escape the effects of the escalating diplomatic tension pitting Russia, Serbia and a few others against the view of the US, France and others over Kosovo. To avoid the OSCE to deadlock, the Spanish Presidency therefore adopted a 'neutral' stance on the issue of the final status Kosovo – something which was noted with some critique by the regional authorities in Kosovo. At the same time Spain would declare that "[b]eing unbiased does not mean being non committal" and that the Spanish Presidency would act positively in favor of European imperatives for finding solutions for a potential post-independence scenario in Kosovo. As a result of its "constructive non-engagement" on Kosovo, at the end of the OSCE Presidency Spain affirmed that to its mind the "attempts to find a just and lasting formula that will contribute to the stability of the [Western Balkans] region have been backed by the OSCE and by the Spanish Chairmanship"⁹.

Within the EU, Spain would defend the position that on Kosovo the Kingdom "would always be more in favor of uniting than dividing" nation-states, such as Serbia¹⁰. Nevertheless, this preference pitted Spain against other EU member states. In fact, Spain would find itself in minority within the Union on its reluctance to recognize Kosovo diplomatically as a result of a unilateral declaration of independence. The Spanish position thus jeopardized Spain's ambition to be perceived as a 'good' European, especially since the European debate in relation to the final status of Kosovo was driven by the overarching objective to maintain a common EU position. The insistence on having all member states onboard was due to the fear that a divided Europe would once more cause conflicts in the Balkans as it did over the recognition of Slovenia and Croatia in 1991. Finding and keeping a common position would have been fairly easy had the United Nation Security Council (UNSC) authorized the independence of Kosovo as the United States had petitioned. However, as the UNSC approval was not forthcoming, the labor in Brussels to articulate a common EU position became increasingly difficult.

José Luis Rodríguez Zapatero indicated in the aftermath of the December 2007 European Council that he understood that "the first objective is to guarantee peace and stability" in the Western Balkans and that to this end there was an imperative to establish and maintain an EU "common and unique position" with regards to Kosovo's juridical status. However, in his view this could still not translate into a blank check on diplomatic recognition¹¹. However, to avoid creating further frictions with his EU homologues Spain opted to play for time. Zapatero would note that if unilateral independence were to be declared "the government of Spain will decide on a clear and conclusive stance on this matter" thus delegating the decision to the future¹².

At this point it could be argued that the Socialist government was effectively 'saved by the bell', not having to make any further concrete decisions on the delicate matter of Kosovo's final status. In mid-January 2008 the government dissolved the Spanish Parliament in view of general elections on 9 March 2008. The Zapatero government has, in other words, managed – in pending election times – a difficult juggling act both at home and abroad over Kosovo. At home the Socialist government has managed to delink the issue of Kosovo with those of the Basque Country/Catalonia to avoid reopen the wounds barely healed from the governments' perhaps boldest political initiative during the legislature – the revision of the statutes of the Spanish regional autonomies¹³. In Europe, Spain has tried to balance its domestic constraints with diplomatic juggling by ways of playing neutral-constructive and/or ambiguous.

Conclusions

The incoming government – whether Socialist or Popular Party – will thus be left with a formidable task to first assess to grant Spain's diplomatic recognition, or not, should the independence of Kosovo materialize. Second, it will need to evaluate whether Spain's priorities to one single principle of international law (respect for territorial integrity of States) outweighs or not other principles of international law such as guaranteeing peace, stability and peaceful cohabitation between citizens, implementation of democracy and rule of law in a prospective independent Kosovo. The new Spanish government will also have to reaffirm or revisit the Spanish commitment to the international entities it is a member of. The most concrete expression of the Spanish position on in the circumstance of independence will be to determine the continuation of the Spanish troops in the region and the Spanish participation in an EU mission foreseen to the new statelet. While the Spanish diplomats showed flexibility at the 2007 December European Council in voting in favor of the adoption of the EU mission, it is not clear whether Spain will and can contribute with personnel to that same mission. Currently in Kosovo Spain contributes with 600 troops to KFOR, ranking eight out of the 35 contributing countries with 15,000 troops in total¹⁴. The Spanish deployment in Kosovo is only overtaken in numerical importance by that of Afghanistan (790 Spanish soldiers) and Lebanon (1,000 Spanish soldiers). The Spanish military presence could, however, come to be questioned if the Kosovar independence is not deemed by the international community as in more or less concordance with the principles espoused by international law. According to Defense Minister Alonso "in order for our troops to continue on in Kosovo it is imperative that the final status has a strong, very strong, international legitimacy"¹⁵. However, were Spain to withhold diplomatic recognition from an independent Kosovo, or otherwise engage in some kind of elaborate juridical game to avoid recognizing the state outright, and/or not supply a, however, figurative military presence in the EU Mission to Kosovo, some of Spain's partners in Europe may take offense and withhold political support from Spain when needed on other unrelated issues. Part II of the Spanish political balance act over Kosovo is therefore due to begin in April 2008 when the Spanish Parliament reconvenes for the IX Legislature.

Notes

¹ Cited on "Spanish Foreign Policy" *News from Spain* blog, 14 September 2004.

² JOHANSSON, Elisabeth and SOLÉ PADRÓ, Mònica, (2002) "Los Balcanes occidentales: ¿tema de oportunismo español?" in Esther Barbé (Ed.) *España y la política exterior de la UE. Entre prioridades españolas y los desafíos del contexto internacional*, Quaderns de Treball 40: Institut Universitari d'Estudis Europeus, October 2002.

³ The Western Balkans is not an area of major foreign policy interest for Spain, but the area is still home to substantial Spanish military peacekeeping contingencies and other civilian personnel. This Spanish presence can above all be interpreted in key of Spain's firm and bipartisan commitment to complying with its felt obligations as a member of international entities such as the United Nations, NATO and the European Union, all of which are engaged in the Western Balkans in one form or other.

⁴ The strict adherence to international law in terms of the principle that both central government and regional authorities must agree to divide the state has been the guiding principle in successive Spanish government's treatment of the Basque Country's aspiration to independence.

⁵ "Opinión: España ante el error de Kosovo", *ABC*, 23 January 2008.

⁶ Joan Tardà i Coma, Member of the Spanish Parliament for Grupo Parlamentario de Esquerra Republicana. Cortes Generales, *Diario de Sesiones del Congreso de Los Diputados Pleno y Diputación Permanente* Año 2007, VIII Legislature number 308, plenary session 286, 18 December 2007, p.15348. Author's translation.

⁷ "La escisión de Kosovo incomoda a Zapatero" *Público*, 14/12/2007.

⁸ "If the OSCE did not exist, it would have to be created – Interfax Interview with Miguel Ángel Moratinos", *Interfax*, 29-30 August 2007.

⁹ *Speech Delivered by the Chairman in Office of the OSCE and the Minister of Foreign Affairs and Cooperation before the Security Advisor of the United Nations*, undated.

¹⁰ The President expresses his 'deep satisfaction' at the election of Felipe González to lead the 'reflection group' regarding the future of the EU", *La Moncloa News*, Friday, 14 December 2007.

¹¹ The President expresses his "deep satisfaction" at the election of Felipe Gonzalez to lead the "reflection group" regarding the future of the EU", op. cit.

¹² "La escisión de Kosovo incomoda a Zapatero" *Público*, 14 December 2007. Author's translation.

¹³ According to some reports he has also had good help from within the European Union. A Croatian newsroom quotes EU sources saying that the CFSP High representative Javier Solana (former Spanish foreign minister for the Socialist party) has been trying to delay EU firm discussions of Kosovo's prospective independence and the concrete details of the EU mission until after the Spanish general election on 9 March 2008 to avoid causing a political fall-out for the Zapatero government. As reported in "EU Looks to Launch Kosovo Mission After Serb Poll," *Javno*, January 11, 2008.

¹⁴ Cortes Generales, Congreso de los Diputados, Comisiones, *Diario de Sesiones del Congreso de Diputados*, VIII legislatura, num. 913, 11th October 2007.

¹⁵ Cortes Generales, Congreso de los Diputados, Comisiones, *Diario de Sesiones del Congreso de Diputados*, VIII legislatura, num. 893, 25th September 2007. Author's translation.

Bibliographical references

- BARBÉ, Esther (1999) *La política europea de España*, Barcelona: Ariel.
- BARBÉ, Esther (Ed.) (2005) *¿Existe una brecha transatlántica? Estados Unidos y la Unión Europea tras la crisis de Irak*, Madrid: Catarata
- INTERNATIONAL CRISIS GROUP (2008) "Breaking the Kosovo Stalemate: Europe's Responsibility", *Europe Report* num. 185, 21 August 2007, available at: <<http://www.crisisgroup.org/home/index.cfm?id=5018>> accessed January 2008.
- KUŠIĆ, Siniša and CLAUDI Grupe (Eds.) (2007) *The Western Balkans on Their Way to the EU?* Frankfurt: Peter Lang.
- PALACIO, Vicente (2008) "¿Cuatro años más de política 'exterior'?", *Política Exterior* num. 121, January 2008.