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Kosovo: Four Futures

**Spyros Economides, James Ker-Lindsay and
Dimitris Papadimitriou**

On 17 February 2008, after nine years of interim UN administration, Kosovo unilaterally declared independence from Serbia. Over the following weeks several major states announced that they would recognise Kosovo. These included the United States, the most significant members of the European Union (Britain, France, Germany and Italy) and a number of other Western and allied countries, such as Canada, Australia, Japan and South Korea. In the opinion of these states, Kosovo was a *sui generis* case whose independence was vital for maintaining regional peace and security.¹ Many other states, however, were adamantly opposed to Kosovo's secession. These included Russia, China, Brazil and India, as well as a number of EU member states, most notably Spain, Romania, Slovakia, Greece and Cyprus. As these opponents saw it, Kosovo's declaration was a fundamental infringement of Serbia's sovereignty and undermined the principle of the territorial integrity of states. As a result of these deep differences on the international stage, Pristina's expectations of gaining swift UN membership were dashed and Kosovo found itself in limbo.

For its part, Serbia quickly announced that it would not oppose Kosovo's secession through violence. Instead it confined its campaign to political, diplomatic and judicial avenues. Belgrade began an intensive lobbying cam-

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paign against recognition. Most notably, in October 2008, Serbia managed to secure a UN General Assembly resolution referring the question of the legality of Kosovo's Unilateral Declaration of Independence to the International Court of Justice in The Hague.² This led to a marked slowdown in the number of recognitions, as many states chose to await the court's decision before announcing their own positions. Having been recognised by 49 countries in the first few months after its declaration, by June 2010, almost two and half years later, Kosovo had been recognised by only 69 of the 192 members of the UN.

Oral proceedings at the International Court of Justice took place in December 2009.³ On 22 July 2010, the court delivered its long-awaited and highly anticipated opinion.⁴ In what had been widely seen as the most important case in the court's history, the judges decided to opt for a very narrow reading of the question posed to them, concluding that 'general international law contains no applicable prohibition of declarations of independence ... the declaration of independence of 17 February 2008 did not violate general international law'.⁵ The judges did, however, stress that they were not taking a position on the legality of the act of secession itself, which remains very much an open question. In fact, the court was explicit on this point:

In the present case, the question posed by the General Assembly is clearly formulated. The question is narrow and specific; it asks for the Court's opinion on whether or not the declaration of independence is in accordance with international law. It does not ask about the legal consequences of that declaration. In particular, it does not ask whether or not Kosovo has achieved statehood. Nor does it ask about the validity or legal effects of the recognition of Kosovo by those States which have recognized it as an independent State ... Accordingly, the Court does not consider that it is necessary to address such issues as whether or not the declaration has led to the creation of a State or the status of the acts of recognition in order to answer the question put by the General Assembly.⁶

This decision to pursue a narrow approach to the question, and leave aside the issue of the legality of the actual act of secession, was crucial inas-

much as those states that had opposed Kosovo's independence were left free to continue doing so. As a former senior UN official in Kosovo noted, 'the ICJ decision resolved nothing and the Kosovo status issue remains unsettled'.⁷ Thus, while the United States quickly called on countries to recognise Kosovo, both Russia and China announced that the ruling would have no effect on their stance.⁸ Similarly, the five EU member states that had so far refused to recognise Kosovo appeared to be holding firm to their position.⁹ Therefore, while the tally of recognitions will likely grow, Kosovo will nevertheless remain on the margins of the international community.¹⁰ Some form of political solution is still needed.

The four most likely scenarios for the future of Kosovo are continuation of the status quo (Kosovo effectively remains divided, subject to contested legitimacy and internationally maintained); full independence within current boundaries; a formal agreement to adjust the boundaries (the northern tip remains part of Serbia in return for Belgrade dropping opposition to independence for the remaining areas); and extended and reinforced autonomy for Kosovo's northern territory. All have both merits and drawbacks. Negotiated and extensive autonomy for northern Kosovo seems to be the preferred option internationally and is the likeliest outcome. Yet the more radical option of a negotiated partition offers the best hope for drawing a line under the contested issue of Kosovo's statehood. Such a solution would allow Kosovo and Serbia to forge a more normal relationship as they each pursue EU membership.

More of the same

The default scenario is a continuation of the status quo. This form of what might be called 'maintained independence' for Kosovo is only feasible because of the political and economic largesse of Kosovo's Western backers. It is certainly not an attractive long-term option and may prove untenable even over the medium term. The major problem is the status issue. Pristina claims that as independent statehood has been formally recognised by around one-third of UN members, the issue has been resolved. But a significant proportion of the international community is uncertain about Kosovo's claims to statehood, a question deliberately left unresolved by the

court ruling. This has real implications: Kosovo is precluded from UN or EU membership (although it has secured membership in the IMF and World Bank).¹¹

The status quo is therefore essentially a holding operation. But for how long can this holding operation be maintained? The most acute problem stems from the concerns of locals. Kosovo's Albanian population, and certainly its leadership, regarded NATO intervention in 1999 (and by implication all subsequent international initiatives in Kosovo) as a prelude to full independence.¹² Indefinite continuation of the status quo might increase frustrations and lead to further radicalisation of the Albanian population,

especially as many believe that the court's opinion meant that Kosovo's statehood was in fact legal, and that full membership of the international community should now follow swiftly. As the past has shown, especially in 2004, when frustrations grow ethnic violence is still possible.

The presence of EULEX (the EU's rule-of-law mission) and the continuing NATO deployment of some 9,500 troops (KFOR) in support of the EU and the UN provide some guarantee against the outbreak of large-scale violence. But the potential for unrest and conflict is always present, particularly

in the divided town of Mitrovica, where there have been recent clashes and where Kosovo independence is particularly strongly contested by local Serbs.¹³ The status quo also involves a general policy of Serb non-cooperation with the authorities in Pristina. This cannot be tolerated over the long term if Kosovo is to be workable as a state in terms either of inter-ethnic relations and civil governance, or financial viability and economic development. At best, Kosovo would remain a frozen conflict. At worst, it could become a failed state.

Prolonging the status quo is not, however, without benefits for certain actors. For Serbia it serves important domestic political purposes. It has long been realised that Kosovo cannot be brought back under Serbian rule, but no Serbian leader has wanted to admit this. The current situation saves them from having to say so openly. Belgrade is happy to claim that Kosovo's final status remains unclear and that Serbia should be a central part of any future

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negotiated settlement of the status issue.¹⁴ Domestic opinion is thus held in check, placated by the argument that Serbia has not rescinded its sovereign rights over Kosovo and that there is a measure of international support for this position. The non-cooperation of the Serbs in Kosovo is likewise encouraged by current conditions. Incentives, whether domestic or international, for them to participate in Kosovo's state institutions remain limited while they see Kosovo's final status as indeterminate. They seek to run their local affairs under Serbia's aegis and with ongoing international security guarantees devolving from UN Security Council Resolution 1244.

Also, assuming that the threat of violence can be kept in check (which is by no means certain or easy), maintenance of the status quo may prove useful insofar as it can serve as midwife to a more European solution to the status issue at an opportune moment. The key ingredient in this scenario is the international presence in Kosovo, primarily through the EU and NATO. Despite the contested status of Kosovo, the EU provides political legitimisation of its structures of governance and the promise of a continued flow of EU funds under its Instrument for pre-Accession and other financial-support programmes.¹⁵ This reinforces the message that Kosovo, along with Serbia, will one day join the EU, making the issue of borders less important. This model also makes it easier for Serbia to engage with Kosovo. Although there is no explicit demand from the EU, or even the United States, that Belgrade recognise Kosovo, there is an expectation that it will seek to engage with Pristina.¹⁶ EU figures have increasingly emphasised that if Serbia wishes to join the Union it must have good relations with all of its neighbours, including Kosovo.¹⁷ The current divisions within the EU may actually make this easier to achieve, as Serbia can take its lead from those EU members that do not recognise Kosovo but have nevertheless decided to work constructively with the authorities in Pristina.¹⁸

Similarly, the security guarantee provided by EULEX and KFOR generates the necessary space and time for ethnic reconciliation which, although unlikely in the short term, is necessary for long-term stability in Kosovo. Under this security blanket and in the context of the ambiguity over Kosovo's status, the EU can also engage with Serbs and Albanians in equal measure. It acts impartially, but through its institutions (such as the EU House in

Mitrovica) it attempts to entice Serb groups into Kosovo's structures of governance by providing both incentives and guarantees. It also ensures that Kosovo's Albanians are constantly reminded that the Serb inhabitants have rights which deserve to be promoted and protected.

Another regional conundrum, Bosnia and Herzegovina, illustrates the implications of all this for Kosovo. Bosnia has remained an independent state under international tutelage (some would say as a protectorate) since the 1995 Dayton Accords established the current state.¹⁹ It is plagued by constitutional arrangements that simultaneously attempt to provide both distance and methods of cooperation between the ethnic communities involved, to keep neighbours out and to give the international community overwhelming powers to police and regulate the system. These features, all evident in the current situation in Kosovo, have not yielded the anticipated long-term results. Bosnia is peaceful, has a Stabilisation and Association Agreement (SAA) with the EU and benefits from full international recognition. But these advances have to be balanced against the fraught relations between the entities, mirroring persisting ethnic antagonisms, and the inability of local actors to reach agreement on power sharing and governance on a federal level. Without foreign presence, support and pressure, there are no guarantees that Bosnia would not either fall apart or be swallowed up, at least partially, by neighbouring states. This is not an example many would like to see emulated in Kosovo.

Enforcement of the Ahtisaari plan

Another possible trajectory in the aftermath of the ICJ opinion is a shift by both sides towards a more assertive pursuit of their objectives. The Kosovo Albanians and their supporters, perhaps prematurely, have hailed the court decision as a major win. It may embolden them to act more assertively and push to resolve the status issue by establishing independent statehood over all of Kosovo, along the lines set out in the draft status plan devised by UN Special Envoy Martti Ahtisaari in 2007. Although it was never endorsed by the UN Security Council, the Ahtisaari plan nevertheless forms the basis of Kosovo's supervised independence and envisages a degree of decentralisation for Serbian areas. Thus far, progress on implementing this

decentralisation has been limited. However, the Serbian enclaves in the south appear increasingly to be coming to terms with the fact that they will never return to direct Serb rule and that they will have to cooperate with Pristina. A strategy for the full implementation of the Ahtisaari plan would therefore focus on bringing the Serb-populated areas of northern Kosovo to heel.²⁰ Under these circumstances, the 'parallel structures' in the north may come under severe pressure.

This strategy would be both high risk and difficult to achieve. For a start, it would almost certainly require a significant show of force. Thus far, the Serbs in the north have put up stiff resistance to attempts to alter the status quo. Sending in officials from Pristina backed by armed local police units, or even international forces, would mean a real danger of violent clashes.²¹ The hope and expectation would be that this would be manageable and fairly short lived, after which the Kosovo Serb community would accept the situation. But there are good reasons to believe that this would not be the case. There would be a real danger that an insurgency could emerge as Kosovo Serbs sought to resist Pristina's rule indefinitely. This would necessitate a serious, and potentially long-term, international peacekeeping commitment. It would also serve to undermine efforts to build Kosovo into a full and functioning state.

There could also be major spin-offs in Serbia. While many Serbs are pragmatic enough to realise that most of Kosovo is now lost, they nevertheless resent the one-sided way in which it was done. A robust implementation of the Ahtisaari plan in the north carries a real potential of radicalising Serbian public opinion, swinging it firmly against the European Union and the United States. This could have severe political ramifications. Until now, despite its outright refusal to accept the Ahtisaari proposals, Belgrade has been careful not to sever contacts with the United States and has remained committed to EU accession. For its part, Washington has invested substantial diplomatic capital in improving diplomatic relations with Serbia. In addition to supporting Serbia's EU accession, senior US officials, including Vice-President Joe Biden, have said that while they expect Serbia to develop

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a neighbourly working relation with Kosovo, they do not expect Belgrade to recognise it. If Washington were seen to have supported, or even instigated, a move against the north, it is likely that these relations will be severely damaged. This would make it harder for the United States to work with Serbia on a range of other international issues, such as Bosnia.

EU leverage over Serbia could likewise be diminished. More importantly EULEX could become irrelevant. Kosovo Serbs would refuse to work with it, and Kosovo Albanians, emboldened by their success, might well treat it as they came to treat UNMIK, as an unwanted and unwelcome symbol of continued dependence on the international community.

An effort to enforce the Ahtisaari plan would almost certainly serve to entrench existing divisions within the EU. Any attempt to cement statehood over all of Kosovo would raise considerable consternation amongst the five states that have thus far chosen not to recognise Kosovo. Behind the legal wrangling lie very real security concerns involving their own minorities or regions. If no common ground can be found within the EU over the future of the Ahtisaari proposals, the most likely scenario will be the descent of the EU's strategy in Kosovo into a series of bilateral, competing, agendas.

Finally, assertive enforcement of the Ahtisaari plan could heighten tensions between Russia and the United States at a time when relations have been improving. During the latter years of the George W. Bush administration, the Kosovo status talks were an irritant in what was already a deteriorating relationship. With the Obama administration seeking to reset the relationship, acting unilaterally could be read in Moscow as an act of bad faith by Washington. No one expects Washington to rescind its recognition of Kosovo; US officials have always been adamant that this will not happen. But refusing to rescind recognition is different from pursuing an aggressive campaign to cement independence.

Partition or boundary adjustment

The third scenario is some form of partition of Kosovo. This idea has long received high-level support from leading international figures with considerable experience working in the Balkans, such as Sir Mike Jackson, the first commander of KFOR.²² Recently a number of observers have supported it as

a solution.²³ Although the idea was broached by the EU–US–Russia Troika in 2007, it did not go far. The Kosovo Albanians voiced strong opposition to the idea, but the main stumbling block was in fact Serbia. No one in the Serbian government was willing to be seen to sign off on such a solution, even though many understood that this was likely to be the best outcome Serbia could secure.²⁴

Such a move would not be as drastic as it might appear. Rather than involving an equal split between Belgrade and Pristina, it could instead see the northern tip of Kosovo, predominantly inhabited by Serbs, formally ceded to Serbia. In return, the Serbian government would accept that the rest of Kosovo could pursue independence without formal opposition. This would not necessarily mean Belgrade would immediately recognise Kosovo as an independent state; more likely, Serbia would quietly signal that it would no longer oppose independence. This would open the way for UN membership for Kosovo, which otherwise would be blocked by a Russian or Chinese veto in the Security Council. The expectation would be that Serbia would eventually normalise its relations with Pristina, leading to formal recognition of Kosovo's independence.

The idea has a pragmatic dimension. Serbian decision-makers understand that they will never be able to reintegrate Kosovo under full Serbian authority and sovereignty, nor would many of them want to try. However, most Serbs continue to feel deeply aggrieved at the way in which Kosovo's path to its unilateral declaration evolved.²⁵ Allowing Serbia to keep the northern tip would go a long way towards addressing these grievances and allow the Serbs to walk away from Kosovo with at least a modicum of honour. The north, for all intents and purposes, is already fully integrated into Serbia. The Kosovo Serbs living there are unlikely ever to accept Pristina's rule.²⁶

This idea has, however, been roundly rejected by the United States and other leading supporters of Kosovo's independence even if, in private, there does seem to be a realisation that the option may be worth exploring.²⁷ The reasons for this rejection appear to be twofold. Firstly, there is concern about Albanian reactions; talk of partition has been strongly opposed by many

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Kosovo Albanian leaders.²⁸ The fear is that an attempt to allow the northern tip to formally be annexed by Serbia would spark demonstrations and renewed violence.²⁹ But this need not be the case, as such a deal would be a trade-off for Kosovo's formal integration into the international community. A second, more important reason is the deep-seated fear that such a solution would serve as a precedent. If Kosovo can be divided, it is not a great stretch to argue that Republika Srpska in Bosnia should be allowed to go its own way, or the Albanian areas in neighbouring Macedonia should be able to secede.³⁰

It is important to stress that a partition would have to be consensual. There is nothing in international law that says a state cannot relinquish part of its territory if it so wishes. In other words a Serbian decision to accept Kosovo's independence need not mean that Macedonia, Bosnia or any other state has to accept the secession of part of its territory.

There are several of variants on the partition scenario. One is a proposal for a land-swap between Kosovo and Serbia.³¹ In return for giving up the north, Kosovo would gain certain areas in southern Serbia (mainly around the Presevo Valley) that are predominantly inhabited by ethnic Albanians. This idea has been publicly rejected as the basis for an agreement by both sides, but may still be a feasible option for a final settlement if they do decide to discuss territorial changes.³² Another, far more radical, option is for Kosovo, in return for relinquishing the north to Serbia, to be allowed the right of self-determination, which might result in some form of union with Albania. Like partition, this too has been explicitly rejected as the basis of a solution by the Contact Group. Unlike the land swap idea, however, it would also appear to have little (if any) international support at present. And polls suggest that it may have a far greater degree of support amongst ordinary Kosovo Albanians than their leaders would publicly admit.³³ The idea of some sort of union between Kosovo and Albanians nevertheless remains very much on the margins of the debate over Kosovo's future.

Autonomy for Serbian areas

A fourth scenario would be some form of autonomy for northern Kosovo and perhaps the Serbian enclaves in the south. This option seemed to have been

increasingly favoured in the run-up to the ICJ opinion, and was explicitly raised as a potential solution by Jean-Francois Fitou, the French ambassador in Pristina.³⁴ During the earlier status talks, Austrian Chancellor Alfred Gusenbauer announced that his government was working with Serbia to explore the South Tyrol model, amongst others, as a possible solution for northern Kosovo.³⁵ Such a solution would now likely see Kosovo Serbs granted extensive control over key day-to-day issues, with minimal interference from Pristina. The area could retain links with Belgrade; indeed, Serbia could be given some sort of formal role, perhaps as a guarantor of the region's autonomy.

This scenario would still entail an independent Kosovo with its current borders. Although the position of the Kosovo Serbs would be strengthened, it would still leave many in Serbia deeply unhappy that the Kosovo Albanians appeared to have been given everything, and Serbia nothing. And many Kosovo Serbs might reject the idea on the grounds that they had no wish to live within an independent Kosovo, no matter how much autonomy they had. This option therefore would still run the risk that it might lead to some form of insurgency. Even assuming that it was acceptable to the Serbs, too, there would still be major hurdles to overcome. For example, it could only be achieved by freezing the current situation, with some form of official declaration from Pristina that no steps would be taken to enforce its rule in the north pending a formal agreement on how autonomy would be structured and implemented. Given the ill will between the two sides, such negotiations could be lengthy and difficult. Another problem is security: the Kosovo Serbs would almost certainly want some sort of guarantee that the Kosovo Albanians would stick to their word. Given the mistrust that many have towards NATO, in particular, and the EU there might be reluctance to allow either to oversee the arrangement. This raises the prospect of allowing Serbian forces in or finding another suitable peacekeeper, perhaps Russia.³⁶ Either scenario would likely be opposed by the Kosovo Albanians as well as Western states.

Autonomy would likely be bitterly rejected by many Kosovo Albanians. Although the Ahtisaari Plan forms the basis of the declaration of independence, and is fully enshrined within the constitution of Kosovo, it is not

particularly liked by many Kosovo Albanians, who find its provisions for fettered and supervised independence a bitter pill to swallow. Many feel the current situation, whereby Serbs and other minorities are given extensive group rights, is already a significant compromise. The current administration in Pristina has set its sights on dismantling the parallel structures in northern Kosovo. Far from getting rid of them, this model would give these structures formal legitimacy. For this reason, officials in Pristina have insisted that discussions on a special status for the north are 'inconceivable'.³⁷

Another issue that would have to be addressed would be the formal relationship between the north and the central government. The same issue emerged in earlier discussions of granting Kosovo extensive autonomy within Serbia.³⁸ Few Serbs would have been happy handing over parliamentary seats, cabinet posts, ambassadorships or a vice-presidency to ethnic Albanians, and Kosovo Albanians who still wanted independence would have used their place within state institutions to push for it. The same arguments would surely apply to the Kosovo Serbs if they were granted autonomy within Kosovo. They could not be kept out of central administration, and yet within those institutions they could cause all sorts of problems. This would, at best, further destabilise Kosovo efforts to establish full and effective political institutions and hinder Kosovo's path towards EU accession. At worst, it could lead to greater tensions, perhaps even conflict, between the majority Kosovo Albanians and the minority Kosovo Serbs. In effect, adopting this approach could well create not another South Tyrol but another Bosnia.

For all its potential drawbacks, the autonomy option seems to have gained favour. Reports suggest that, their rhetoric notwithstanding, Kosovo Albanian political leaders might be open to the idea. Aware perhaps that the ICJ ruling has not given them full political legitimacy on the international stage, and their path to UN membership is still blocked, there may be some within the leadership who would be willing to explore the option of autonomy in more detail. Indeed, Fitou noted that Hashim Thaci, Kosovo's Prime Minister, was 'susceptible' to the idea.³⁹

The International Court of Justice's opinion marked neither the end of Kosovo's path to independence nor legitimised its secession from Yugoslavia. The court explicitly refrained from addressing the issue of secession, the heart of the matter, and numerous states have indicated that the opinion will not alter their decisions not to recognise Kosovo. A political solution will have to be found that meets the needs of Albanians and Serbs alike.

The stability achieved in Kosovo since the military intervention in 1999 has come at great cost. The political capital and financial outlay needed to sustain Kosovo under Security Council Resolution 1244 has been immense. Meanwhile, the political cost of achieving the relative demilitarisation of society and preventing a resurgence of ethnic violence has been the almost total segregation of the Albanian and Serb communities. This is not sustainable in the long term.

Whichever of the four scenarios for the future of Kosovo is most realistic or realisable, there is a general need to reach agreement on the territory's final status. The court's opinion is a potential catalyst for change, inasmuch as it may offer enough of an opportunity for all parties concerned to adjust their positions and seek closure. Final status will have to take into account not only the needs and aspirations of the local inhabitants and regional actors, but also those of actors outside the region; whether states like the US, Russia or China or international institutions like the EU and the UN. It is also clear that only a negotiated agreement, reached through the participation and acquiescence of Serbs and Albanians alike, is likely to achieve an effective and lasting settlement.

Unilateral actions and imposed solutions have not worked in the past and are unlikely to find the widespread acceptance needed to secure a lasting settlement. This makes it unlikely that enforcement of the Ahtisaari plan would meet with much support or success; even though it might gain a degree of support in some international quarters it privileges the Albanian position and ignores the Serbian case altogether. A territorial adjustment that would allow Kosovo to unite with Albania is also an outlier, posing great challenges to the organising principles of the international system and undermining international strategy towards the western Balkans since the early 1990s.

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The perpetuation of the status quo cannot be politically and economically sustained by the international community. Nor can the EU be expected to shoulder the burden of a frozen conflict and potentially a failed state in perpetuity. More importantly, the local Albanian community will not accept the continuance of the status quo, especially in light of the court opinion. It can only be maintained so long as there are signs of movement towards a permanent solution.

Of the four scenarios, therefore, those with the broadest appeal are partition or extended autonomy for the Kosovo Serbs. Partition could provide the best long-term guarantee for peace and prosperity for Kosovo and Serbia, but it is not without political and legal pitfalls. It brings to the fore the issue of territorial realignments – the redrawing of frontiers – which the international community has wanted to avoid since Yugoslavia began its bloody disintegration. Nevertheless, it offers the sort of territorial, ethnic and political terms which could undo the deadlock both regionally and internationally.

The more likely scenario for the future of Kosovo involves enhanced autonomy for the Serbs of northern Kosovo. This solution would avoid the problem of border changes and would guarantee both the rights of the Serbs and the majority position of the Albanians, who would have their independence fully recognised. It will, however, be an extremely difficult settlement to reach.

Notes

- ¹ 'EU Fudges Kosovo Independence Recognition', *EU Observer*, 18 February 2008.
- ² UN General Assembly Resolution A/63/L.2 (2008). The resolution posed the following question to the International Court of Justice: 'Is the Unilateral Declaration of independence Proclaimed by the Provisional Institutions of Self-Government of Kosovo in Accordance with International Law?' The resolution was passed 77 votes in favour, 6 against and 74 abstentions.
- ³ The written submissions and oral proceedings, which for the first time saw all five permanent members of the Security Council participate, can be found on the ICJ website, <http://www.icj-cij.org/>.
- ⁴ International Court of Justice, 'Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo',

- 22 July 2010, <http://www.icj-cij.org/docket/files/141/15987.pdf>.
- 5 Ibid., para. 84.
 - 6 Ibid., para. 51.
 - 7 Gerard Gallucci, 'Kosovo – the ICJ Speaks', *TransConflict*, 22 July 2010.
 - 8 'US Urges Broader Recognition of Kosovo following Court Ruling', VOA News, 22 July 2010; 'Russia: Ruling Won't Make Kosovo Independence Legal', Reuters, 22 July 2010; 'Chinese Envoy Confirms Support over Kosovo', Tanjug, 26 July 2010.
 - 9 'Slovakia Remains Firm: No Recognition of Kosovo', Deutsche Presse-Agentur, 22 July 2010; 'Cyprus, Romania on Kosovo after ICJ ruling', B92, 23 July 2010; 'Spain in Fresh Kosovo Statement', B92, 24 July 2010. Greece took a slightly more ambiguous tone, noting that, 'preserving peace, stability and cooperation in the Balkans is our key priority'. 'Athens "Ready to Support Stability in Balkans"', B92, 24 July 2010.
 - 10 According to Chapter II, Article 4, Paragraph 2 of the UN Charter, 'the admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council'. This means that, contrary to widespread reports, Kosovo cannot join the UN by simply having the support of a majority of states in the General Assembly. It must have the support of the Security Council first, which means Russia and China can veto its application.
 - 11 Although the International Monetary Fund (IMF) is a specialised agency of the UN, membership of the IMF is not formally tied to UN membership.
- According to Article II of Articles of Agreement of the International Monetary Fund, it is based on criteria decided by the Board of Directors. As a result, and with the active support of key members, such as the United States, Britain, Germany and France, Kosovo was able to become the 186th member of the IMF and the World Bank. It is unclear how the ruling of the Court will affect this decision. Interestingly, even if all five members of the European Union that reject Kosovo's declaration of independence were to decide to recognise it, it is uncertain whether it would be allowed to join the EU if it were still denied membership of the United Nations. EU official, comments to James Ker-Lindsay, February 2010.
- 12 Blerim Shala, 'Because Kosovars are Western, There Can be No Homeland without a State', in W.J. Buckley (ed.), *Kosovo: Contending Voices on Balkan Interventions* (Cambridge: Eerdmans, 2000), p. 187.
 - 13 For a review of the disturbances that took place see the transcript of the UN Security Council meeting, 6 July 2010, SC/9972.
 - 14 'Serbia Fighting to Secure New Negotiations', B92, 12 July 2010.
 - 15 'Kosovo – Towards European integration', Communication from the Commission to the European Parliament and the Council, 17 December 2009, COM (2009) 534 final, http://europa.eu/legislation_summaries/enlargement/western_balkans/el0003_en.htm. Kosovo receives disproportionate economic support compared to other western Balkan states and schemes have been

- created specifically to meet its situation. 'Kosovo under UNSCR1244/99 Progress Report', Brussels, 14 October 2009, SEC(2009) 1340.
- 16 See, for example, 'French FM Support to Serbia's EU Integration', *Balkan Insight*, 1 March 2010; 'US Doesn't Expect Serbia To Recognize Kosovo Independence', Beta News Agency, 24 June 2010.
 - 17 'Van Rompuy: "No Doubt on EU Commitment to Balkans"', *EU Observer*, 5 July 2010.
 - 18 For example, Greece has a liaison office in Pristina and Spain had to engage with Kosovo officials during its EU presidency, in the first half of 2010.
 - 19 'Dodik: Bosnia under Protectorate', *B92*, 23 April 2009.
 - 20 The change in Serb attitudes was particularly evident during the November 2009 local elections, where Serb participation in the enclaves was significantly up compared to the previous election, indicating, if not a formal acceptance of independence, a realisation that they need to participate in Kosovo's political institutions. 'Kosovo Election Divides Serbs', BBC News, 14 November 2009.
 - 21 'Diplomat: Upcoming Kosovo Ruling will be Spun by Both Sides', Euractiv, 20 July 2010.
 - 22 Mike Jackson, 'There's a Minefield just Ahead in Kosovo', *Daily Telegraph*, 9 December 2007.
 - 23 See, for example, Nikolas K. Gvosdev, 'Unfreezing Kosovo', *Foreign Affairs*, 26 April 2010, <http://www.foreignaffairs.com/articles/66392/nikolas-k-gvosdev/unfreezing-kosovo>.
 - 24 'Serbs Mull Over Partitioning Kosovo', Balkan Investigative Reporting Network, 16 August 2007.
 - 25 James Ker-Lindsay, 'The Importance of Process in Peacemaking', *Peace Review*, vol. 22, no. 1, January 2010, pp. 57–64.
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