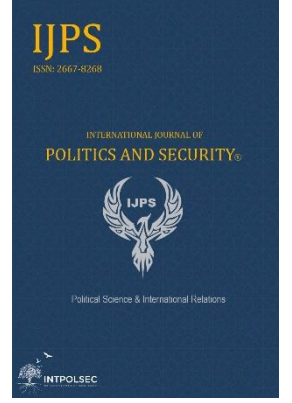


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The Issue of Political Recognition in International Policy: The Case of Kosovo

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The Issue of Political Recognition in International Policy:

The Case of Kosovo

Hasan ACAR*
Serhat BULUT**

Abstract

The Balkans is one of the critical regions of the world because of its geographical location, and Kosovo has an important role in this region because of its central position. Hence Kosovo has stayed at the center of historical events in the Balkan region from Ottoman time till the disintegration of Yugoslavia. Today's Kosovo strives to be recognized as a member of the international community and one of the regional actors. This study hypothesizes that the relationship of Kosovo with international organizations and the entire international community has stayed weak despite diplomatic recognition by many states. For this purpose, in this essay, the relations of Kosovo with the regional states and the international community are discussed from a critical perspective in the context of current developments.

Keywords: *International Politics, Recognition Policies, Kosovo, Diplomacy, Balkans.*

Uluslararası Politikada Devletlerin Tanınma Sorunu: Kosova Örneği

Özet

Balkanlar, coğrafi konumu nedeniyle dünyanın kritik bölgelerinden biridir ve Balkan ülkelerinden biri olan Kosova, bu bölgedeki merkezi konumu nedeniyle önemli bir role sahiptir. Bu nedenle Kosova, Osmanlı döneminden Yugoslavya'nın dağılmasına kadar olan süreçte Balkan bölgesindeki tarihi olayların da hep merkezinde yer almıştır. Günümüzde ise Kosova, uluslararası toplumun bağımsız bir üyesi ve bölgesel aktörlerden biri olarak tanınmaya çalışmaktadır. Bu kapsamda çok sayıda devlet Kosovanın egemen varlığını tanımaktadır. Bu kapsamda, bu çalışmanın hipotezi, birçok devlet tarafından diplomatik olarak tanınmasına rağmen Kosova'nın uluslararası kuruluşlarla ve tüm uluslararası toplumla olan ilişkisinin hala zayıf kaldığı yönündedir. Bu amaçla, bu makalede Kosova'nın bölge devletleri ve uluslararası toplumla ilişkileri güncel gelişmeler bağlamında eleştirel bir bakış açısıyla irdelenmekte ve tartışılmaktadır.

Anahtar Kelimeler: *Uluslararası Politika, Tanınma Politikaları, Kosova, Diplomasi, Balkanlar.*

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1. Introduction

Kosovo came up with Serbian-Albanian conflicts in the process leading to independence. As a result of the comprehensive amendments to the 1974 Constitution in Yugoslavia, autonomy was granted to the Kosovo and Vojvodina regions of Serbia, in addition to the six constituent countries that make up Yugoslavia. With the death of Yugoslav President Josip Broz Tito in 1980 and the dissolution of the bipolar system, Yugoslavia entered a process of disintegration with the revival of nationalist currents in external relations. In this process, the struggle for independence started in Kosovo as in other parts of Yugoslavia.

In March 1989, the Republic of Serbia, led by Slobodan Milosevic, announced that Josip Broz Tito had unilaterally made some amendments to the 1974 constitution. Slobodan Milosevic announced that Kosovo and Vojvodina have canceled their autonomous status. After this decision, protests and uprisings started in Kosovo and Serbia suppressed this chaos by using disproportionate force. The war between Serbia and Kosovo between 1998 and 1999 emerged with the pressure of Serbia on Kosovo and the increase of ethnic cleansing policies.

This war, including NATO and the United Nations forces, ended with the withdrawal of Serbian troops on the 9th of June 1999. On the 10th of June 1999, the United Nations Security Council established the United Nations Interim Administration Mission in Kosovo within the framework of resolution 1244. The United Nations Interim Administration Mission in Kosovo carried out the reconstruction of public institutions, civil administration, economic development, and security within the scope of the restructuring of Kosovo. In addition to the United Nations, international organizations such as the European Union have played a role in Kosovo.

There has been a transitional period in Kosovo under the rule of the United Nations for nine years. During this period, negotiations have been initiated to determine the final status of Kosovo and to solve the problems with Serbia. The Secretary-General of the United Nations and Special Envoy Martti Ahtisaari drafted a report on the final status of Kosovo. According to Martti Ahtisaari's report, a transition period in Kosovo under the supervision of the European



Union, NATO, and the United Nations Security Council was deemed appropriate. At the end of the transition period, the legislative and executive bodies will delegate their functions to the Government of Kosovo. International protection will be transformed into the Republic of Kosovo after a certain time.

States such as the United States, France, and the United Kingdom supported the report, while states such as Russia and China expressed their views that Kosovo is an autonomous region of Serbia. Within the framework of the Martti Ahtisaari Report, the long negotiations with Serbia have failed. Besides the tough stance of Serbia, the United States, and the European Union states that have the power in the region with the support of Turkey, Kosovo has decided to declare independence. Kosovo thus declared its independence on the 17th of February 2008.

While Costa Rica, the United States, Turkey, England, and France were the first countries to recognize the independence of Kosovo on the 17th of February 2008, there were countries such as Serbia, Russia, Greece, and Spain which stated that they would never recognize Kosovo.

The fact that Kosovo, which is now recognized by 116 states, cannot be recognized by the international community makes Kosovo difficult to face against other Balkan states. Although Kosovo is recognized by most of the United Nations and the European Union Countries, its status remains controversial. The Republic of Kosovo, which is not a member of organizations such as the United Nations, the European Union, and NATO, face the obstacles of Serbia and its allies in the diplomatic field. Russia's permanent membership in the United Nations Security Council is a major obstacle to the recognition of Kosovo by the United Nations.

2. The Method of Study

This study hypothesizes that although Kosovo has achieved diplomacy with states on the path to recognition, it has not taken an important step towards recognition by international organizations and the entire international community. For this purpose, in the context of current developments, the relations of Kosovo with the states of the region, the strategies to gain the



personality of the international community, the diplomatic movements, and the reasons for not being recognized by the international community will be discussed.

To understand the problem of recognition of Kosovo, the study will first evaluate what the concept of recognition means in international law and politics. It will be explained that the concept of recognition not only has a legal dimension but also a political dimension. An explanation will be made of the principle of self-determination and evaluations will be presented. Secondly, within the framework of Kosovo's relations with the post-independence European Union and the returns of the European integration process to Kosovo will be analyzed. From this point, the benefits of the European Union in the negotiations on the solution of the problem between Kosovo and Serbia will be discussed. Third, Kosovo's international recognition policies will be analyzed.

As a result of our study, the following questions will be answered:

1. What are the effects of relations between Serbia and Kosovo on international recognition?
2. Is there stability in Kosovo in the process of accession to the European Union?
3. What are the obstacles to international recognition of Kosovo?

The study will be carried out in three sections. In the first part, the concepts of recognition in international law and international politics will be examined. In the second part, Kosovo's relations with the European Union after independence and the integration process will be examined. In the third part, Kosovo's recognition policies will be examined. In this study, the descriptive analysis method will be used. Qualitative research methods such as evaluation and interpretation will also be used within this framework



3. The Concept of Recognition of States in International Law and Policy

A society that has completed the conditions of being a state in general and has formed its political unity has been entitled to be a part of the international community. In this respect, the recognition process is legal in terms of its effects.¹

For a state to be recognized, it must fulfill the qualifications of being a state under the law.² According to the basic assumptions of law, the formation of states requires three constituent elements. The first is a certain community of people, the second is a geographical area on which to live, and the third is an effective political government.³

The principles of the 1933 Montevideo Convention are important for the recognition of states. Articles 6, 7, and 8 of the convention regulate the principles of the recognition of states:⁴

Article 6: The recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law. Recognition is unconditional and irrevocable.

Article 7: The recognition of a state may be express or tacit. The latter results from any act which implies the intention of recognizing the new state.

Article 8: No state has the right to intervene in the internal or external affairs of another.”

Recognition of states results in their being legally equal and having the same rights. Thus, states' rights require equal conditions rather than the power to exercise them. States that have equal legal conditions are evaluated impartially in the problems encountered.

¹ The international community is always mobile. Within this moving structure, events and phenomena occur constantly changing and developing. New states emerge, states are divided. Divided states are either merging with a new state or disappearing. The structures separated from the dividing state declare their independence and form new states. Due to these developing events and phenomena in the international arena, there is a problem of recognizing the emerging states. The concept of recognition, which is bound by the rules of law but has the ability to act independently in the international arena, can also be used as a foreign policy tool suitable for political interests.

² Heike Krieger, (ed.), *The Kosovo Conflict and International Law: An Analytical Documentation 1974–1999* (Cambridge International Documents Series), (Cambridge: Cambridge University Press, 2014).

³ See more at: Ali Zounuzy Zadeh, “International Law and the Criteria for Statehood: The Sustainability of the Declaratory and Constitutive Theories as the Method for Assessing the Creation and Continued Existence of States”, LL. M Thesis Public International Law, Tilburg University Faculty of Law Department of International and European Law.

⁴ Montevideo Convention on the Rights and Duties of States, <https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml>, Access Date: 03.12.2021.



Recognition as a unilateral legal process is the acceptance of the existence of a certain phenomenon that may affect the rights, obligations, or political interests of a state and its willingness to maintain its future legal relations within this framework.⁵ In short, legal recognition means acceptance of the current situation. Although the recognition process is expressed as such, it would be wrong to explain the concept of recognition without going into detail because of the nature of international law.⁶

Due to the complex nature of international law, the recognition of states has been attempted to be based on different theories. Therefore, the recognition of states and governments has been tried to be explained in different theories.

4. Recognition Theories in International Law

There are two criteria theories for explaining the concept of recognition in the field of international law. These are; Constitutional Theory and Explanatory Theory.⁷

4.1. Constitutional Theory

According to this theory, for a state to exist, it must be recognized by other states. In other words, the state must be recognized by the states making up the international community to acquire the personality of international law and to have rights and obligations in the international arena.⁸ However, while this recognition process is carried out with the consent of the states, it must be given or rejected under the principles of law. According to constitutional theory, recognition is one of the constituent elements of states.

The constitutional theory does not see much demand in international law. One of the main reasons is that one of the founding elements of states deals with the concept of recognition

⁵ See more at: Ender Kuzu, "Uluslararası Hukukta Tanıma ve Kosova'nın Tanınması Sorunu", İstanbul Üniversitesi Sosyal Bilimler Enstitüsü Kamu Hukuk Anabilim Dalı, Yüksek Lisans Tezi, İstanbul, 2011.

⁶ H. Lauterpacht, Recognition of States in International Law, *Yale Law Journal* 53, (1944): 385-458.

⁷ See more at: Anne-Marie Slaughter Burley, "International Law and International Relations Theory: A Dual Agenda", *The American Journal of International Law* 87, no. 2, (1993): 205-239.

⁸ Philip Marshall Brown, "The Theory of the Independence and Equality of States", *The American Journal of International Law* 9, no. 2, (1915): 305-335.



that the founding elements of states are human society, a geographical area with a defined boundary, and sovereignty, that is, political management.⁹

Therefore, although there is no concept of recognition among the founding elements of states, the recognition or non-recognition of a state does not show that that state does not exist. For example, Kosovo is recognized by Turkey, France, England, and Portuguese in the international community and takes firm steps forward to become a member of many international organizations but Serbia, Russia, and China don't recognize Kosovo. This does not indicate that Kosovo is not a state. The constitutional theory has been abandoned in general, although it is not very popular in the international community and international law.

4.2. Descriptive Theory

Descriptive theory, unlike founding theory, does not include the concept of recognition among the elements that make up the state. According to the explanatory theory, for a state to exist, it is sufficient for it to fulfill the elements of being a state.¹⁰ Any state that fulfills its elements of being a state automatically becomes part of the international community and must and should behave under international law. Recognition of the state only shows its acceptance. Recognition is also dependent on the will of the states.

The international community recognizes the emerging states in different ways by the legal and political qualities that they may cause. Therefore, in international law, there are different types of recognition and explanation for the recognition of states. Recognition can be done in two forms, de jure and de facto. De facto recognition is a way of recognition, in which existing states have doubts about recognizing the new state precisely, and hence, they express their desire to enter legal relations in a limited and temporary manner.¹¹ To summarize, de facto recognition is a transition period and in the following period, it becomes full recognition that is de jure recognition.

⁹ See more at: Christopher Pierson, *The Modern State*, Second edition, (London: Routledge, 2004).

¹⁰Stanford Encyclopedia of Philosophy, "Natural Law Theories", <https://plato.stanford.edu/entries/natural-law-theories/>, Access Date: 23.01.2020.

¹¹ Selcen Erdal, "Uluslararası Hukukta Tanıma Kurumu ve Kuzey Kıbrıs Türk Cumhuriyeti Örneği" *Selçuk Üniversitesi Hukuk Fakültesi Dergisi* 1, (2005): 157-196.



Clear recognition is when a state clearly states that it recognizes the other state. The state that recognizes with a more accurate expression is that it expresses to the recognized state with a letter of recognition that it recognizes it. Implicit recognition means that a country recognizes the relations of other countries within the framework of political or diplomatic relations without sending a recognition letter or declaration. Under international law, the ways of recognizing closedness can be expressed as follows, unless otherwise claimed.¹²

The best example of this recognition is the Litvinov Treaty, signed between the USA and the Soviet Union in 1933. With this treaty, the United States will agree to recognize the Soviets, provided that the Soviet Union avoids actions that threaten its internal security and that some financial problems between them are resolved.¹³

Recognition of a newly founded state under international law is the demonstration of the intention to accept the state as part of the international community, completion of its formation under a political administration on a particular piece of land, and fulfilling the conditions of being a state under international law.¹⁴

5. Recognition in International Politics

The recognition of a new state as part of the international community shows that other states have accepted that they have fulfilled the conditions of being a state according to international law. Thus, the existing states exercise their discretion with a semi-judicial practice. In the absence of a special institution to carry out this task, states are empowered to decide whether the new state meets the conditions for becoming a state prescribed by international law. Generally, in such a decision process, states do not act arbitrarily, ignoring political interests and legal principles when accepting or rejecting the recognition of governments or a new state.

¹² See more at: Ayça Eminoğlu, “Uluslararası Politikada Tanımın Esasları: Kosova Analizi”, Karadeniz Teknik Üniversitesi Sosyal Bilimler Enstitüsü Uluslararası İlişkiler Anabilim Dalı, Yayınlanmamış Doktora Tezi, Trabzon, 2015.

¹³ See more at: Abdullah Kıran, “Uluslararası Hukukta Devletleri Tanıma ve Tanıma Türleri”, *Social Sciences Studies Journal* 6, (2017): 1083-1098.

¹⁴ Malcolm N. Shaw, “The Heritage of States: The Principle of Uti Possidetis Juris Today”, *British Yearbook of International Law* 67, (1996): 75-154.



Undoubtedly, the state that recognizes, in this case, is both an advocate of its interests and a representative of international law.¹⁵ The problem of recognition of governments arises if government change occurs as a result of a violation of a state's domestic law.¹⁶

Generally, the attitude of the international community towards states that are faced with such situations is different and it is more difficult for them to recognize governments. In this case, the decision is made according to the evaluation carried out by the principle of the actual existence and impact of the new government. Regarding the actual asset principle, to accept the actual existence and influence of the government in some periods, the condition of recruiting the country's society is required.¹⁷

6. Self Determination Principle and Kosovo

The self-determination right unearthed by Wilson after the First World War was not included in any document and remained only so-called. The document with the first principle of self-determination is the UN contract of 26 July 1945. Part 1 of the UN agreement consists of two articles. Although this part of the agreement focuses more on human rights and the protection of world peace, it is in this section in the declaration on the principle of self-determination first. It is stated in Paragraph 1 of Article 1, Article 2 of the UN agreement as “*To develop friendly relations between nations based on the principle of equality of rights and their right to self-determination and to take all other appropriate measures to strengthen world peace.*” Then, in the 55th article, the expressions of “*creating necessary conditions of stability and prosperity to ensure peace and friendship relations based on the principle of equality between nations and the right of each nation to determine its own destiny*”¹⁸ are used. Firstly,

¹⁵ See more at: Ayça Eminoğlu, “Uluslararası Politikada Tanımın Esasları: Kosova Analizi”.

¹⁶ Ender Kuzu, “Uluslararası Hukukta Tanıma ve Kosova'nın Tanınması Sorunu”.

¹⁷ See more at: Ayça Eminoğlu, “Uluslararası Politikada Devletlerin Tanınması: ‘Ayrılma’ ile Ortaya Çıkan Devletlerin Tanınma Sorunu”, *KTU SBE Sosyal Bilimler Dergisi* 9, (2015):123-141.

¹⁸ T.C. Resmi Gazete, 24 Ağustos 1945, “4801 Sanfransisko’da 26 Haziran 1945 Tarihinde Yapılmış ve İmzalanmış Olan Birleşmiş Milletler Andlaşması ile Milletlerarası Adalet Divanı Statüsünün Onanması Hakkında Kanun”, S.6092.



the use of such expressions was an important step in binding the self-determination principle before international law.

States such as the United States, Britain, and France, which are among the strong actors of the international community, recognized Kosovo. The fact that Russia is allied with Serbia and does not recognize it in line with its political interests is the biggest obstacle facing Kosovo today. Within the framework of the problems between Serbia¹⁹ and Kosovo, Serbia qualifies Kosovo as its territory. That Serbia doesn't recognize Kosovo and its actions against the countries having recognition act to revoke their decision make the recognition of Kosovo difficult.

7. International Community and Kosovo

The international community is divided into two, on the recognition and non-recognition of Kosovo's independence. While major actors are supporting Kosovo before and after the declaration of independence, some international actors do not accept Kosovo's status and state that they will never accept its independence and recognition. In this context, it is possible to divide the international community into two as supporters and not supporters of Kosovo in the way of international recognition.

The United States has provided unconditional support for Kosovo's independence and has also called for other countries to support Kosovo's independence.²⁰ After the developments, Kosovo declared its independence on the 17th of February 2008.

The United States, through the spokesperson of the Ministry of Foreign Affairs Tom Casey, demonstrates that the United States supports the statement that "Kosovo will never again be part of Serbia".²¹ At the same time, it provided support in the economic field by not leaving the United States alone in the nationalization process and by including Kosovo in the

¹⁹ See more at: Leandrit I. Mehmeti and Branislav Radeljic, *Kosovo and Serbia: Contested Options and Shared Consequences*, (Pittsburgh: University of Pittsburgh Press, 2016).

²⁰ Yiğit Anıl Güzelipek, "Kosova ABD'nin 51. Eyaleti" Söyleminin Medeniyetler Çatışması ve (Neo) Realizm Özelinde Karşılaştırmalı Tahlili", *OPUS-Uluslararası Toplum Araştırmaları Dergisi* 6, (2017): 761-779.

²¹ Halis Ayhan, "Kosova'nın Bağımsızlığı Sürecinde Uluslararası Güçlerin ve Türkiye'nin Tutumu", *Avrasya Etütleri* 33, (2008): 113-134.



Generalized System of Preferences in December 2008. Thanks to this program, customs and quotas were facilitated for the goods imported from Kosovo. In addition, it provided support for Kosovo becoming a member of the World Bank and the IMF in June 2009.²²

In the coming period, the United States has repeated its support for the integration of Kosovo with North-Atlantic institutions. With the end of supervised independence in Kosovo in 2012, it is observed that the economic and diplomatic support of the United States for Kosovo has decreased. During the 11 years since Kosovo's independence, the United States has not supported Kosovo internationally but has not made the issue of recognizing Kosovo an agenda directly on its foreign policy.²³

“The United States and NATO owe everything, according to Kosovo Albanians. The United States has taken care of them, and without Bill Clinton, NATO would not have come to Kosovo and Kosovo would not be free.”²⁴ As a matter of fact, according to the news of Euronews about the resolution of the conflict continuing between Kosovo and Serbia, "President of the United States Donald Trump sent a letter to solve the problems with Serbia. Kosovo President Tajic and the Serbian President invited Vucic to the White House."²⁵

Another factor is the necessity of supporting Kosovo's independence from Turkey. Turkey, Kosovo's independence is one of the first countries to recognize it. The relations between Kosovo and Turkey date back to old times. In our study, we will examine the recent relationship between Turkey and Kosovo. After the violence between Kosovo and Serbia between 1998-and 1999, Like the USA, Turkey also suggested that Kosovo shouldn't be a part of Serbia for the stability of the region and to avoid the violence. The determination of Kosovo's status came up with the Kosovo Interim Administration Mission Special Envoy Martti

²² M. Cem Oğultürk, “Kosova'nın Bağımsızlık Süreci Kapsamında ABD Dış Politikasının Analizi”, *Güvenlik Stratejileri Dergisi* 19, (2010): 99-132.

²³ Kader Özlem, “Kosova Sorunu Ekseninde Küresel Aktörlerin Politikalarının Analizi”, *Küresel Riskler ve Bölgesel Krizler*, Atilla Sandıklı and Elanur İsmayıl (ed), (İstanbul: BİLGESAM Yayınları, 2017): 99-124.

²⁴ Halis Ayhan, “Kosova'nın Bağımsızlığının Doğallığı”, *2023 Gelecek Bir Tasarımdır Dergisi* 83, (2008): 30-39.

²⁵ Euronews, “ABD'den Kosova'ya 'Sırbistan ile Anlaşmazlığı Çözün' Çağrısı”, 19.12.2018, <https://tr.euronews.com/2018/12/19/abd-den-kosova-ya-sirbistan-ile-anlasmazligi-cozun-cagrisi>, Access Date: 22.01.2020.



Ahtisaari's plan. The plan is likely when the independence of Kosovo gets certain for the stability of the region from the point of Turkey. In a statement, The Ministry of Foreign Affairs made in 2005 stressed the importance of democratization and representation of all peoples of Kosovo "no matter what future status is".²⁶

Indeed, as a military force, Turkey gives supports Kosovo under the United Nations Board. When we look at the Kosovo policies, Turkey supports Kosovo on account of both the Turkish minority in Kosovo and the friendship surrounded by historical landmarks inherited by the Ottoman Empire. In case of failure to resolve the issue of Kosovo's status, one month before the declaration of independence, Kosovo's President sought support by coming to Turkey.²⁷

Since Kosovo's independence, Turkey has continued to support both economic and political sense. Turkey's Coordination Office in Pristina, which started its operations in 1999, has been upgraded to the Embassy level after the declaration of independence.²⁸ It attaches importance to stability, territorial integrity, integration with Euro-Atlantic institutions, and good neighborly relations in the region.

Considering the Balkans as a whole, Albania provides the greatest support to Kosovo in the region states in the past and today. The Albanian people constitute almost 93% of Kosovo's society. It is intertwined with the concept of citizenship between Albania and Kosovo. Albania has established a diplomatic relationship with Kosovo's declaration of independence. Foreign Affairs of Albania also attaches importance to strategic cooperation with Kosovo while determining its foreign policy priorities and declaring that it will take steps towards the recognition of Kosovo in the international arena. It should be noted that while both states declare their desire to strengthen their relations, this also emphasizes the context of Euro-Atlantic relations. Albania continued its support for Kosovo's independence under all circumstances. A few months after on 17th of February 2008 declaring Kosovo's independence,

²⁶ Birgül Coşkun Demirtaş, "Kosova'nın Bağımsızlığı ve Türk Dış Politikası (1990-2008)", *Uluslararası İlişkiler Dergisi* 27, (2010): 51-86.

²⁷ Halis Ayhan, "Kosova'nın Bağımsızlığı Sürecinde Uluslararası Güçlerin ve Türkiye'nin Tutumu".

²⁸ Republic of Turkey Ministry of Foreign Affairs, "Türkiye-Kosova İlişkileri", <http://www.mfa.gov.tr/turkiye-kosova-siyasi-iliskileri-.tr.mfa>, Access Date: 22.01.2020.



on the 8th of October 8 2008 Serbia submitted a solution proposal to the UN General Assembly regarding the legitimacy of Kosovo's declaration of independence against the Albanian solution proposal and submitted it to the Court a written statement supporting the legitimacy of Kosovo's independence in April 2009. In the following period, he made additional comments in line with the same opinion and repeated this verbally.²⁹

There is also support for Kosovo from non-state units. The fact that it is a potential member of a key international organization like the European Union is an indication that Kosovo is a sovereign state both in the international community and globally. European Union member states support Kosovo's statehood and international community-integrated stage. In this context, “digitalkosovo.org” was created with the support of the International Physics Olympics Foundation and the British Council³⁰ in the process of admission to UNESCO and the digital diplomacy process developed within the framework of Kosovo's foreign policy strategy. In addition, the Organization of the Islamic Union used the phrase 'the organization welcomes Kosovo's independence before the independence of Kosovo.'³¹ At the 38th Assembly meeting of the Organization of the Islamic Union, he called for consideration of the recognition of Kosovo and stated that he welcomes Kosovo's membership with the World Bank and the International Monetary Fund.³²

The most important of the parties that oppose strongly Kosovo's independence decision is Serbia. It claimed that Kosovo is part of Serbia. Indeed, this argument is based on the reason that the Medieval Serbian State had lived on these lands in the historical process, as well as the religious factor being the Serbian Orthodox Church on the territory of Kosovo. Indeed, if a conclusion cannot be reached through status negotiations, Kosovo declared its independence. Serbia opposed strongly Kosovo's independence. The International Court of Justice stated that

²⁹ Emre Kalay, “Soğuk Savaş Sonrası Yunanistan-Arnavutluk-Kosova İlişkileri”, *Adıyaman Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 27, (2017): 1013-1042.

³⁰ Sevda Korhan, “Dijital Diplomasi Aracılığıyla Tanınma Çabası: Kosova Örneği”, *Cyberpolitik Journal* 6, (2018): 268-281.

³¹ Halis Ayhan, “Kosova'nın Bağımsızlığı Sürecinde Uluslararası Güçlerin ve Türkiye'nin Tutumu”.

³² Kosova Haber, “İslam Konferansı, Üye Ülkelerine Kosova'nın Tanınması Çağrısında Bulundu” <http://www.kosovahaber.net/?page=2,9,7401>, Access Date: 22.01.2020.



the declaration of independence of Kosovo was not against international law, as announced by the judiciary on the 22nd of July 2010.³³

Russia supports Serbia to prevent Kosovo's independence and recognition. When this attitude toward Russia is analyzed, not only the existence of historical, religious, and ethnic ties but also the expansion strategies of western institutions such as the United States, NATO, and the European Union after the 2000s disturbed Russia.³⁴

7.1. European Union-Kosovo Relations

Before going into the details of the European Union-Kosovo relations, it would be correct to evaluate the European Union's attitude towards supporting Kosovo for nationalization and European cohesion. The thesis put forward by the European Union, both in the process of Kosovo's independence and the post-independence, is its desire to compensate for its failure in the Bosnia and Herzegovina problem.³⁵ However, the European Union member states left their own decisions on the recognition of Kosovo, which led them to not be able to take a common stance on Kosovo.

Greece, within the Union, does not recognize Kosovo because of its problem with minorities and its support of Cyprus.³⁶ He voted against the World Bank and International Monetary Fund membership votes of Kosovo. However, in the following period, there have been changes in Greece's attitude towards Kosovo. During his visit to Pristina in February 2014, Greek Foreign Minister Evangelos Venizelos stated that Kosovo has a clear European perspective and European Union-Kosovo relations are important for the entire Western Balkan region, and told that Kosovo is on this way and Greece would be with Kosovo as long as he worked on the future of Europe and the Euro-Atlantic.³⁷

³³ Erhan Türbedar, "Sırbistan Kosova Siyasetini Sorguluyor", *Avrasya İncelemeleri Merkezi*, Blog Nu: 32. (2011).

³⁴ Kader Özlem, "Kosova Sorunu Ekseninde Küresel Aktörlerin Politikalarının Analizi".

³⁵ Şeyma Adıyman, "Kosova'nın Bağımsızlık Süreci ve AB ile İlişkileri", Bilge İnsanlar Stratejik Araştırma Merkezi, <http://www.bilgesam.org/incele/145/-kosova%E2%80%99nin-bagimsizlik-sureci-ve-ab-ileiliskileri/#.Xf15cUczbIW>, 2011, Access Date: 22.01.2020.

³⁶ Halis Ayhan, "Kosova'nın Bağımsızlığı Sürecinde Uluslararası Güçlerin ve Türkiye'nin Tutumu".

³⁷ Emre Kalay, "Soğuk Savaş Sonrası Yunanistan-Arnavutluk-Kosova İlişkileri".



Spain, like Greece, does not recognize Kosovo because it will serve as an example for Catalans with minority problems. Considering the attitude of Spain, there are differences between Catalonia and Kosovo. During the independence process of Kosovo, under ethnic cleansing policies, human rights violations were carried out and the majority of the people were under the pressure from the Serbian administration. However, when considered in terms of Catalonia, there was no such situation in Catalonia. In this context, the International Court of Justice has confirmed the legitimacy of Kosovo's independence. The European Commission has evaluated on this issue that the situation of Kosovo should not be confused with Catalonia because Spain is a member of the European Union and Serbia is not.³⁸

Slovakia's attitude on the subject is skeptical of Kosovo's inability to maintain its sovereignty and stability in becoming a state. Indeed, there should be no doubt that Kosovo, as a state that has fulfilled the requirements of International Law, cannot maintain its sovereignty. Looking at the recent developments, the European Union stated that if the dispute between Kosovo and Serbia is resolved, the EU will move towards membership with the two states. At the same time, former Prime Minister of Slovakia, Iveta Radicova, reported that Slovakia would recognize Kosovo as a result of the normalization of relations between Belgrade and Pristina, and added that the two countries are ready to assist in moving forward.³⁹

As a result, it is possible to observe that Kosovo is not fully recognized by the European Union for these different reasons we have explained.

7.2. EU's Rule of Law Mission and Kosovo

In the situation before the European Union declared independence, its existence in Kosovo is the economic structuring of Kosovo under the United Nations Interim Administration

³⁸TUIC Akademi, "İspanya'dan AB'ye Kosova Eleştirisi", <http://www.tuicakademi.org/ispanyadan-abye-kosova-elestirisi/>, Access Date: 22.01.2020.

³⁹ Kosova Haber, "Slovakya Kosova'yı Tanımaya Hazır", <http://www.kosovahaber.net/?page=2,9,18389>, Access Date: 22.01.2020.



of Kosovo, through the European Agency for Humanitarian Relief and European Agency for Restructuring.⁴⁰

Kosovo-European Union relations gained a different dimension with the declaration of independence of Kosovo on the 17th of February 2008 and the transfer of the duties of the United Nations Administration in Kosovo to the European Union. Kosovo also declared that the independence declaration will remain true to the plan prepared by the United Nations Special Envoy Martti Ahtisaari and applied to the UN and the EU and asked for a "Police Mission" to be sent to Kosovo.⁴¹ In the post-independence situation, the United Nations Interim Administration Mission in Kosovo has transferred its duties to the European Union.

The presence of the European Union today is bilateral. The first is the Kosovo European Union Office. The Kosovo European Union Office ensures the continuing political and technical dialogue between the institutions of the European Union and Kosovo.⁴²

Second, the European Union is the Rule of Law Mission. On the 10th of April 2006, the European Union decided to establish a European Union Planning Team (EUPT Kosovo) against crises that may occur between Kosovo and Serbia as a joint decision. In this context, the European Union Planning Team decided to start the European Union Rule of Law Mission on the 16th of February 2008.⁴³ As a matter of fact, the term of office from 2008 to 2012 was extended to 2020.

In this context, the European Union is making efforts to improve Kosovo in economic, political, and social areas and bring it in line with European standards.⁴⁴ Nonetheless, it takes duties within the framework of the European Union Rule of Law Mission to determine peace

⁴⁰ Sibel Akgün, "Kosova'nın Avrupa Birliğine Entegrasyon Süreci ve Bu Süreçte Kosova Türkleri" *Çankırı Karatekin Üniversitesi Uluslararası Avrasya Strateji Dergisi* 2, (2013): 1-14.

⁴¹ Abdly Fandaj, "Kosova'nın Devlet Olma Süreci ve Avrupa Birliği'nin Rolü", Uludağ Üniversitesi Sosyal Bilimler Enstitüsü, Uluslararası İlişkiler Anabilim Dalı, Yayınlanmamış Yüksek Lisans Tezi, Bursa, 2018.

⁴² EULEX, "The EU in Kosovo", <https://www.eulex-kosovo.eu/?page=2,19>, Access Date: 22.01.2020.

⁴³ Şeyma Adıyman, "Kosova'nın Bağımsızlık Süreci ve AB ile İlişkileri".

⁴⁴ Gérard Marcou, "Legal Framework and the European Charter of Local Self-Government", *The Kosovo Decentralization Briefing Book*, Robert D. Ebel and Gábor Péteri (ed.), (Budapest: Open Society Institute, 2007), 50-58.



and stability in Kosovo. The European Union Rule of Law Mission has made important initiatives in aligning the judicial system and Kosovo legislation in Kosovo with European standards, advising government agencies, and enacting some new laws. The training of public duties has taken important steps in the integration of minorities (especially Serbs) into state institutions.⁴⁵

8. Integration Process and Kosovo

In the case of Kosovo, it is known today as a potential member of the European Union. In addition, one of the most fundamental goals of Kosovo as a state is to become a member of the European Union before the United Nations membership, both for the development of the state's structure and for an international Kosovo position. It is one of the action plans given by the state as a state throughout the European Union integration process.⁴⁶

Kosovo started its European Union integration process with the European Union Integration Office, which was first established under the United Nations Interim Administration Mission in Kosovo. After independence, the European Union Integration Office was transformed into the Ministry of Integration of the European Union.⁴⁷ In this context, the ministry's tasks that Kosovo must fulfill within the framework of European harmonization are the economic assistance provided by the European Union and the necessary coordination between Kosovo's institutions, and the necessary competencies to bring Kosovo laws to European standards. The European Union integration process in Kosovo is monitored by progress reports by the European Union.

It seems that the post-independence period has seen important progress for the European Union in the post-2009 period, due to the situation that appeared with the progress reports within the European Union integration process. As a matter of fact, it seems that the main problem in the European Union integration process in Kosovo is the Serbian-Albanian conflict.

⁴⁵ Fatma Gamze Çakmak, "Kosova'da Avrupa Birliği: EULEX Misyonu Hakkında Eleştirel Bir Değerlendirme", *Akademik Sosyal Bilimler Araştırma Dergisi* 96, (2019): 383-398.

⁴⁶ Abdly Fandaj, "Kosova'nın Devlet Olma Süreci ve Avrupa Birliği'nin Rolü".

⁴⁷ See more at: Birgit Poopuu, *The European Union's Brand of Peace Building*, (Switzerland: Palgrave Macmillan, 2020).



The conflicts that started in Kosovo in 2004 and continued on and off cause weakness in ensuring the national integrity of Kosovo. The fact that both Serbs in the north of Kosovo and Serbia's not seeing Kosovo as an independent country has a negative impact on the way of European Union membership in the framework of the problems Kosovo faces with its neighbor.⁴⁸

Table 1. Financial Assistance Allocated by the European Union to Kosovo Between 2008-2013⁴⁹

Year	2008	2009	2010	2011	2012	2013	Total
Million Euro	184,7	106,1	67,3	68,7	70,0	107,2	604,6

In this context, in terms of Kosovo's relations with the European Union, negotiations on the mediation of the European Union and the normalization of relations between Kosovo and Serbia were launched in 2011. While these negotiations are addressing the status of Kosovo, the main target is aimed at issues stating that cooperation between Kosovo and Serbia should be made. In the negotiations sent by representatives of the two countries, regional cooperation, freedom of movement, and some legal problems were addressed.⁵⁰

The Stabilization and Association Agreement has been an important step toward European Union integration in Kosovo's economic and constitutional legislation. The Stabilization and Association Agreement with the European Union was signed by Prime Minister Isa Mustafa, European Union senior official Federica Mogherini, Integration Minister Çollaku, and Enlargement Commissioner Johannes Hahn.⁵¹

This agreement is important for the European Union's integration in Kosovo's economic, political and legal aspects. At the same time, the European Union is considered the unit that

⁴⁸ Sibel Akgün, "Kosova'nın Avrupa Birliğine Entegrasyon Süreci ve Bu Süreçte Kosova Türkleri"..

⁴⁹ European Union of official website, "An overview of relations between the EU and Kosovo", https://eeas.europa.eu/delegations/kosovo/1387/kosovo-and-eu_en, Access Date: 22.01.2020.

⁵⁰ Nedim Emin, "Kosova'nın Siyasetini Anlama Kılavuzu", no. 42, (İstanbul: SETA Yayınları, 2014), http://file.setav.org/Files/Pdf/20141017111147_42_kosova_web.pdf, Access Date: 22.01.2020.

⁵¹ AB Haber, "Kosova, Avrupa Birliği ile Arasında İstikrar ve Ortaklık Anlaşması İmzalandı" <http://www.abhaber.com/kosova-avrupa-birligi-ile-istikrar-ve-ortaklik-anlasmasi-imzaladi/>, Access Date: 22.01.2020.



helps Kosovo most with the development of Kosovo and completing the state process by international organizations. Within the framework of the agreement, it has allocated 1,3 billion Euros to Kosovo for the period 2007-2020.⁵² With the Stability and Association Agreement, political dialogues were emphasized in the countries of the region and at the same time paved the way for the free movement of industrial goods in terms of economy.

Although Kosovo has taken important steps toward the European Union through the Stabilization and Association Agreement, it appears to depend on the continuation of the dialogue with Serbia for continued integration. Indeed, within the framework of the Brussels Agreement with Serbia, the fact that Kosovo's status cannot be resolved before Serbia shows that Kosovo will not become a member of the European Union unless it can solve its problems with Serbia. At the same time, another problem is that Kosovo is not included in the visa exemption. The fact that it is not supported by the European Union in terms of visa exemption, although it is supported both internationally and economically, is creating suspicion for the European Union in terms of Kosovo. The visa exemption is linked by the European Union to the solution of the border problem with Kosovo and Montenegro. Although the border problem between Kosovo and Montenegro has been resolved, Kosovo's failure to benefit from visa exemption has been disappointing for the people of Kosovo.⁵³

8.1. International Full Recognition Strategy and Recognition Micro Politics

Since the Republic of Kosovo declared its independence on the 17th of February 2008, it has been observed that it has two main objectives as a state. These are the international recognition as proof of being a sovereign state and building of its institutions. Recognized by 116⁵⁴ states in the international community today, Kosovo still faces an ongoing recognition problem. Therefore, the priority plan of the Kosovo Foreign Ministry is the increase in

⁵² Abdly Fandaj, "Kosova'nın Devlet Olma Süreci ve Avrupa Birliği'nin Rolü".

⁵³ Avrasya İncelemeleri Merkezi, Mogherını: kosova'ya vize muafiyeti verilmesi zamanı geldi, <https://avim.org.tr/tr/Bulten/MOghERINI-KOSOVA-YA-VIZE-MUAFIYETI-VERILMESI-ZAMANI-GELDI>, Access Date: 22.01.2020.

⁵⁴ For a list of Recognition, <https://www.kosovothanksyou.com/>, Access Date: 22.01.2020.



international recognition and membership in international organizations.⁵⁵ As of today, the recognition of the Republic of Kosovo by 113 of the United Nations states has an impact on global recognition as well as geographical recognition for the Republic of Kosovo. It is also regionally recognized by three of Kosovo's four neighboring countries.

The lack of recognition by states such as Serbia, China, and Russia still hinders membership in global organizations such as the United Nations. While Russia and China's attitudes toward the recognition of Kosovo are hindering Kosovo's full membership of the United Nations, it seriously limits the political, economic, and social development of Kosovo. The lack of international recognition also affects adversely the integration of foreign investors and Kosovo citizens into various global networks.⁵⁶

We can list the obstacles to the international recognition of Kosovo as follows:

1) Russia's vetoing Kosovo in the United Nations Security Council due to its view that Kosovo's independence is against the Ahtisaari Plan, China's veto in the United Nations due to its attitude that Kosovo will set an example for China's minority problems within itself,

2) Lack of consensus on the independence of Kosovo within the European Union and in this context, considering Kosovo as a European problem,

3) Serbia sees Kosovo as part of its territory and makes propaganda so as not to legitimize its independence in the international community,

4) The image of the state in the international community regarding Kosovo's experiences in the historical process is not bad,

5) Lack of recognition by a large number of small states that are geographically distant from Kosovo and the Balkans and have no firm knowledge of Kosovo's independence,

⁵⁵Republic of Kosovo Ministry of Foreign, "International recognitions of the Republic of Kosovo", www.mfa-ks.net/politika/483/njohjet-ndrkombtare-t-republiks-s-kosovs/483, Access Date: 22.01.2020.

⁵⁶ Edward Newman and Gëzim Visoka, "The Foreign Policy of State Recognition: Kosovo's Diplomatic Strategy To Join International Society", *Foreign Policy Analysis* 3, (2018): 367-387.



6) The removal of foreign policies from the Balkans region within the framework of global priorities.

In addition, Kosovo's ambiguities in domestic politics can be perceived as an obstacle to Kosovo's international recognition. As a matter of fact, it is very difficult for countries that have not achieved stability in their domestic politics to adopt by the international community. In this context, unity could not be achieved in the 2014 elections and the government could not be established for 5 months, at the same time, unity could not be established after the early elections of 2017, and the government could not be established for 2 months. This situation brings Kosovo back in terms of both economic and international policy. In addition, Kosovo's diplomats have an active attitude towards the recognition of Kosovo. President Atifete Jahjaga⁵⁷ of Kosovo in 2011 and 2014 played a very active role in foreign relations. As the first President in the region, he played an active role in women's rights and victims of war, besides, in 2014, the current President was not able to play an active role in foreign affairs through the election of Hashim Thaçi as Deputy Prime Minister and Minister of Foreign Affairs.⁵⁸

Table 2. Recognition of Kosovo by States After 2010

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Recognition Number	8	12	12	7	4	3	2	2	1

However, considering Table 2, there is a decrease in the international recognition of Kosovo in the post-2012 period. In this context, while Kosovo's recognition strategies invited internationally to recognize Kosovo as an individual, it failed to be recognized as a state. It also reflects the fact that its image has deteriorated internationally as an indicator of recent tensions with Serbia. Kosovo's solution to its problems with Serbia will both bring Kosovo into the agenda and open the way for European Union membership. As a matter of fact, while the size

⁵⁷ Atifete Jahjaga served as the President of Kosovo between 2011 and 2016. During the Presidency, Hashim Thaci was appointed as Deputy Prime Minister and Ministry of Foreign Affairs of Kosovo in 2014. He was elected President in 2016. Today he is serving as President.

⁵⁸ Gezim Krasniqi, "Rising Up In The Word: Kosovo's Quest For International Recognition", <https://prishtinainsight.com/rising-up-world-kosovo-quest-international-recognition-mag/>, Access Date: 22.01.2020.



of the relations between Kosovo and Serbia does not seem to benefit Kosovo in the short term, it seems a blurred journey for Kosovo in the long term.

In addition to these reasons, Kosovo has published a statement on international recognition through the Kosovo Foreign Ministry entitled international full recognition strategies. In the declaration, he stated that Kosovo will take steps towards influencing states that have not yet recognized them, along with the strategic goals as well as the roads that will follow the path to international recognition. The strategy that Kosovo has developed and implemented for international recognition and integration into the international community is threefold:

1. Recognition by individual states
2. International organizations
3. The special group is states and regions.⁵⁹

When the recognition strategy developed by Kosovo, in general, is examined, it is emphasized that the President should lead foreign policy in the direction of international recognition in accordance with the Kosovo Constitution and laws. It is also aimed to improve the dialogue between Serbia and Kosovo and accelerate the European integration process through the Ministry of Integration of the European Union.

In addition, it is emphasized that it is necessary to advocate in the international community in order to get help through the political parties with the domestic parliamentary diplomacy and to be coordinated by civil society and the respected people of the country.

8.2. Recognition Efforts under Public Diplomacy and Kosovo

Kosovo has developed several strategies for international recognition. Kosovo has gone primarily been recognized through public diplomacy. Public diplomacy is a process that tells

⁵⁹ Republic of Kosovo Ministry of Foreign, "International recognitions of the Republic of Kosovo", www.mfa-ks.net/politika/483/njohjet-ndrkombtare-t-republiks-s-kosovs/483, Access Date: 22.01.2020.



the government of one country to try to influence the citizens and intellectuals of another country in line with their own political and ideological thoughts.⁶⁰

In this context, Kosovo has attempted to be recognized by public diplomacy by states that do not recognize it. Special visits were organized to states that did not recognize Kosovo, conferences were held in Kosovo, and the promotion of Kosovo was made. By organizing the Germia Hill International Conference,⁶¹ not only the importance and cooperation processes of the Balkans were evaluated but also the reason for the international recognition of Kosovo through the cultural diplomacy, which is the sub-unit of public diplomacy and the place of Kosovo, having a historical, religious and multicultural structure were tried to be explained. Besides this, in addition to public diplomacy, Kosovo Deputies paid visits to states that do not recognize Kosovo, especially to states that do not recognize Kosovo within the European Union.⁶²

Kosovo also aims to be recognized through interpersonal diplomacy. Interpersonal diplomacy appears as diplomacy that is generally implemented and supported by civil society. In this context, Kosovo communicates with the five targeted, yet unrecognized, European Union states through interpersonal diplomacy. As a matter of fact, with the support of the British Council and the British Embassy, "European Union Kosovo" negotiations have been initiated towards the goal of being known through cooperation without international recognition.⁶³

The United Nations Security Council asked the International Court of Justice for its opinion on the independence of Kosovo. The Court firstly investigated the general international law regulations related to the unilateral declaration of independence of Kosovo. The member of UN states brought up the examples of Southern Rhodesia and Northern Cyprus, which were

⁶⁰ Public Diplomacy, https://www.wikizero.org/wiki/tr/Kamu_diplomasisi, Access Date: 22.01.2020.

⁶¹ Germia Hill International Conference, <http://www.mfa-ks.net/germiahill/gh-2016>, Access Date: 22.01.2020.

⁶² Parliamentary Assembly, "The situation in Kosovo and the role of the Council of Europe", <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22306&lang=en>, Access Date: 22.01.2020.

⁶³ Republic of Kosovo Ministry of Foreign, "People-to-People Diplomacy", <http://www.mfa-ks.net/en/politika/485/people-to-people-diplomacy/485>, Access Date: 22.01.2020.



under the same conditions and were condemned by the UN, but the Court stated that the illegality in the mentioned examples was not due to the unilateral declaration of independence but to the use of force or serious violation of international law. The Court stated that general international law did not prevent the declaration of independence. In the end, the Court, regardless of the consequences of the decision and the political debate, ruled that no regulation in international law prohibits the declaration of independence.⁶⁴

9. Conclusion

When we look at the international recognition problem of Kosovo, it is seen that the concept of recognition firstly depends on international interests and political reasons, even if it occurs under international law. Although Kosovo has fulfilled its requirements to become a state under international law, the fact that it is not recognized by China and Russia, permanent members of the United Nations Security Council, is an example of this. Russia appears as the main actor in this regard. Russia's international support for Serbia is in the interests of both Russia and Serbia.

The European Union provided great support during the reconstruction of Kosovo, given the Kosovo relations reviews. It has made investments with economic and financial support funds and has provided a balance between public institutions and organizations politically. In addition to this, Kosovo, which received military support internationally, has also received military support from the European Union. Talks have been launched to address problems with Serbia and normalize relations between Serbia and Kosovo for an international Kosovo. Indeed, although so-called relations have normalized as a result of the negotiations, Kosovo has taken a good step in the European Union integration process. Indeed, we can call this the European Union's gift to normalize relations between Serbia and Kosovo. Serbia has a great influence on the European Union and Kosovo relations. With the normalization of relations with Serbia, there is a link to Kosovo's membership in the European Union.

⁶⁴ Seçil Şahin, "Kosova'nın Bağımsızlık İlanının Uluslararası Adalet Divanı Kararı ve Self Determinasyon İlkesi Çerçevesinde İncelenmesi", Ankara Barosu Dergisi, (2015/3): 530-531.



In this context, both the European Union member Greece argued that although it does not recognize Kosovo, it is a complete European perspective. Slovakia, on the other hand, emphasized the normalization of relations between Kosovo and Serbia and said that it would recognize Kosovo with the normalization of relations. In this regard, Kosovo's membership of the European Union has progressed both in the historical process and with the normalization of relations between Serbia and Kosovo today.

The problem of Kosovo's inability to be recognized internationally has been seen as a deficiency by Kosovo statesmen, and in this context, state strategies and international recognition efforts have started. With the international recognition policy published by the Ministry of Foreign Affairs of Kosovo as a priority in 2011, it was aimed to be recognized individually by the states through a one-on-one meeting, and it became a member of the European Union and a member of the United Nations in terms of membership in international organizations.

Kosovo's recognition strategies for both external and internal reasons have failed as a deficiency, aiming at international recognition through public diplomacy types and digital diplomacy. In this context, while external obstacles that we can consider as Serbia and other factors are one side, the internal structure of Kosovo can be considered as an internal reason for both the troubles in political life and the failures of diplomats to prevent the international recognition of Kosovo.

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