

Integrating Kosovo into the United Nations System

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INTEGRATING KOSOVO INTO THE UNITED NATIONS SYSTEM

I. Introduction

As long as it remains a partially recognized state, Kosovo's foreign policy will be limited. It must choose partners according to convenience, not interest; its citizens' rights will always be tenuous in states that do not recognize it; and it will be kept out of multilateral forums giving pooled resources and vision unavailable in bilateral arrangements. To pursue its interests without these handicaps, Kosovo must integrate into the community of states. No organization represents this community more than the United Nations. It provides the center, balance and lodestar for the international community. States invest more legitimacy in it than any other organization and through its near universal membership it serves as the guide to international norms.¹ If any organization is a place of meeting and recognition for the society of states, it is the UN.²

Accession to the UN would thus legitimate Kosovo as a state. It would normalize Kosovo's foreign relations with its peers, as all states, including belligerents, interact under the auspices of the UN. It would also signal to other states that Kosovo is a member in good standing of the international system sharing the principles of sovereignty, non-aggression and acceptance of international law. Instead of a separatist threat setting a dangerous precedent for territorial integrity, Kosovo would be a state committed to international norms.

This analysis considers Kosovo's options for entering the UN and its affiliate organizations. The first section discusses why Kosovo will not accede to the UN soon, as the forces aligned against its membership are currently impossible to overcome. The next section will then consider other entries into the UN system, namely the autonomous UN specialized agencies. These organizations do not offer Kosovo near the same legitimacy that UN membership would—no organization could—but joining them would normalize Kosovo's presence and lessen its isolation. They could also help Kosovo address internal problems. The third section tries to give context to the push for membership in these specialized agencies, noting costs, potential models for Kosovo to follow and realistic expectations for the path forward. The final section draws upon a set of policy recommendations.

2. Inaccessibility of the UN

Fitting its universal character and its role as cipher for its members, the UN's criteria for membership are vague and left to the member states for application. According to Article 4 of the Charter of the United Nations

“1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations

2. 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

¹ Michael N. Barnett, “Bringing in the New World Order,” *World Politics* 49, no. 4, 1997, p. 526-551

² Hedley Bull, “Hobbes and International Anarchy,” *Social Research* 48, no. 4, 1981, p. 717-738

Security Council.”³

The International Court of Justice found the five criteria in Paragraph 1—statehood, peace-loving nature, acceptance of obligations, ability to carry out obligations, willingness to carry out obligations—to be an exhaustive list of issues to be evaluated by the Security Council and the General Assembly for membership.⁴ Outside considerations should not affect the decision, though, as the remainder of this section will show, they inevitably do. Additionally, the ICJ found that the Security Council recommendation must be positive.⁵ At least nine members of the Security Council must vote for a new member with none of the five permanent members⁶ voting against it.⁷ Once approved by the Security Council, two-thirds of members voting in the General Assembly must approve a new member.⁸ If a state meets acquires these majorities, membership is assured.

As Kosovo’s standing and ability to fulfill the criteria in Paragraph 1 have been discussed extensively elsewhere,⁹ this analysis will only discuss why Kosovo likely cannot join the UN in the near future. As Efevwerhan notes, all five Paragraph 1 criteria have been used for political reasons to block undesirable states from joining the UN.¹⁰ In Kosovo’s case, it is the first—statehood—that is used the most often. States that do not recognize Kosovo argue that it is ineligible because it is not a state. Kosovo’s application would not leave the Security Council for this reason. Two permanent members—Russia and China—would veto. Russia supports Serbia’s position,¹¹ while China conditions recognition on a permanent settlement between Kosovo and Serbia.¹² Even if Russia and China abstained, nine affirmative votes in the Security Council could be difficult. The current formation of the Security Council has ten states that recognize Kosovo, but this composition could change as non-permanent members rotate out. Specifically, it is unlikely both Security Council members from the Asia-Pacific UN regional grouping will continue to recognize Kosovo, as a majority of the grouping does not. While three of the four members from the East Europe and Africa UN regional groupings recognize Kosovo, only bare majorities in each grouping does so. The number of seats recognizing Kosovo could easily drop to two.¹³ The Latin America and Caribbean grouping is currently represented by two states that do not recognize Kosovo. This is unlikely to change, as the majority of the states in the grouping do not

³ Charter of the United Nations, Article 4, available at <http://www.un.org/en/documents/charter/index.shtml>

⁴ Admission of a State to the United Nations (Charter, Art. 4), Advisory Opinion: I. C. J. Reports 1948, p. 57, available at <http://www.icj-cij.org/docket/files/3/1821.pdf>

⁵ Competence of Assembly regarding admission to the United Nations, Advisory Opinion: I.C.J. Reports 1950, p. 4, available at <http://www.icj-cij.org/docket/files/9/1883.pdf>

⁶ China, France, Russia, the United Kingdom and the United States

⁷ Charter of the United Nations, Article 27

⁸ *Ibid.*, Article 18

⁹ See David Efevwerhan, “Kosovo’s chances of UN membership: a prognosis,” *Goettingen Journal of International Law*, 4, no. 1 (2012): 93-130, available at https://www.academia.edu/4380875/Kosovos_Chances_of_UN_Membership_Go_JIL_4_2012_I

¹⁰ *Ibid.*

¹¹ Darya Korsunskaya, “Russia to lend Serbia \$500 million, pledges support on Kosovo,” *Reuters*, 10 April 2013, available at <http://www.reuters.com/article/2013/04/10/us-russia-serbia-loan-idUSBRE9390OP20130410>

¹² Xinhua, “China urges continued effort to settle Kosovo issue via dialogue,” *Global Times*, 20 November 2013, available at http://www.globaltimes.cn/content/826293.shtml#_UvIDbEjdUWk

¹³ The Africa and Asia-Pacific groupings share an Arab “swing seat” where the groupings alternate between electing an Arab state to one of their Security Council positions. This is more important in the Asia-Pacific grouping, where the only one of eight likely candidates—Lebanon—does not recognize Kosovo than in the Africa grouping, where the number of Arab states not recognizing Kosovo is closer to the Africa norm, with three of seven likely candidates—Morocco, Algeria and Tunisia—withholding recognition. For a various reasons, Iraq, Syria, Sudan, Somalia and Comoros are unlikely to be given the Arab swing seat. Currently, the Asia-Pacific grouping hosts the seat, likely explaining why both Asia-Pacific seats recognize Kosovo.

recognize Kosovo and most of those that do have never served on the Security Council.¹⁴ Only the Western Europe and Others regional grouping provides a consistent two states recognizing Kosovo, though Spain is a consistent threat to change this.¹⁵ The number of Security Council members recognizing Kosovo could easily come up short of the required nine. If a recommendation came out of the Security Council, the General Assembly would not pass Kosovo's membership. Currently, less than two-thirds of UN members recognize Kosovo. Thirty-four non-recognizers would have to abstain while all recognizers voted for Kosovo's membership. Such a result is unlikely given the contentious nature of Kosovo's statehood.

These hypothetical votes also assume that recognition would be the only factor. However, of the states that became independent and joined the UN after 1989, all resolved their relationship with their parent state beforehand. Estonia, Latvia and Lithuania had outstanding self-determination claims against the Soviet Union, as they were independent before involuntary absorption into the Soviet Union during World War II. The Soviet Union was abolished before nine other Soviet republics¹⁶ joined the UN. The Socialist Federal Republic of Yugoslavia no longer existed by the time its constituent members started to join the UN. The Czech Republic and Slovakia amicably divorced before joining the UN separately. All other new states¹⁷ held a referendum on independence approved by their parent states.

Kosovo fits none of these categories. It was not a recognized state before 2008. Serbia remains a viable state, albeit one without effective authority in Kosovo. Serbia and Kosovo have not reached an amicable divorce and Serbia shows no signs of respecting a referendum. The closest comparison may be Bangladesh, which won independence from Pakistan in 1971. While Bangladesh was widely recognized, including by staunch Pakistani allies like the US, China blocked its UN membership until 1974 when a settlement was reached.¹⁸ Past decisions indicate that there would be reluctance in the UN to admit Kosovo before a final settlement with Serbia.

A final settlement with Serbia may be a necessary criterion for UN membership. It may not be sufficient, however. Russia used Kosovo's independence to justify its recognition of Abkhazia and South Ossetia's independence from Georgia.¹⁹ There has been little appetite internationally to recognize either, but Russia may leverage its recognition of Kosovo into momentum for a settlement in its Caucasus satellites. A final settlement between Serbia and Kosovo would weaken Russia's position, since Russia tied its policy to Serbia's, but Russia may hold out for recognition of Abkhazia and South Ossetia. Not only is Kosovo's UN membership unlikely in the near term, it may be decided by factors over which Kosovo has no control. For this reason, it will be best for Kosovo to focus on the achievable by targeting membership in the autonomous specialized agencies of the United Nations System.

3. Accession Possibilities in the UN System

¹⁴ Only Colombia, Costa Rica, Guyana, Honduras, Panama and Peru recognize Kosovo and have served on the Security Council from this grouping. Additionally, since 1987, neither Argentina nor Brazil has gone more than seven years without holding a Security Council seat from the grouping, while no state in the grouping recognizing Kosovo has been reelected to the Security Council less than nine years after holding the seat since 1960. The recognizing state reelected the most often—Colombia—last held the seat in 2012.

¹⁵ Israel is also in this grouping, but its inclusion in the Security Council would be so intolerable to so many UN states that it will not be elected.

¹⁶ Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, and Uzbekistan; in a quirk of history, Ukraine and Belarus were original UN members in spite of not being independent states, meaning they did not need to apply to join the UN; Russia took over the Soviet Union's seat

¹⁷ Namibia, Eritrea, Palau, Timor-Leste, Montenegro and South Sudan

¹⁸Efevwerhan, "Kosovo's chances of UN membership"

¹⁹Clifford Levy, "Russia backs independence of Georgian enclaves," *New York Times*, 26 August 2008, available at http://www.nytimes.com/2008/08/27/world/europe/27russia.html?ref=abkhazia&_r=0

The UN System reaches far beyond the United Nations Organization at its core. It also contains UN-associated, but functionally independent programs, funds and agencies. While programs and funds created by the UN either do not have member states or limit their membership to UN members, specialized agencies select their members autonomously. These agencies are those “established by intergovernmental agreement and having wide international responsibilities, as defined by their basic instruments, in economic, social, cultural, education, health and related fields.”²⁰ These agencies arose independently have specific functions and joined the United Nations system through agreements with the UN’s Economic and Social Council. They coordinate their activities in the Economic and Social Council as well as the United Nations System Chief Executives Board for Coordination, but remain independent.

Joining these specialized agencies is crucial for any state. They focus on issues requiring universal participation to be effective—atomic energy, telecommunications, international postal service, etc.— and often drive global norms. Basic global rules for postage, aviation and intellectual property are defined in these forums. Kosovo must join these organizations if simply to have input into global norms. Since special agencies determine their own membership, they also allow Kosovo to join outside the fraught UN accession process. This is both an advantage and a limitation. While membership in these organizations would give Kosovo input into important issues and access to aid and development expertise, none will provide the legitimacy of UN membership.

In the UN system, there are 15 specialized agencies. There is also the International Atomic Energy Agency, which does not qualify as a specialized agency due to its functions, but operates similarly. Of these, Kosovo has applied for membership in three: the International Monetary Fund (IMF), the World Bank Group (WBG), and the United Nations Educational Scientific Organization (UNESCO). The first two organizations were likely the easiest for Kosovo to join. In 2009, Kosovo became a member of both the IMF and the WBG. They provide evident, critical services and had favorable membership rules. The IMF provides advice for development and a backstop to prevent financial failure. To become a member, a state only must receive a majority of votes cast. Votes are divided by contribution to the fund.²¹ Since the top five IMF contributors recognize Kosovo and hold more than a third of the votes, building a majority was rather simple.²² The World Bank Group provides loans and grants for education, private sector development and infrastructure. It also does not vote on new members, as IMF members may join the World Bank Group.²³ Kosovo’s membership in these two specialized agencies was an easy priority to identify and it was easy to build the necessary coalition to join them.

Membership in IMF and WBG has been opposed by Serbia and its allies. Serbia has written to all the IMF’s members while asking them to reject Kosovo’s membership. However, the strong support and pressure of Kosovo allies including US, UK, Germany, and France to other smaller countries has led Kosovo in joining these organizations. Kosovo’s membership in IMF and WBG was seen as a victory in the young country’s efforts to gain international recognition, though the focus of the discourse was shifted to potential economic and financial benefits.²⁴

However, Kosovo has failed to join the UNESCO as it did not attract enough votes from

²⁰Charter of the United Nations, Article 57

²¹ Articles of Agreement of the International Monetary Fund, Articles II and XII, available at <http://www.imf.org/external/pubs/ft/aa/index.htm>

²²International Monetary Fund, “IMF Members Quotas and Voting Power and IMF Board of Governors,” Last Modified 3 March 3, 2014, available at <http://www.imf.org/external/np/sec/memdir/members.aspx>

²³Articles of Agreement of the International Bank for Reconstruction and Development (BRD), Article II, available at http://siteresources.worldbank.org/BODINT/Resources/278027-1215526322295/IBRDArticlesOfAgreement_English.pdf. The IBRD determines membership in the other constituent parts of the World Bank Group.

²⁴ UNPO. “Kosova: Acceptance to the IMF” May 2009. Available at <http://unpo.org/article/9556>

UNESCO member states, falling three votes short of the required two-thirds majority among member states. Ninety-two states voted in favour, fifty against and dozens abstained. Kosovo faced strong opposition from Serbia and its allies, though Serbia has agreed through the Brussels agreement to not hinder Kosovo in joining international organizations. UNESCO membership does not apply the same weighted voting similar to the IMF and WBG. For a state to join UNESCO, it must be invited by the UNESCO General Conference upon recommendation by the UNESCO Executive Board which consists of 58 member states that elected by a regional formula.²⁵ Successfully, the majority of the 58 UNESCO executive board members voted in favour and the membership bid was put to a final vote at UNESCO's general conference in November 2015, while being rejected membership.

UNESCO presents the first foreign policy failure of Kosovo institutions in joining a UN specialized agency. In practice, UNESCO membership would have especially benefited Kosovo in the educational and cultural fields. Its education programs could have addressed glaring difficulties noted by the European Commission, such as the marginalization of Roma,²⁶ Ashkali and Egyptian children and the lack of support for pre-school education.²⁷ It could have also helped keep and maintain Kosovo's many important cultural heritage sites, as it already does at the Novobërdë Fortress.²⁸ Maintaining these monuments, especially those related to Kosovo's minority groups, is important to creating a community across ethnic groups in Kosovo.

Kosovo's membership rejection to UNESCO was portrayed by global media as a victory for Serbia and Russia and a blast to Kosovo's mission for international recognition.²⁹ In the same lines, Serbia's president, Tomislav Nikolić, stated "This is a just and moral victory gained in almost impossible conditions, when what is right cannot count on the support of the majority"³⁰. On the other hand, Kosovo's deputy foreign minister, Petrit Selimi, did not interpret membership rejection as a complete failure and stated "...The majority of the world wants to see Kosovo inside UNESCO. We were only three votes short"³¹. In Kosovo the civil society discourse was demanding and critical toward the political elite. A more coordinated approach and an overarching involvement of stakeholders was suggested by civil society in the next try of joining UNESCO.³² Overall, there was disappointed and sadness in the streets of the capital city, who were hoping to celebrate victory in joining the world's largest cultural organization.³³

The agencies described in the remainder of this section do not have the simple path of the IMF and World Bank, but a rather more demanding one - similar to UNESCO. Only one (the International Fund for Agriculture and Development) uses weighted voting similar to the IMF. Most follow the UN model and require more than one body to approve new members. Most

²⁵ UNESCO, *Basic Texts*, "Rules of Procedure of the General Conference," p. 64-66, available at <http://unesdoc.unesco.org/images/0021/002161/216192e.pdf>

²⁶ UNESCO specifically notes support to integrate Roma children into schooling as part of its education priorities. UNESCO, *36 C/5-Approved Program and Budget, 2012-2013*, p. 38

²⁷ European Commission, "Kosovo* 2013 Progress Report," p. 36

²⁸ UNESCO, "Novobërdë/Novo Brdo fortress revitalization initiative," accessed 4 March 2014, available at <http://www.unesco.org/new/en/unesco/partners-donors/the-actions/culture/fortress-revitalization-initiative/>

²⁹ Dailymail. "UNESCO rejects membership for Kosovo in victory for Serbia" November 2015. Available at <http://www.dailymail.co.uk/wires/ap/article-3310151/UNESCO-begins-divisive-debate-Kosovo-membership.html>

³⁰ The Guardian. "Kosovo failed in Unesco membership bid" November 2015. Available at <https://www.theguardian.com/world/2015/nov/09/kosovo-fails-in-unesco-membership-bid>

³¹ Ibid.

³² KFOS. "What went wrong with UNESCO Membership?" April 2016. Available at http://kfos.org/wp-content/uploads/2016/04/FINAL-1_Brief-Analysis-UNESCO_English.pdf

³³ New York Times. "Unesco Rejects Kosovo Membership in a Victory for Serbia" November 2015. Available at https://www.nytimes.com/2015/11/10/world/europe/unesco-rejects-kosovo-membership-in-a-victory-for-serbia.html?_r=0

require large majorities. Some offer ways into membership without voting, but these may appear obnoxious and unilateral. Some provide services so disconnected from Kosovo's needs that the required political capital to join them would bring little reward. Any effort to join the UN Specialized Agencies should identify those organizations closest to what the IMF and World Bank offered: a service helping Kosovo and an easy ability to gain access to the institution.

Before analyzing Kosovo's membership prospects for individual organizations, four assumptions should be noted. First, it is assumed that the Kosovo Ministry of Foreign Affairs count of recognitions is accurate at 116³⁴ UN member states and that non-state members of UN specialized agencies follow their parent state's foreign policy. Three of these recognitions—Burundi, Nigeria, and Uganda—are contested.³⁵ Second, it is assumed any vote on Kosovo's membership requiring all recognizing states to vote in favor and more than 21 non-recognizing states to abstain in a representative body where each state receives one vote will be highly unlikely. This partially reflects that states recognizing Kosovo include many small island states with limited foreign policy capacity and may simply not be able to afford to send their representative to vote. It is also based on the UNESCO vote for Palestine's membership, where 173 of 194 member states were present, implying controversial membership votes will receive high turnouts.³⁶ Third, it is assumed that no member state within an organization will have their voting privileges suspended. Member states may be suspended over unpaid dues, but neither states that recognize Kosovo nor states that do not recognize it appear particularly prone to not paying their dues. For example, neither Israel nor the US holds voting rights in UNESCO due to unpaid dues, but they are split on recognizing Kosovo. Predicting shifts in voting rights over dues would be extraneous to this paper. This does not mean the Kosovo Government should not pay attention to which states have lost voting rights, as that can change the vote calculations present in this paper; however, whether states pay their dues has nothing to do with Kosovo and is not within its power to control. Fourth, it is assumed that, in cases where the organization has an executive board with a voice in membership, the member states will have equal chance of joining an executive board in their organizations within the rules of that organization. This is both a limitation of the author and the scope of this paper, which is not to parse the internal politics of UN specialized agencies, but to assess Kosovo's basic path to joining them.³⁷

Food and Agricultural Organization (FAO)

While the Food and Agricultural Organization concentrates the minds of member states on the problems of hunger and agricultural sustainability, it can have questionable utility. The FAO provides a global forum for states to set goals to combat these problems, while providing technical expertise to boost states' agriculture and feed their populations. The FAO also coordinates efforts to handle acute crises, such as famine, diseases affecting crops and livestock and natural disasters.³⁸ Currently, the FAO runs projects for Kosovo through Montenegro involving

³⁴ Ministry of Foreign Affairs. International Recognitions of the Republic of Kosovo. Available at <http://www.mfa-ks.net/?page=1,259>

³⁵ Insajderi. "Burundi thotë se ka tërhequr njohjen ndaj shtetit të Kosovës" February, 2018. Available at <http://www.insajderi.com/ky-shtet-terhoqi-sot-njohjen-e-pavaresise-se-kosoves/>
Bota press. "Kjo është e vërteta...Nigeria nuk e ka njohur kurrë Pavarësinë e Kosovës" November, 2017. Available at <http://botapress.info/kjo-eshte-e-vertetanigeria-nuk-e-ka-njohur-kurre-pavaresine-e-kosoves/>

³⁶ The Guardian, "How UNESCO countries voted on Palestinian membership," *The Guardian*, 1 November 2011, available at <http://www.theguardian.com/world/2011/nov/01/unesco-countries-vote-palestinian-membership>

³⁷ It will be noted that no assumptions are made about the compositions of the International Atomic Energy Agency and International Maritime Organization boards and that only the current boards are commented upon. This is because both use criteria involving interests in atomic energy and international shipping that change independent of the organization and cannot be predicted in the scope of this paper.

³⁸ See Food and Agriculture Organization, "Reviewed Strategic Framework," 22 June 2013, available at

surveillance for avian flu, improving the lives of herders and developing the forestry sector.³⁹ While laudable goals, they do not address root problems in Kosovo, namely fragmentation of farmland and inability to access markets.⁴⁰ The benefits of joining the FAO seem slight and its activities immaterial to Kosovo's agricultural needs.

The FAO's procedure for admitting new members makes discussing Kosovo's potential membership academic. Once a state submits an application and accepts obligations upon admittance, its application must be considered by the Conference of the Organization. In the Conference, each member state receives one vote and there is a quorum of half of all member states. The new member must receive two-thirds of votes cast.⁴¹ Of the FAO's 194 members, 111 recognize Kosovo. Thirty-two non-recognizing states must abstain while all recognizers voted for Kosovo's membership. This scenario is unlikely enough that Kosovo will probably not join the FAO unless a series of states recognize it. Since the FAO may not significantly benefit Kosovo agriculture, Kosovo should table any discussion of joining the FAO.

International Atomic Energy Agency (IAEA)

The International Atomic Energy Agency is the international agency most responsible for monitoring and developing the use of nuclear technology. Its social and economic activities, in which Kosovo would have the most interest, promote access to nuclear power, support the "safe and effective use" of nuclear technology in medicine, agriculture and scientific research, and facilitate cooperation between states in the use nuclear power.⁴² The Board of Governors and General Conference must approve new member states based on their ability and willingness to carry out their obligations.⁴³

Assuming Kosovo would be able and willing to carry out its obligations under the IAEA, it may receive enough votes in the Board of Governors and the General Conference based on recognition. The Board of Governors is elected from the member states in a convoluted arrangement where the IAEA Board of Governors could include between 32 and 40 member states.⁴⁴ Currently, it has 35, 21 of which recognize Kosovo. According to the Board of Governors' Rules of Procedure, two-thirds of member states on the Board attend a meeting for there to be quorum on a vote and any recommendation of a new member must be approved by a majority of votes cast.⁴⁵ All members of the Board know the agenda in advance of any meeting.⁴⁶ Since the 21 states recognizing Kosovo do not form a two-thirds majority, three non-recognizing states' representatives must attend a meeting with Kosovo's membership on the agenda. These states may prefer to boycott unless Kosovo's membership is dropped, but could be persuaded to attend and simply abstain. If this occurs, Kosovo would need approval from a majority of votes cast in the General Conference, where each state receives one vote and states recognizing Kosovo form a slight majority at 89 out of 161.⁴⁷ Kosovo would need all of these states to vote for Kosovo's

<http://www.fao.org/docrep/meeting/027/mg015e.pdf>

³⁹United Nations in Montenegro, "FAO in Montenegro," accessed 3 March 2014, available at <http://www.un.org/me/un-agencies/fao-in-montenegro>

⁴⁰ European Commission, "Kosovo* 2013 Progress Report," 16 October 2013, available at http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf, p. 37-38

⁴¹ Constitution of the Food and Agriculture Organization, Article II, available at

<http://www.fao.org/docrep/meeting/022/K8024E.pdf>

⁴² International Atomic Energy Agency (IAEA), "Medium Term Strategy 2012-2017," available at

http://www.iaea.org/About/mts2012_2017.pdf

⁴³ Statute of the IAEA, Article IV, available at <http://www.iaea.org/About/statute.html>

⁴⁴*Ibid.*, Article VI

⁴⁵IAEA Board of Governors, "Rules of Procedure," Article VII, available at

<http://www.iaea.org/About/Policy/Board/bgrulesI.html>

⁴⁶*Ibid.* Section IV

⁴⁷ IAEA General Conference, "Rules of Procedure," Article XI, available at

membership in a bruising contest where Kosovo's membership is barely approved.

This hardship would be endured to win international aid for an inconsequential industry in Kosovo. Beyond medical practices, Kosovo does not significantly use atomic energy. Its main difficulty is registering radiological medical devices and disposing of radiological waste. The EU already helps Kosovo in these areas.⁴⁸ Paying such a high price for the symbol of recognition in an organization of which Kosovo has little need is pointless. IAEA accession should be tabled until Kosovo's candidacy would be less controversial or nuclear technology becomes a more important part of the economy.

International Civilian Aviation Organization (ICAO)

The International Civil Aviation Organization provides most regulation for civil aviation. It sets standards for aviation safety, security, navigation and development. It also convenes workshops to educate aviation officials, promotes the proliferation of civil aviation and facilitates cooperation between states to improve performance.⁴⁹ Membership in the ICAO, however, would have limited value for Kosovo. Accession would not force Serbia to allow flights in and out of Kosovo to fly over its air space, as the ICAO gives member states the right to "designate the route to be followed by any international air-service and the airports which any service may use."⁵⁰ Kosovo officials already receive training and guidance to standards within the European Civil Aviation Area (ECAA), which pushes members to conform to ICAO security standards and uses the ICAO as an arbiter for disputes.⁵¹ Beyond having a voice in ICAO regulation, there is no evident motive for Kosovo to join the ICAO.

Additionally, the ICAO has a high bar for membership. First, the UN must assent to any state joining the organization. Next, the Assembly of the ICAO may prescribe any conditions for membership it wishes. After these conditions are fulfilled, the Assembly must approve membership by a four-fifths vote, interpreted as four-fifths of all member states holding voting power.⁵² The Convention on International Civil Aviation also states, "the assent any State invaded or attacked during the present war [World War II] by the State seeking admission shall be necessary."⁵³ Kosovo would have difficulty getting past one of these requirements, let alone all of them. Assent from the UN General Assembly for Kosovo's ICAO membership may require a two-thirds majority vote. The rules of procedure require "recommendations with respect to the maintenance of general peace and security" to receive a two-thirds vote, and non-recognizing states could argue that pushing of Kosovo's membership before a final settlement with Serbia would undermine international peace.⁵⁴ Even if a simple majority vote were allowed and the General Assembly assented to Kosovo's application, it would have to adapt to any requirements placed by the ICAO Assembly, which non-recognizing states could use to slow Kosovo's accession. Any vote on membership would fall short of the four-fifths required, as only 108 of the

<http://www.iaea.org/About/Policy/GC/gcrules.html>

⁴⁸ European Commission, "IPA 2013: Support to Radiation Protection and Nuclear Safety: 10-2013/02," available at http://ec.europa.eu/enlargement/pdf/kosovo/ipa/2013/ipa_2013_pf10_nuclear_safety.pdf

⁴⁹ International Civil Aviation Organization, "ICAO Strategic Objectives 2014-2016," available at <http://www.icao.int/about-icao/Pages/Strategic-Objectives.aspx>

⁵⁰ Convention on International Civil Aviation, Article 68, available at http://www.icao.int/publications/Documents/7300_9ed.pdf

⁵¹ European Commission, "Kosovo* 2013 Progress Report," p. 40-41; "Common Aviation Area Agreement between the European Union and its Member States, of the one part, and of Georgia the other part," Articles 15, 23 and 25, available at <http://www.official-documents.gov.uk/document/cm80/8055/8055.pdf>

⁵² Convention on International Civil Aviation, Article 93; Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization, Rule 53, available at http://www.icao.int/publications/Documents/7600_6ed.pdf

⁵³ Convention on International Civil Aviation, Article 93

⁵⁴ "Rules of Procedure of the General Assembly," Rule 83, available at <http://www.un.org/depts/DGACM/Uploaded%20docs/rules%20of%20procedure%20of%20ga.pdf>

191 member states recognize Kosovo. Finally, Serbia may claim that Kosovo's government descends from Albanian collaborators with the Axis Powers that fought against the government of Yugoslavia and therefore Serbia must assent to Kosovo's membership. With these difficulties, Kosovo likely cannot join the ICAO soon and the lack of tangible benefit should dissuade it from trying.

International Fund for Agricultural Development (IFAD)

The International Fund for Agricultural Development fits all of the principles of the type of organization Kosovo should be able to join and should target. It focuses on agricultural and rural development, providing technologies to improve the efficiency and sustainability of small farms, connecting financial institutions with small farmers to improve investment and improving how rural industries inside and outside of agriculture transport and sell their products.⁵⁵ While 61 percent of Kosovo's population lives in rural areas, farming is badly fragmented and underdeveloped. The technology used by farmers is outmoded. Investment is poor and there is a knowledge gap in production, transport and marketing. These problems suggest IFAD membership could help develop Kosovo's agricultural sector.⁵⁶ Joining IFAD should also not be difficult. A simple majority of the total number of votes in the Governing Council is required to join and voting is weighted by contribution to the fund.⁵⁷ Fifteen of the top sixteen contributors to IFAD recognize Kosovo and a coalition as small as 17 recognizers could reach a majority of the total number of votes. In total, states recognizing Kosovo hold 3112.758 of 4283.722 votes, well clear of the majority of total votes requirement as well as the two-thirds of total votes present required for a quorum.⁵⁸ With its targeting of such an important sector and easy access, Kosovo should quickly seek to join the organization.

International Labor Organization (ILO)

The International Labor Organization serves as the primary international guarantor of labor rights. It facilitates international labor conventions, dialogue between governments, employers and labor and policies to increase employment. It also monitors the compliance of member states with international labor regulations and has shown a willingness to identify member states breaking those regulations.⁵⁹ Membership in the ILO will bring little tangible benefits to Kosovo, as the ILO already has a presence in Kosovo, but it will sharpen the ILO's alacrity towards helping improve labor conditions in Kosovo, especially in addressing youth employment.⁶⁰ The ILO measures progress in terms of the number of member states, national employer organizations and unions adopting its policies and participating in its programs.⁶¹ While the ILO would certainly prefer to see labor improvements in Kosovo, it would be a much higher priority if it affected how the ILO's self-evaluation.

⁵⁵International Fund for Agricultural Development (IFAD), "Strategic Framework 2011-2015," available at http://www.ifad.org/sf/strategic_e.pdf

⁵⁶European Commission, "Kosovo* 2013 Progress Report," p. 437-38

⁵⁷Agreement Establishing the International Fund for Agricultural Development, Article 3, available <http://www.ifad.org/pub/basic/agree/e/01agree.pdf>; International Fund for Agriculture and Development (IFAD), "Rules of Procedure of the Governing Council," Rule 33, available at <http://www.ifad.org/pub/basic/gc/e/105govco.pdf>

⁵⁸IFAD, "Voting Rights of IFAD Member States as of 03/03/14," available at <http://www.ifad.org/governance/ifad/doc/vote.pdf>; IFAD, "Rules of Procedure of the Governing Council," Rule 26

⁵⁹ International Labor Organization (ILO), "Strategic Policy Framework 2010-2015," March 2009, available at http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_102572.pdf

⁶⁰European Commission, "Kosovo* 2013 Progress Report," p. 34; ILO, "ILO-IPEC steps to eliminate the worst forms of child labor in Kosovo," 2011, p. 14, available at http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_168288.pdf

⁶¹ILO, "Strategic Policy Framework 2010-2015"

The ILO admits new members through a vote in the ILO General Conference. Each member state sends four delegates: two representing the government, one representing employers and one representing workers. Each delegate has a vote in the General Conference, except when either the member state's delegate representing the workers or its delegate representing the employers is not present. In that case, only the delegates representing the government vote. A new member must receive two-thirds of total votes cast and by two-thirds of the government delegates' votes cast with a quorum of a majority of delegates.⁶² Kosovo is unlikely to get over the second threshold, making questions over how labor and business representatives may vote largely irrelevant. Only 103 of the 185 member states recognize Kosovo. If the government delegates from a state vote together, Kosovo would require all government delegates from states recognizing Kosovo to vote for its membership while 67 delegates from non-recognizing states abstain. Since this is improbable, Kosovo likely will not be able to join the ILO.

International Maritime Organization (IMO)

The International Maritime Organization seeks sets standards for international shipping and enlists states to ensure safety for international trade. It houses and facilitates treaties regulating maritime trade and safety. The IMO promotes safety, security and environmental measures to lower risk and cost in maritime trade. It also identifies trends affecting international trade.⁶³ Unless forbidden by the UN General Assembly, any state can apply to join the IMO. In Kosovo's case, to join it must receive a recommendation for membership from the IMO Council before two-thirds of all members in the IMO Assembly approve it. The IMO Council is composed of 40 states elected based on their interest in international shipping, with geography also determining 20 members. Voting in the Council is done by a majority of votes cast.⁶⁴ In the current Council, states recognizing Kosovo form a bare majority at 21 out of 40.⁶⁵ Even if it approved Kosovo, far less than two-thirds of voters in the IMO Assembly recognize Kosovo. Each member state holds a vote and only 98 of 170 member states recognize Kosovo. It is also hard to see any benefit for Kosovo in joining the IMO. Kosovo is landlocked. Of the seven states whose trade with Kosovo amounts to more than 100,000,000 euros a year, it borders three.⁶⁶ Kosovo's maritime interests are mostly limited to the Adriatic, Ionian and Aegean Seas and dependent on other states. Kosovo should not bother with the IMO until membership is easy enough to acquire that Kosovo's limited interests could justify the political investment.

International Telecommunications Union (ITU)

The International Telecommunications Union is one of the most important organizations in the world. It has shown rare capability to build common ground between member states to improve worldwide connections through telephones, radio waves and the Internet. This takes on an advisory capacity in making policymakers literate in telecommunications and cyber security, but also a regulatory capacity in the setting of country codes for telephone numbers. Additionally, the ITU regulates and brokers deals between states in the use of radio waves and satellites for communication. Given these basic functions performed, Kosovo should try to join the ITU as soon

⁶²ILO Constitution, Articles 1, 3 and 4, available at

http://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO

⁶³ International Maritime Organization (IMO), "Strategic plan for the organization (for the six-year period 2014 to 2019)," 27 January 2014, available at <http://www.imo.org/About/strategy/Documents/I060.pdf>

⁶⁴Convention on the International Maritime Organization, Articles 7, 15, 16 and 57, available at http://www.jus.uio.no/english/services/library/treaties/I4/I4-01/imo_consolidated.xml

⁶⁵International Maritime Organization, "Council III: 4 December 2013," available at <http://www.imo.org/MediaCentre/MeetingSummaries/Council/Pages/council-III.aspx>

⁶⁶ Kosovo Agency of Statistics, "External Trade Statistics," available at <https://esk.rks-gov.net/ENG/external-trade/tables>

as possible. However, the likelihood of success in the near future is low. The ITU gives each state one vote in membership and two thirds of all member states must approve a new member. Kosovo is only recognized by 113 of the 193 members of the ITU, falling short of the requirement. While membership in the ITU would be important for Kosovo, it will not occur soon.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

The United Nations Educational, Scientific and Cultural Organization promotes education, seeks to build links between academic institutions across state boundaries, protects cultural heritage, builds greater pluralism globally and pushes for the use of science in more sustainable global development. The most tangible of these efforts is the push for universal primary education, building scientific collaboration and designating “world heritage sites.”⁶⁷

For a state to join UNESCO, it must be invited by the UNESCO General Conference upon recommendation by the UNESCO Executive Board. The Executive Board consists of 58 member states that elected by a regional formula.⁶⁸ Currently, 24 members of the UNESCO Executive Board do not recognize Kosovo, which is close to the expected number of states that do not recognize Kosovo.⁶⁹ Meetings in the Executive Board require a majority quorum and recommendations for membership require a majority of votes cast.⁷⁰ Kosovo clears both thresholds easily in terms of recognition. In the UNESCO General Conference, however, it is more difficult. Each member state receives one vote. Quorum is a majority of member states and membership votes must be approved by a two-thirds majority of votes cast.⁷¹ Currently, only 111 of UNESCO’s 195 members recognize Kosovo, meaning 23 UNESCO members not recognizing Kosovo would have to abstain while all members recognizing Kosovo voted for its membership. No matter the context in terms of votes, Kosovo, as explained earlier, has applied but failed to join UNESCO. This scenario is still unlikely, meaning Kosovo’s membership in UNESCO will probably not be achieved in the near future.

United Nations Industrial Development Organization (UNIDO)

The United Nations Industrial Development Organization seeks to build the industrial capacity of its member states.⁷² It gives policy advice on how member states can build competitive industries that fit their resources and capabilities, sets standards for international trade and builds partnerships between member states and the private sector.⁷³ It specifically targets developing states and promotes sustainable growth.⁷⁴

Membership in UNIDO may take two potential paths. If a state is a member of the UN, the IAEA or a specialized agency, it may deposit an instrument of accession or ratification and adopt UNIDO’s Constitution. As Kosovo is a member of the IMF and World Bank Group, it could simply

⁶⁷UNESCO, *36 C/5-Approved Program and Budget, 2012-2013*, 2012, available at <http://unesdoc.unesco.org/images/0021/002152/215286e.pdf>

⁶⁸UNESCO, *Basic Texts*, “Rules of Procedure of the General Conference,” p. 64-66, available at <http://unesdoc.unesco.org/images/0021/002161/216192e.pdf>

⁶⁹ Calculated by multiplying the fraction of states within a regional grouping not recognizing Kosovo by the number of seats allocated. Actual expected value is 23.716 non-recognizers.

⁷⁰ UNESCO, *Basic Texts*, “Rules of Procedure of the Executive Board,” p. 81, 86, available at <http://unesdoc.unesco.org/images/0021/002161/216192e.pdf>

⁷¹UNESCO, *Basic Texts*, “Rules of Procedure of the General Conference,” p. 44; UNESCO Constitution, Article II, available at <http://unesdoc.unesco.org/images/0021/002161/216192e.pdf>

⁷²United Nations Industrial Development Organization (UNIDO), “Mission statement,” accessed 4 March 2014, available at <http://www.unido.org/mission.html>

⁷³UNIDO, “How we work,” accessed 4 March 2014, available at <http://www.unido.org/en/how-we-work.html>

⁷⁴UNIDO, “Mission statement”

deposit an instrument of ratification. However, this would be a rather blunt and unilateral path that could damage Kosovo's ability to interact with other members of the organization. On the second path, Kosovo would act as if it were not a member of any specialized agencies. In this case, it must receive a two-thirds majority of votes cast in the General Conference after a recommendation from the Industrial Development Board.⁷⁵ The Industrial Development Board consists of 53 member states elected from geographically defined groups.⁷⁶ On the current formation of the Industrial Development Board, 30 members recognize Kosovo, which is close to the expected number of states.⁷⁷ A majority of member states of the board form a quorum and a recommendation for a new member can be passed with a majority of votes cast.⁷⁸ With a majority of members recognizing it, Kosovo would clear this threshold. As with UNESCO, however, the General Conference presents a problem. The General Conference requires a quorum of two-thirds of member states and a new member must be approved by two-thirds of votes cast.⁷⁹ Each member state receives one vote and states recognizing Kosovo barely form a majority of members at 92 out of 167. If 38 states not recognizing Kosovo abstain and all member states recognizing Kosovo voted for its membership, it would be possible for Kosovo to gain membership, a very unlikely scenario. Membership on this path would likely be insurmountable for Kosovo.

Kosovo may not even desire UNIDO membership. Some of its most important allies, namely the US and UK, are not members. UNIDO also has a reputation for underachievement. The US, UK and Australia all withdrew from UNIDO because of poor returns on investment.⁸⁰ If an organization provides little value, political capital would be best spent elsewhere.

Universal Postal Union (UPU)

The Universal Postal Union serves the jejune, but important purpose of regulating international mail service. It sets priorities to improve the quality, quantity and security of global postal service and puts in place regulations for the flows of post across borders.⁸¹ Kosovo currently implements UPU regulations unilaterally.⁸² However, since it is not a member, it has no power to influence regulations made by the UPU. As the UPU has stepped into regulating money transfers,⁸³ this is potentially damaging for Kosovo. Remittances accounted for 9.3 percent of Kosovo's GDP in 2012 and 25 percent of remittances traveled by post or money transfer.⁸⁴ UPU regulations could

⁷⁵ Constitution of UNIDO, Article 3, available at http://www.unido.org/fileadmin/user_media/PMO/Constitution/UNIDO_Constitution_E.pdf

⁷⁶ Constitution of UNIDO, Article 9

⁷⁷ Assumes each state has equal chance of joining Industrial Development Board from their region. Calculated by multiplying the number of seats allocated to a group by the fraction in that group recognizing Kosovo. Actual expected value is 30.846 recognizing states.

⁷⁸ UNIDO, *Rules of Procedure of the Industrial Development Board*, Rules 32 and 51, available at http://www.unido.org/fileadmin/user_media/PMO/Rules_IDB/Rules%20IDB-E.pdf

⁷⁹ UNIDO, *Rules of Procedure of the General Conference*, Rule 73, available at http://www.unido.org/fileadmin/user_media/PMO/Rules_GC/Rules%20GC-E.pdf

⁸⁰ Patrick Goodenough, "U.K. becomes latest donor country to withdraw from U.N. development agency," *cnsnews.com*, 2 March 2011, available at <http://cnsnews.com/news/article/uk-becomes-latest-donor-country-withdraw-un-development-agency>

⁸¹ Universal Postal Union (UPU), *Annual Report 2012: Setting the Stage*, 2012, available at <http://www.upu.int/fileadmin/documentsFiles/resources/publications/2012AnnualReportEn.pdf>

⁸² Kosovo Law on Postal Services, Law No.03/LI 73, 2010, Article available at http://mzhe.rks-gov.net/repository/docs/Ligji_nr_031-173_per_Sherbime_Postareeng.pdf

⁸³ UPU, *Postal Payment Services Manual*, Article 5, available at http://www.upu.int/uploads/tx_sbdownloader/actInFourVolumesManualOfThePostalPaymentServicesEn.pdf

⁸⁴ United Nations Development Program and the Ministry of Foreign Affairs of Finland, "Study on Remittances in Kosovo," (2013), available at <http://www.finlandkosovo.org/public/download.aspx?ID=123522&GUID=%7BAA685E92-5EA2-4FA3-81FE-8531481DCC45%7D>

significantly damage Kosovo's economy, though the UPU has prioritized easing money transfers from diaspora, not increasing barriers.⁸⁵ Since this potential for damage exists, however, Kosovo has a keen interest in entering the UPU. However, it likely cannot do so. Applicants that are not UN members must be approved by two-thirds of all members. Only 116 of the 192 members of the UPU recognize Kosovo. However, the UPU does not refer to an applicant as a "state," but as a "sovereign country."⁸⁶ This distinction creates enough space for the overseas territories of the United Kingdom and the Netherlands to hold seats in the UPU. While these are not disputed territories, their presence does obfuscate the nature of members enough that some non-recognizing members may be persuaded to let Kosovo join the UPU. However, an additional 23 would have to be persuaded, making building a coalition difficult. Given the UPU's currently benevolent policies and the difficulty of membership, UPU membership should be tabled until Kosovo receives enough recognition to successfully apply for membership.

World Health Organization (WHO)

The World Health Organization fits the type of organization Kosovo should prioritize joining. It is the world's preeminent health organization. It coordinates alerts and international response to disease outbreaks. It manages responses to humanitarian crises and helps member states recognize and address public health problems, especially among the poorest and least served populations.⁸⁷ Meanwhile, Kosovo violates some basic tenants of public health. It keeps unreliable statistics, gives low priority to implementing health laws and fails to fulfill basic nutritional needs for pregnant mothers and young children. It spends relatively little in the health sector and delivery has been problematic.⁸⁸ The WHO's priority of improving members' public health framework reaches includes these issues and could help significantly improve the health system.⁸⁹

In addition to helping Kosovo address its public health problems, the WHO is relatively easy to join. It requires a simple majority of votes cast in its representative body, the Health Assembly.⁹⁰ Each member state receives one vote in the Health Assembly and members recognizing Kosovo form a comfortable majority with 111 of 193 votes. Quorum is a simple majority of members present, meaning non-recognizing states cannot prevent a vote.⁹¹ Kosovo's membership may not even cause consternation among the non-recognizing states, since two members, Niue and the Cook Islands, are not states and the WHO emphasizes its neutrality in disputes. Given the relatively ease of gaining membership and its potential benefits, the government of Kosovo should aggressively pursue membership in the WHO.

World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization helps drive global creativity and reduces barriers to trade by simplifying applying for international intellectual property rights. WIPO houses several systems allowing individuals to protect their creations over many jurisdictions. It also provides a

⁸⁵ UPU, *Postal Payment Services Manual*, Article 29

⁸⁶ Constitution of the UPU, Articles 2 and 11, available at http://www.upu.int/uploads/tx_sbdownloader/actInFourVolumesConstitutionManualEn.pdf

⁸⁷ World Health Organization (WHO), "The WHO agenda," accessed 4 March 2014, available at <http://www.who.int/about/agenda/en/>

⁸⁸ European Commission, "Kosovo* 2013 Progress Report," p. 35

⁸⁹ WHO, "The WHO agenda,"

⁹⁰ Constitution of the WHO, Article 6, available at http://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf?ua=1.%20http://www.who.int/governance/rules_of_procedure_of_the_wha_en.pdf

⁹¹ WHO, *Rules of Procedure of the World Health Assembly*, Rule 52, available at http://www.who.int/governance/rules_of_procedure_of_the_wha_en.pdf

dispute resolution system outside of courts, allowing for conflicting claims to be settled with low cost. WIPO also provides important capacity-building services, such as software upgrades and training, to strengthen intellectual property regimes in member states.⁹² This targeted technical assistance would be especially useful to make intellectual property offices more efficient and sustainable in Kosovo. Currently, the Processing of patent and trademark claims remains lengthy, as intellectual property agencies are ill-trained and understaffed.⁹³ Accession to WIPO could help with necessary changes.

Kosovo's ability to join WIPO depends on its willingness to cause consternation. There are three possible paths. First, Kosovo could simply ratify the WIPO Convention. As a member of two UN specialized agencies, Kosovo could do this unilaterally. This is the quickest and bluntest path to membership, but other member states may block aid to a state that bludgeoned its way to membership. Second, Kosovo could accede to the Paris and Berne Conventions before ratifying the WIPO Convention.⁹⁴ While this would require the same unilateral behavior, it would at least show Kosovo's dedication to WIPO standards. Kosovo already implements legislation compatible with the Berne⁹⁵ and Paris⁹⁶ Conventions; accession would formalize a fact on the ground and both conventions allow for unilateral accession.⁹⁷ Once acceded to these two conventions, Kosovo would ratify the Convention. The last path would be to apply to join the organization and receive two-thirds of votes cast in the WIPO General Assembly. Each member state receives one vote and only 104 of the 186 WIPO member states recognize Kosovo.⁹⁸ Even if every state recognizing Kosovo voted for membership, 35 non-recognizing states would have to abstain. With such a high threshold, this path seems unlikely to succeed. Kosovo's membership in WIPO would therefore be best pursued through alternative means, namely using its IMF and World Bank Group memberships or acceding to the Paris and Berne Conventions to join.

World Meteorological Organization (WMO)

The World Meteorological Organization provides an exchange between meteorological services to share and standardize meteorological data. It allows for reliable data to cross borders for meteorological and climate modeling. It also helps the exchange of information to predict and help mitigate the effects of weather-related natural disaster and climate change. Kosovo's membership in the WMO would integrate climate scientists from Kosovo's institutions into a broader scientific community and improve standards in Kosovo by pushing Kosovo scientists to comply with globally recognized requirements for climate research.⁹⁹

The WMO has light membership requirements. Article 3(c) of the Convention of the World Meteorological Organization stipulates, "Any State fully responsible for the conduct of its international relations and having a Meteorological Service" may request to join the

⁹²WIPO, "Technical assistance," accessed 4 March 2014, available at http://www.wipo.int/global_ip/en/activities/technicalassistance/

⁹³European Commission, "Kosovo* 2013 Progress Report," p. 33

⁹⁴WIPO Convention, Article 5, available at http://www.wipo.int/treaties/en/text.jsp?file_id=283854

⁹⁵US Agency for International Development, "The USAID Systems for Enforcing Agreements and Decisions (SEAD) program, Property Pathfinder: Kosovo law and selected secondary sources and commentary," May 2011, available at http://www.kontrata.info/repository/docs/property_law_pathfinder_620935.pdf

⁹⁶Kosovo Law No. 24/L-026 on Trademarks, 2011, available at <http://www.mti-ks.org/repository/docs/Law%20on%20trademarks.pdf>

⁹⁷Paris Convention for the Protection of Industrial Property, Article 21, available at http://www.wipo.int/treaties/en/text.jsp?file_id=288514; Berne Convention for the Protection of Literary and Artistic Works, Article 29, available at http://www.wipo.int/treaties/en/text.jsp?file_id=283698

⁹⁸WIPO Convention, Articles 5 and 6

⁹⁹World Meteorological Organization, "WMO in brief," accessed 4 March 2014, available at https://www.wmo.int/pages/about/index_en.html

organization.¹⁰⁰If it is not a member of the UN, two thirds of the member states must approve its membership.¹⁰¹Due to this requirement, Kosovo is unlikely to join the WMO, in spite of conducting its own foreign policy and having its own meteorological service.¹⁰² Only 104 of 185 members of the WMO recognize Kosovo. Kosovo would thus be best off tabling accession to the WMO until more members recognize it.

*World Tourism Organization (UNWTO)*¹⁰³

The World Tourism Organization plays both informational and advisory roles in promoting tourism. It monitors world tourism flows and looks for trends in tourists' choices. It advises member states' officials in boosting tourism and ensuring it benefits their economies without degrading the local environment.¹⁰⁴ Membership in the UNWTO could be beneficial for Kosovo. Tourism has struggled due to poor infrastructure, low foreign investment and uncertainty over the political situation. With improvements in infrastructure, such as a newly opened highway between Kosovo and Albania, and the political situation, notably the First Agreement on the Normalization of Relations with Serbia, foreign investment may improve, but Kosovo still needs a strategy to improve its tourist facilities, as most fall below international standards. Membership in the UNWTO can help develop this strategy, though without foreign investment, projects will remain theoretical.¹⁰⁵

Any sovereign state may apply to join the UNWTO. For a new member to join, a two-thirds majority of votes cast and a simple majority of total votes in the UNWTO General Assembly must vote for membership. Each member state receives one vote in the Assembly.¹⁰⁶ Kosovo has no chance of joining the UNWTO in the near future. It is the only UN Specialized Agency where states recognizing Kosovo do not form a majority. Important Kosovo allies, like the US and the UK, are not members. With such low likelihood of joining and the dependence of any tourism strategy on other factors such as foreign investment, Kosovo should table any membership push for the UNWTO.

Kosovo's Optimal Outcome in Joining UN Specialized Organizations

In finding the best payoffs, we employ the Nash Equilibrium, a concept of game theory, where no player has an incentive to deviate from his chosen strategy after considering an opponent's choice. In practice, this means that all states that have already recognized Kosovo's independence have no incentive to change their decision toward Kosovo's membership in any of these UN specialized organizations, neither does Kosovo's government to change its strategy in applying for membership in these organizations. The Nash Equilibrium was found considering two elements

¹⁰⁰ Convention of the WMO, Article 3, available at <http://eco.gov.az/hidromet/umumdunya%20meteorologiya.pdf>

¹⁰¹ *Ibid.*

¹⁰² Kosovo Hydrometeorology Institute

¹⁰³ The "UN" at the beginning of the acronym stands for United Nations and is used to differentiate the World Tourism Organization from the World Trade Organization, which goes by the acronym "WTO"

¹⁰⁴ World Tourism Organization, *Annual Report 2012*, 2013, available at http://dtxqtq4w60xqpw.cloudfront.net/sites/all/files/pdf/annual_report_2012.pdf

¹⁰⁵ Euromonitor International, "Executive Summary," *Country Report: Travel and Tourism in Kosovo*, 2014, available at <http://www.euromonitor.com/travel-and-tourism-in-kosovo/report>

¹⁰⁶ Statutes of the World Tourism Organization, Articles 5 and 28, available at <http://dtxqtq4w60xqpw.cloudfront.net/sites/all/files/docpdf/130718basicdocumentsenweb.pdf>

1) benefits of joining,

2) opportunities of joining.

As shown in the table.1 the benefits of joining are classified in three aspects including a) no benefits (at the current context), b) slight benefits, and c) benefits; opportunities of joining, namely the chances of joining include three scenarios a) no chances of joining (at the current context), b) slight chances of joining, and c) high chances of joining. No benefits at the current context explain that the policy addressed by a certain UN specialized agency is not important and shall not be listed as priority by the government at the time. For instance, the IAEA is the international agency responsible for monitoring and developing the use of nuclear technology, yet this technology is not of high importance to the economy of Kosovo, thus its accession should be tabled. Very unlikely to join or as explained no chance of joining at the current context are two agencies UNIDO and UNWTO. The latter, is the only organization listed where states recognizing Kosovo do not form a simple majority and also important Kosovo allies like US and UK are not part of it which lowers the chances of accession into UNWTO, even more. US, UK, and Australia are also not part of the UNIDO due to poor returns on investments, thus opportunities of joining at the current context are very unlikely.

Table 1: Finding the Optimal Outcome in joining UN specialized organizations

		Benefits of joining		
Opportunity of joining		<i>No benefits (at the current context)</i>	<i>Slight benefits</i>	<i>Benefits</i>
	<i>No chances of joining</i>	UNIDO;	UNWTO	
	<i>Slight chances of joining</i>	IAEA; IMO	FAO; ICAO; ILO; UPU ;	ITU; UNESCO; WMO;
	<i>High chances of joining</i>			IFAD; WHO; WIPO

Source: Compilation based on authors' analysis

The Nash Equilibrium point in the table includes three agencies: IFAD, WHO, and WIPO. This means that these three organizations present the optimal outcome (best strategy) for the country of Kosovo, and that the government should prioritize joining these three UN specialized agencies in the short term framework. Whereas, in the medium term framework, Kosovo should prioritize joining ITU, UNESCO, and WMO. These three agencies provide large benefits to the country of Kosovo, thus as soon as the number of recognitions changes and calculations are in favour, they should be the target. Most of the other agencies are in a position of –slight chances of joining– due to the low number of recognitions of Kosovo's independence as opposed to the number of votes their regulations require.

4. Policy Implications

The previous two sections, in the abstract, made two important points for Kosovo foreign policy. First, UN membership is likely blocked for now, owing to lack of recognition for Kosovo among several states and issues beyond Kosovo's control, such as Russia angling for recognition for its satellites. Second, while UN specialized agencies have their own membership procedures, only three—IFAD, WIPO and the WHO—, as shown in table.1, present the optimal outcome which in

practice means providing Kosovo with both the easy membership procedure to join and with benefits to address internal problems like public health, agriculture, and intellectual rights. This section will try to ground these points in policy implications. First, it will discuss the potential costs Kosovo will face were it to become a member of these organizations and whether this should weigh on decisions to apply. Second, it will look at the Palestine model for acceding to international organizations and whether Kosovo should follow Palestine's path to acquiring a special status within the UN. Third, it will contextualize what joining these organizations will mean for Kosovo moving forward, tempering expectations of what membership in UN specialized agencies would mean.

Cost

Membership in the UN specialized agencies comes with costs, specifically in terms of assessed contributions. Every agency noted above, with the exception of IFAD, requires regular contributions. The normal response if regular contributions are not paid is to suspend voting rights, as UNESCO has done to the US and Israel. This analysis will not discuss the costs of every single special agency, as, on the merits, it only recommended three for which Kosovo should pursue membership in the short term. The three recommended specialized agencies are disparate enough, though, to show the range of costs for membership. IFAD, which raises most of its funds through voluntary contributions, does not have regular assessed contributions. Instead, it negotiates with a new applicant for a one-off contribution with the applicant making a proposal and IFAD's Executive Board commenting on the proposal.¹⁰⁷ This proposal could be nothing and IFAD members as large as Russia have never paid into the fund. Kosovo's regional peers have split on this issue. Albania and Bosnia-Herzegovina have, over time, contributed US \$60,000 and US \$165,000 respectively; Macedonia and Croatia have never contributed.¹⁰⁸ Kosovo's willingness to invest in IFAD would likely determine its contribution.

WIPO has the second lowest level of assessed contributions after the UNWTO, but it does require members to pay annual assessed contributions. Members are divided into contribution classes where the states paying the most pay 800 times the states paying the least. Considering the size of Kosovo's economy and its per capita GDP, it is most likely to be put in Contribution Class IX, which is required to pay one one-hundredth of the highest paying states. This class includes economies of similar size, such as Montenegro, and that have similar GDP per capita, such as Armenia and Albania. It is also a step below larger economies such as Serbia.¹⁰⁹ If Kosovo were a member this year, it would be expected to pay 11,395 Swiss francs.

The WHO, in contrast to WIPO, has the second highest level of assessed contributions after the FAO. While the WHO similarly scales the level of contribution so that the wealthiest states pay most of the budget, it does not have the automatic scaling by contributing class that WIPO has. Instead, shares of the budget are negotiated and assigned by the Health Assembly. This gives WHO contributions an unpredictable quality and any discussion of Kosovo's potential contribution is better thought of in a range. The lowest possible contribution would likely be similar to Swaziland's, which has an economy half Kosovo's size and a GDP per capita approximately US \$400 less than Kosovo's.¹¹⁰ Swaziland pledged US \$13,490 this year.¹¹¹ The highest possible contribution would likely be similar to Macedonia's, which has an economy one-

¹⁰⁷<http://www.ifad.org/pub/basic/bylaws/e/104by-la.pdf>

¹⁰⁸<http://www.ifad.org/governance/ifad/doc/contributions.pdf>

¹⁰⁹http://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2014_2015.pdf; The World Bank, "Data," available at <http://data.worldbank.org/>

¹¹⁰ The World Bank, "Data"

¹¹¹ WHO, "Assessed contributions payable by member states and associate members 2014-2015," available at http://www.who.int/about/resources_planning/2014_2015_AC_summary.pdf?ua=1

and-a-half times Kosovo's size and a GDP per capita approximately US \$1000 higher.¹¹² Macedonia pledged US \$37,160 this year.¹¹³ Variations between these two points exist, but it would be pure speculation to choose one as the likeliest payment for Kosovo.

Depending on the fluctuations in exchange rates, these dues for WIPO and the WHO would probably equal less than 40,000 euros, or 0.19 percent of the 2014 budget for the Ministry for Foreign Affairs. Given such marginal costs, the cost of membership for Kosovo should not be considered a deciding factor either for or against applying to join these specialized agencies. Instead, it should focus on paths that can help achieve its political goals.

Palestine: The False Model

Due to their similarly divisive nature and partially recognized status, Palestine and Kosovo make for a facile comparison, leading to a temptation to use Palestine as a model for potential policy decisions in Kosovo. Palestine has been successful in joining UNESCO and is a non-member observer state in the UN, overcoming opposition from the US. A similar path of bludgeoning through to gain the recognition of a non-member observer state may be tempting to Kosovo.

However, it is important to remember that Palestine and Kosovo have very different goals in applying to join international organizations. Kosovo should be, at the same time, more and less aggressive than Palestine. It should push to join the UN specialized agencies it can that will provide value. Palestine stopped at one, as joining UNESCO had the desired effect of pressuring Israel. It should not push for a special status at the UN organization itself, as this does not fit its foreign policy priorities. Kosovo's goals are long-term and rather mundane: it wants to join the UN and its affiliates to participate as a normal state. Palestine's goals were short-term and explosive: it was trying to bring enough international pressure to bring Israel back to negotiations. The granting of non-member observer state status serves Palestine's goal very well in highlighting its limbo status and the need for negotiations with Israel. It damages Kosovo's goals as it emphasizes Kosovo as an abnormality without serving any tangible objective. Kosovo does not need to bring Serbia to negotiations; the EU accession process already motivates Serbia to negotiate. A special status does not further Kosovo's goals the way it furthers Palestine's.

Moving Forward

Strategies can be devised for Kosovo to join as many UN specialized agencies as possible. The smart investment of political capital, the targeting of organizations with low thresholds for membership and the finding means of accession that do not require votes from the organization's member states are all good short-term solutions if the end goal is joining UN specialized agencies. However, this is not Kosovo's end goal and while these methods address symptoms of the problem, they do not attack the problem itself: Kosovo's partial recognition in the international system. Joining these organizations will never ameliorate this problem, as none can grant the legitimacy granted by UN membership. Smart investment of political capital in organizations that can help Kosovo's needs will not distract from the extraordinary amount of political capital required to achieve it. Targeting organizations with low thresholds for membership will not boost Kosovo's legitimacy very much, as the circumstances of accession will be impossible to avoid. Finding means of unilateral accession may only isolate Kosovo, becoming counterproductive to the goal of greater recognition. Membership in UN specialized agencies will not replace the legitimacy panacea of UN membership.

¹¹² The World Bank, "Data"

¹¹³ WHO, "Assessed contributions payable by member states and associate members"

Bilateral recognitions remain the only long-term cure for Kosovo's isolation, though Kosovo has secured only five recognitions in the last past three years including Barbados, Madagascar, Bangladeshi, Singapori, and Surinami.¹¹⁴ Yet none is considered to be a strategic partner that could influence much of Kosovo's foreign policy. To a certain extent, the problem relies on that the focus is not on recognitions from strategic countries in the international system but rather on increasing the whole number of recognitions. As establishing diplomatic relations with strategic countries would be of help to put pressure on non-recognizers to abstain when applying for membership in certain UN specialized agencies. More recognitions would allow Kosovo to join more UN specialized agencies more easily, lowering the amount of political capital required to join and allowing Kosovo to cross higher thresholds for membership. The legitimacy UN specialized agencies membership can grant Kosovo will remain low, but it will be higher if Kosovo can do it more easily and more widely. UN membership will become a simpler proposition as well. More recognitions mean more potential Security Council members and closer to two-thirds of the General Assembly will recognize Kosovo. Russia and China must still lift their vetoes of Kosovo's membership, but greater recognition will simplify the process.

This is not a call to do nothing. Kosovo still can and should access a number of UN specialized agencies. IFAD and the WHO show the best prospects and should have first priority, both for their legitimacy and ability to help Kosovo develop. Probing for unilateral accession to WIPO also should be under serious consideration. Kosovo's unilateral accession to WIPO may not cause great consternation, as Kosovo is offering to abide by international rules to protect intellectual property. All three of these organizations will give Kosovo greater legitimacy and ameliorate problems within the state. They simply should not be regarded as proximate to UN membership.

5. Recommendations

1. The Kosovo Government should target the International Fund for Agricultural Development and the World Health Organization for membership by a vote of their members in the short term. Both organizations provide a low enough bar for accession and would provide an important enough service to Kosovo to merit the use of political capital to join.
2. The Kosovo Government should accede to the Berne and Paris Conventions and deposit a signature with intent to ratify to join the World Intellectual Property Organization. While Kosovo may deposit a signature with intent to ratify now, it should show its commitment to the goals of WIPO by ratifying the Berne and Paris Conventions.
3. The Kosovo Government in the medium term should target the International Labor Organization, the International Telecommunications Union, the United Nations Educational, Scientific and Cultural Organization, the Universal Postal Union and the World Meteorological Organization, but keep in mind the number of bilateral recognitions. These are important organizations with high thresholds for membership, which can both benefit Kosovo's legitimacy and improve its functions. As Kosovo comes closer to the thresholds required by each organization, it should use any diplomatic capability it has to press non-recognizing states to abstain from any vote, save in those organizations where shares of all member states are required.
4. The Kosovo Government should table any attempts to join the Food and Agriculture

¹¹⁴ Ministry of Foreign Affairs. Republic of Kosovo. List of Recognitions. Available at <http://www.mfa-ks.net/?page=1,259>

Organization, the International Atomic Energy Agency, International Civil Aviation Organization, the International Maritime Organization, the UN Industrial Development Organization and the World Tourism Organization. They are difficult, if not impossible for Kosovo to join and they would provide such little return for a high investment of political capital that Kosovo should not bother until accession is a formality.

5. The Kosovo Government should continue seeking bilateral recognitions. Frequent Security Council members such as Argentina and Brazil should be prioritized, as well as those members of the Arab League that have still not recognized Kosovo, given the existence of the Arab Swing Seat on the Security Council. While China remains unlikely to recognize Kosovo, it should also receive considerable attention as the more isolated Russia is on the Security Council, the more likely a final settlement could cause it to relent.

ANNEX

Table 2: UN and its Specialized Agencies Path to Membership

Organization	Relevant Voting Bodies	Membership of Voting Bodies
United Nations	Security Council; General Assembly	Security Council: 15 member states receiving one vote, with 5 permanent members (China, France, Russia, United Kingdom, United States) and 10 non-permanent members elected by General Assembly according to geography; General Assembly: each member state receives one vote.
Food and Agricultural Organization (FAO)	Conference of the Organization	Each member state receives one vote in Conference.
International Atomic Energy Agency (IAEA)	Board of Governors; General Conference	Board of Governors: 22 member states elected by the General Conference weighted to represent geographical regions plus between 10 and 18 member states designated by the Board of Governors as defined in Article VI, Section A of the Statute with each state receiving one vote; General Conference: each member state receives one vote in the General Conference.
International Civil Aviation Organization (ICAO)	Assembly	Each member state receives one vote in Assembly
International Fund for Agricultural Development (IFAD)	Governing Council	Each member state receives a number of votes based on their membership and on their contribution. See http://www.ifad.org/governance/ifad/doc/vote.pdf for distribution of votes
International Labor Organization (ILO)	General Conference	Each member state receives four delegates with voting rights: two representing the government, one representing employers and one representing workers. However, each member state must appoint both non-government delegates for either to receive voting rights
International Maritime Organization (IMO)	Assembly; Council	Assembly: One vote for each member state; Council: 40 member states elected by Assembly based on criteria in Article 17 of Convention

International Telecommunications Union (ITU)	None (Member States as a group decide)	N/A
Organization	Relevant Voting Bodies	Membership of Voting Bodies
United Nations Educational, Scientific and Cultural Organization (UNESCO)	Executive Board; General Conference	Executive Board: 58 member states with a vote each elected by the General Conference according to a regional formula; General Conference: Each member state receives one vote
UN Industrial Development Organization (UNIDO)	Industrial Development Board; General Conference	Industrial Development Board: 53 Members with one vote each elected by the General Conference based on geographical and wealth divisions specified at http://www.unido.org/en/who-we-are/structure/member-states/member-states-according-to-lists.html ; General Conference: each state has one voting representative with equal weight
Universal Postal Union (UPU)	None (Member States as a group decide)	N/A
World Health Organization (WHO)	World Health Assembly	Each member state receives one vote in Assembly
World Intellectual Property Organization (WIPO)	General Assembly	Each member state receives one vote in Assembly
World Meteorological Organization (WMO)	None (Member States as a group decide)	N/A
World Tourism Organization (UNWTO)	General Assembly	Each full member state receives one vote in the Assembly

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