

The Prospects of Membership in International Organizations: The Case of Kosovo

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Abstract: The purpose of this paper is to analyze the perspective of Kosovo and its membership in international organizations. There are three pillars upon which the analysis of the paper is built. Initially the general question of theoretical frameworks in general the organizations which focus on the elaboration of the very concept of statehood and state-building in general and specifically on Kosovo. The final section deals with a range of behaviors and initiatives of countries in general and the challenges for membership in international organizations. With the aim of contextualizing the subject, the paper focuses on the case of Kosovo state and membership in international organizations with a view to strengthening the international subjectivity and security in the international arena. Finally, the paper concludes that the importance of the accession countries, namely Kosovo's membership in international organizations, and the use of multilateral diplomacy are vital to their safety and welfare.

Keywords: Kosovo; international organizations; diplomacy; strategy

1. International Organizations and their Division

International organizations, unlike states, are non-territorial entities of international law (Mingst, 2004). Thus, it can be said that the territorial conditionality of the subjectivity of international law of a particular state, as regard to the international organizations can be replaced by functional conditionality in the form of international cooperation between countries. Functionalist theory the cause and the

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presentation of objectives of the existence of international organizations sees on the achievement of the objectives, or with other words, on the achievement of interests of the members of international organizations to whom the organization itself was established. International organizations will exist until its members have an interest for it. While, through them they accomplish their aims and interests. Otherwise, it is impossible not to consider the fact that the growing number of international organizations and their spheres of action faithfully follow the extension of the scope of international cooperation, the conditions and technological advancements of mankind (Gruda, 2003).

One of the complaints that is usually imposed to the functionalist theory is its interest and its focus on to the state. This approach is based on the assumption that states are the primary subjects of international law and as the main actors in the international community in general. International organizations are often seen as a means by which states achieve their interests. In this sense, functionalist theory, and the process of the proliferation of international organizations, is seen as a kind of progress towards in institutionalization of the international community. Some authors go further by concluding that this process is replacing the state of “anarchy” in international relations (De Zurko, 1957).

In this context, authors face some sort of paradox in the aspect of co-existence of the fear for the state sovereignty because of the “threat” which is caused from the extension of the international organizations, even with the restriction of the so-called *domaine réservé* for the states. Functionalist theory has been developed by David Mitrany, who has seen the supranational tendency as an effective tool to avoid international disputes and the insurance of international (Mitrany, 1994). The main example of this tendency is European Union. The member states for the interest of the community they agreed to give up some part of their national sovereignty. Thus, from its establishment, the EU has proved that if the cooperation between states is sincere and it is based on mutual interest, conflicts of the past can be replaced with the economic prosperity (Reka & Ibrahim, 2004).

2. Why States Should Operate Within The International Organizations?

International organizations, from the beginning of their existence, have played an important role in the increasing the interaction between the states. In this context,

they are considered not only a tool for states, but as an important actor too. In the process of creation of new states in international system of states, there are established interdependence relations between states and international organizations. In this regard, the transactions across the state borders are increased significantly. This include, but is not limited to, movement of people, movement of goods, flow of the information, movement of capital etc. All these processes, first and foremost, need a regulatory body, institutions or a particular organism which is above states in regulating this issues. Here is where international organizations come into the stage. In this way, the entire world politics is influenced by the activity of international organizations regardless if they are governmental organizations or nongovernmental organizations. It is worth mentioning that, in the interdependence era that we are living today, the importance and the impact of these organizations is increasing significantly.

However, it is important to note that international organizations have an important role and function in pushing forward different objectives and to create a standard in different fields such as: education, health care, economic development, environmental protection, human rights, humanitarian efforts, cooperation, establishment of norms and principles among member states, contacts and intercultural conflict resolution. These are generally benefits of states that derive from the international organizations as a way to help on security and standardization of goods. In this context, it is recommended that countries to stimulate, namely to develop, special relationship with international organizations.

Relationships of states with international relations should be understood depending on the political system of states separately. The involvement of states in IO is done, first and foremost, for security issues and for reasons which are linked mainly to stimulate mutual cooperation with the strong emphasis in economy and economical support. Many authors believe that states can be more secure if they become member of organizations as much as possible. So, they can use them as a security mechanisms. Another important benefit is that states can use organizations to apply the so called multilateral diplomacy. So, they besides bilateral meeting, can try achieving their goals and objectives through multilateral forums. Economic benefications that states gain by being part of international organizations is of the main aims for them to peruse membership. This is more imperative if we take into the consideration weak and small states who tend to use IO as a tool for their penetration in world politics. We can say that international organizations have become an important part of the process of development and democratization for

countries and often their presence is felt in many aspects of life. This is best illustrated by the post-communist and post conflictual states. It is worth mentioning that the main fields where IO invest the most (financially and nonfinancial) are, but not limited too, transport, environment, justice, economic development, education, Health etc.

3. Membership of Kosovo in International Organizations

In general, statehood has two dimensions: the internal and the external dimension. Republic of Kosovo, the newest country in Europe, declared its independence on February 17 2008. Judged based on its specific circumstances, Kosovo has made substantial progress in addressing both dimensions of statehood. However, until the full consolidation of Kosovo's statehood, both internally and externally, yet there are many important challenges to be addressed. Regarding the external dimension of statehood, so far Kosovo has been recognized by more than 110 countries, including here strong and influential states like United States and the majority of European Union countries (23 out of 28). In addition to this, Kosovo has managed to join some of the important international economic organizations such as the World Bank and International Monetary Fund. Both these institutions are specialized agencies of the United Nations Organization. Nevertheless, challenges still remain to be addressed until full accomplishment of international or external dimension of the Kosovo's statehood. For instance, Kosovo is still not recognized by 5 member states of the EU. Moreover, Kosovo is not a member of the UN or other relevant regional or international organizations such as: Council of Europe, Organization for Security and Cooperation in Europe and, under the current circumstances regarding international politics, it is not likely to happen soon.

Among the main tasks of Kosovo, since the declaration of its independence, is the construction and consolidation of its foreign policy. For this reason, Kosovo's foreign policy is focused on several strategic objectives. However, its basic objective has been, and remains, as defined in the strategic document "Foreign Policy Objectives of the Republic of Kosovo" (Ministria e Punëve të Jashtme e Kosovës , 2016), the accomplishment of the process of international recognition and membership in major international organizations and regional initiatives (Hey, 2003)

Kosovo's membership, as a small states, in the International Organization is a very important tool to be used. This kind of policy should be promoted more and in a creative way and, as a result, to be considered as a key aspect of foreign policy. In this way Kosovo will open more opportunities to increase the impact on other countries in a global world. Many authors argue that large countries have greater opportunities of acting individually. While smaller countries tend naturally to join the different organizations in order to increase their relative power and to achieve their goals of foreign policy and security (Hey, 2003).

4. Kosovo's Current Memberships in International Organizations

Since the declaration of its independence, Kosovo has managed to join some very important international organizations such as: The World Bank, International Monetary Fund, International Bar Association and the International Road Transport Unit. Kosovo since 2009 is a member of the International Monetary Fund and the World Bank, while on December 17, 2012 the Government of Kosovo has completed all internal procedures for accession to the European Bank for Reconstruction and Development, while it remains a real challenge building a strategy on how to join World Trade Organization. Membership in the International Monetary Fund and the World Bank, among others, was seen as a good opportunity to increase the confidence of investors and the international community that Kosovo is a good place to invest to. Despite this, representatives of businesses consider that since the membership in these two financial institutions, is not seen some kind of rapid economic development of Kosovo. Nevertheless, the role and the importance of international organizations, in this case the role of the IMF, has been focused in economic and financial stability in general. This have had important impact in the overall economic development of Kosovo. The main aim of these institutions is to offer loans to the Kosovo institutions. They tend to affect the most important priorities of Government programs. However, it is understandable the effects of these loans cannot be seen immediately in ground. Many authors consider that this is the main hindrance of these kind of institutions. The World Bank aim to create financial and fiscal stability, a process which takes time and a lot of work and commitment by the local institutions. With its membership in the European Bank for Reconstruction and Development, Kosovo has increased much more its possibilities for projects. These projects are with economic significance interests in many fields such as: infrastructure, rural areas,

economic development, health, education and other important sectors which, in one way or another, impact the economic development of Kosovo. By saying so, it can be concluded that the membership of Kosovo in these international mechanism, will have impact not only in the political development, but also in strengthening the economic aspects of the country.

5. Challenges Memberships in International Organizations

Kosovo has made some significant progress in state-building process, thanks to the support provided by international actors, including states and international organizations too. In this regard, European Union is providing important support in the legal reform, more specifically in implementing policies which contribute to the alignment Kosovo institutions with the institutions and policies of EU. It is a necessary requirement that Kosovo institutions to work closely with the EU representatives and structures in Kosovo in order to meet the EU agenda and creating a more realist EU perspective for Kosovo.

The European Union is already an important component which affects political and economic processes in Kosovo. This serves a solid basis to build and develop the country based on high level standards and guidelines. It can be concluded that Kosovo, like never before in its history, in approaching to EU integration processes slowly but, until this developing stage, successfully. It is important to mention that its EU perspective is shared with the view and perspective of those of Western Balkans. The increasing concentration of the EU presence in the country actually is affirming Kosovo. The country is on a good path towards the European perspective, and is constantly making progress with devotion in transforming the society and states institutions in compliance with the EU standards.

6. Integration of Kosovo in Regional Initiatives

Regarding the participation of Kosovo in regional initiatives and organizations, it is noticed that this has gone through two main phases. The first phase has to do with regional participation of Kosovo under the administration of United Nations Interim Administration Mission in Kosovo (UNMIK) which, in principle, it began in 2004. Since then UNMIK achieved to sign a number of regional initiatives on behalf of Kosovo such as: Energy Community Treaty, European Common Aviation

Area Agreement, South East Europe Transport Observatory, CEFTA, and, most importantly the Regional Cooperation Council (Doracak për Nismat e Bashkëpunimit Rajonal në Evropën Juglindore, 2016). Within the framework of its mandate, representatives of UNMIK in regular basis participated in all these international organizations trying to bring Kosovo, in political and economic aspect, closer to the region developments. It can be said that this representation of UNMIK on behalf of Kosovo was efficient and particularly successful in areas such as: trade, energy, transport and infrastructure.

However, this approach changed with years. The main modifications were done before year 2008 when Kosovo was preparing to declare its independence. As a consequence, UNMIK had to gradually transfer its competencies to the Kosovo institutions. After the declaration independence, Kosovo faced very difficult changes to be engaged in regional initiatives and organizations (Doracak për Nismat e Bashkëpunimit Rajonal në Evropën Juglindore, 2016). During this second phase, Kosovo's participation in regional initiatives was seriously hampered by a strong opposition from Serbia and other states that did not recognized the independence of Kosovo. In one of the meetings between Kosovo and Serbia delegations in Brussels, facilitated by the EU, both countries had managed to reach an agreement regarding the arrangements concerning the representation and regional cooperation (Demjaha, 2014). According to this agreement, Kosovo will participate in its behalf in regional initiatives and, at the same time, will represent itself in all the intergovernmental meetings as an equal partner with all the participating countries. However, contrary to the agreement, Serbia in continuity blocked or boycotted all the regional meetings where Kosovo was invited as a partner. Thus, they raised serious doubts regarding the goodwill for the implementation of this and other agreements which they reached in negotiations with Kosovo delegation. However, while the Belgrade efforts contributed significantly in the slowdown the process of recognition of Kosovo and its integration into the regional structures, these efforts failed to stop the complete integration process.

Nevertheless, Kosovo's future perspective for participation in regional initiatives are interlinked with the success that Kosovo will have in achieving new recognitions for its independence. This is especially true for five EU members that have not recognized Kosovo's statehood (Komisioni Evropian, 2014). Because of these five member states, the EU is unable to speak with one unique voice when it comes to Kosovo, and, as a consequence, the EU cannot treat Kosovo with the

same approach as with other states in the Western Balkans. Kosovo, supported by EU countries in general and Germany in particular, should use the opportunity of signature of Stabilization and Association Agreement, to advance further in economical development and, at the same time, to put pressure on other states who did not recognize Kosovo yet. These efforts should be focused, after all, in Greece and Rumania which recently have shown signs of changing their positions towards recognition of Kosovo (Doracak për Nismat e Bashkëpunimit Rajonal në Evropën Juglindore, 2016). Eventual recognition by these two member states of the EU, in spite it will put pressure on Serbia to remove its opposition to membership of Kosovo in regional forums, will also present a big step toward Kosovo international integration (Doracak për Nismat e Bashkëpunimit Rajonal në Evropën Juglindore, 2016). In order to achieve this, Kosovo must engage seriously in a comprehensive reform of its public administration. More than seven years after independence, Kosovo's public administration remains inefficient, corrupted and highly politicized (Doracak për Nismat e Bashkëpunimit Rajonal në Evropën Juglindore, 2016). The Government and the Kosovo have shown a lack of understanding, strategy and of coordination to join the regional organizations and initiatives. In order to improve its performance and to import knowledge and projects from the regional participation, the Kosovo government should allocate sufficient human and financial resources for such purposes. If Kosovo deals successfully with these three determinant factors, in the future we will move forward to a meaningful and successful regional integration (Strategjia për Arritjen e Njohjes së Plotë Ndërkombëtare të Republikës së Kosovës, 2016)

7. Conclusion

The paper dealt with the political and legal developments in the Balkan region, respectively the state of Kosovo. The aim was to treat the historical flow and the political, legal and social developments, as well as the geopolitical aspect in Kosovo and its membership in international organizations. In this way we analyzed the perspective of Kosovo's membership in international organizations and as a result authors came to some meaningful conclusions which are strongly based on the theoretical consideration and as well as in the practical data collected from political and legal documents. It is important to say that these conclusions can be seen as recommendations for Kosovo institutions as well.

Kosovo as a new state with its specifics until now has joined a range of international organizations which bring a political perspective, respectively the recognition by international countries, as an opportunity for its protection and strengthening of the independence and reinforcing its international subjectivity in international relations.

Kosovo satisfactorily is affiliated to regional organizations but that does not pertain to the major organizations that produce powerful effects for a country such as the EU, UN, NATO and so on, in these organizations Kosovo is not represented yet. So it is necessary to change the strategy in order to be part of these international organizations.

So far, Kosovo's membership in international organizations is not satisfactory that is observed even in practice, when Kosovo is almost a year without any recognition, this is tested by the survey by respondents, while in this direction the political elite must reflect in order to be more proactive in order to solve the deadlock of political and diplomatic representation, through the infusion of authentic intellectual capacities.

As a small country, Kosovo should be more flexible in implementing policies, and persistent in implementing international requirements and recommendations which will bring a perspective and greater urgency in the international arena.

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