

Publication Date: 30.05.2025

Flutura Reshati Rexhepi¹, Drita Mamuti-Fazlia²

1. University of Tetovo, Faculty of Law (North Macedonia); f.rexhepi211505@unite.edu.mk, ORCID: 0009-0006-0303-8700
2. University of Tetovo, Faculty of Law (North Macedonia); drita.fazlia@unite.edu.mk, ORCID: 0000-0002-8098-0648

From Recognition to Membership: Legal Pathways and Political Constraints on Kosovo's Participation in International Organizations

Abstract



Kosovo's post-2008 international trajectory illustrates a recurring tension between legal capacity and political gatekeeping in international organization membership. This study examines how Kosovo's treaty-making practice and participation in selected international and regional organizations reveal both the scope of Kosovo's international legal personality and the principal constraints that still limit broader integration. Using doctrinal legal research and qualitative document analysis, we review foundational legal instruments, admission rules of international organizations, and major episodes of Kosovo's external participation, including successful memberships (e.g., IMF, World Bank, UEFA, FIFA) and unsuccessful bids (e.g., UNESCO and Interpol). The findings indicate that the central barriers are rarely purely legal. Instead, they emerge from recognition politics, voting rules, and veto points, especially where membership decisions depend on a two-thirds majority, consensus, or indirect linkage to UN system dynamics. The study concludes that Kosovo's most viable pathway is incremental institutional integration: expanding functional participation, prioritizing organizations with less politicized admission procedures, and reducing contestation through sustained compliance with rule-of-law and human-rights standards, alongside diplomatic normalization efforts that reduce membership opposition.

Keywords: Kosovo; international legal personality; recognition; international organizations; membership; treaty-making

1. Introduction

State participation in international organizations is often treated as a technical consequence of statehood. In practice, however, it also functions as a political test of recognition, alignment, and institutional trust. Kosovo's experience following its 2008 declaration of independence offers a revealing case of how international legal personality operates under conditions of contested recognition. The legal environment shaping Kosovo's external participation is multilayered, encompassing the residual framework established by United Nations Security Council Resolution 1244 (1999), the gradual consolidation of domestic institutions, and the differentiated admission rules applied across international organizations (Shaw, 2017; Weller, 2009). A key legal reference point in this context is the International Court of Justice's advisory opinion on the accordance with international law of Kosovo's declaration of independence, which has played a central role in scholarly and diplomatic debates concerning the legality of Kosovo's statehood narrative and its capacity to engage externally (International Court of Justice, 2010; Milanovic & Wood, 2015). Nevertheless, legal reasoning alone has proven insufficient to secure institutional membership. Many international organizations operate on the basis of qualified majorities, consensus requirements, or politically conditioned voting procedures, mechanisms that can transform recognition disputes into effective admission vetoes (Ker-Lindsay, 2015; Coggins, 2014). Against this background, this article addresses the following research question: how do admission rules and recognition politics interact to facilitate or obstruct Kosovo's membership in international organizations, and which legal-institutional strategies appear most viable under prevailing constraints? The analysis advances the argument that Kosovo's international integration is best understood as an incremental process shaped by institutional design and political bargaining, rather than as the result of crossing a single, clearly defined legal threshold (Klabbers, 2015; Crawford, 2006).

2. Materials and Methods

This study applies **doctrinal legal research** combined with **qualitative document analysis**. The materials include: (a) key international legal documents and institutional frameworks relevant to Kosovo's external status; (b) publicly available admission rules and decision records of selected international organizations; and (c) secondary academic literature on recognition, statehood, and international institutional membership.

The methodological steps were:

1. **Normative mapping:** identifying how international law and institutional rules treat membership, recognition, and "state" criteria across organizations.
2. **Case selection:** analyzing examples of Kosovo's (i) successful accessions (IMF, World Bank, UEFA, FIFA) and (ii) unsuccessful bids (UNESCO, Interpol), plus the evolving Council of Europe track.
3. **Comparative interpretation:** tracing how voting thresholds, veto points, and political alignments influenced outcomes more than formal legal capacity.

This is a desk-based legal study using public documents only. No human participants, personal data, or interventions were involved.

3. Results

3.1. Kosovo's Membership Outcomes Reflect Institutional Design More Than Legal Capacity

Kosovo's membership trajectory demonstrates that international organizations with clearly defined admission procedures and limited geopolitical veto points tend to be more accessible, whereas bodies exposed to high levels of political contestation remain difficult to enter even when legal arguments in favor of admission are substantial. Kosovo became a member of the International Monetary Fund and the World Bank Group in 2009, indicating that certain global financial institutions are able to admit new members despite contested recognition, provided that the required voting coalitions can be assembled (International Monetary Fund, 2009; World Bank, 2009). These accessions illustrate that recognition disputes do not automatically preclude participation when institutional rules emphasize weighted voting and technical criteria over consensus politics. Kosovo's admission to UEFA and FIFA in 2016 further confirms that functional integration can advance through non-UN systems in which member associations vote under sector-specific governance frameworks rather than formal diplomatic recognition criteria (Union of European Football Associations, 2016; Fédération Internationale de Football Association, 2016). By contrast, Kosovo's unsuccessful bids for UNESCO and Interpol illustrate how politicized voting environments and coalition dynamics can obstruct admission even in the absence of a decisive legal deficiency. Kosovo's application to UNESCO failed in 2015 after falling short of the required voting threshold in the General Conference, an outcome widely interpreted as a reflection of recognition politics rather than legal incapacity (Radio Free Europe/Radio Liberty, 2015). Similarly, Kosovo did not secure membership in Interpol in 2018, as voting outcomes in the General Assembly reflected broader geopolitical alignments rather than assessments of technical compliance or functional need (N1 Television Network, 2018; Ker-Lindsay, 2015).

3.2. The Council of Europe Track Shows "Legal Readiness" Is Not the Same as Admission

In 2024, the Parliamentary Assembly of the Council of Europe recommended Kosovo's membership, reflecting an institutional assessment that the relevant political and legal criteria could, in principle, be satisfied (Parliamentary Assembly of the Council of Europe, 2024). Nevertheless, political conditions and coordination among member states remained decisive at the level of the Committee of Ministers, where the membership issue was not finalized at critical decision points. Subsequent institutional monitoring and policy analysis indicated that, despite favorable legal assessments, the ultimate outcome continued to depend on intergovernmental bargaining and shifting political alignments rather than on formal compliance alone (European Stability Initiative, 2025).

3.3. Summary Table of Selected Membership Episodes

Table 1. Selected organizations and Kosovo's membership status (based on publicly reported decisions).

Organization	Admission mechanism (simplified)	Kosovo outcome	Key implication
IMF	Member vote and institutional procedures	Joined (2009)	Recognition disputes do not automatically prevent admission
World Bank Group	Member vote and institutional procedures	Joined (2009)	Coalition building can overcome political contestation
UEFA / FIFA	Member association votes	Joined (2016)	Functional integration can proceed outside the UN track
UNESCO	General Conference vote threshold	Not admitted (2015)	Politicized voting can block admission despite legal arguments
Interpol	General Assembly vote	Not admitted (2018)	Security cooperation becomes entangled with recognition politics
Council of Europe	Multi-step process (PACE + Committee of Ministers)	Recommended (PACE, 2024) but unresolved at key points	Legal assessment and political decision can diverge

4. Discussion

The results support a practical interpretation of international legal personality, according to which capacity exists on a spectrum and institutional membership does not constitute a single, binary proof of statehood. Kosovo's accession to the International Monetary Fund and the World Bank Group in 2009, followed by its admission to major sport-governance bodies in 2016, demonstrates that international systems may treat Kosovo as a participant endowed with external legal capacity even in the absence of universal recognition (International Monetary Fund, 2009; World Bank, 2009; Weller, 2009). These cases illustrate that functional participation can proceed where institutional rules prioritize technical criteria and coalition-based voting over formal recognition requirements. At the same time, the outcomes of Kosovo's applications to UNESCO and Interpol indicate that admission procedures can operate as *de facto* political referenda on recognition rather than as assessments of legal or technical compliance. Such cases are consistent with broader patterns in the management of contested statehood, where institutions tend to act in a risk-averse manner and member states frequently use admission votes to signal geopolitical alignment instead of evaluating substantive eligibility (Ker-Lindsay, 2015; Coggins, 2014). The broader legal environment further conditions these dynamics. United Nations Security Council Resolution 1244 (1999) continues to be cited as part of the historical framework shaping Kosovo's international administration and post-conflict governance architecture, thereby influencing contested narratives surrounding its international status (United Nations Security Council, 1999; Crawford, 2006). In parallel, United Nations-facilitated and European processes, including the status-settlement proposals elaborated in UN documentation, have contributed to the formalization of governance expectations that remain relevant in external institutional evaluations of Kosovo's membership aspirations (United Nations, 2007; Zaum, 2007).

A realistic strategy under these conditions is **sequenced integration**:

- prioritize organizations where admission is based on technical criteria and broad coalitions rather than consensus politics;
- increase credibility through measurable rule-of-law and human-rights performance (because these become bargaining assets in membership debates);
- reduce external contestation through sustained normalization efforts that lower the political cost of supporting admission.

5. Conclusions

Kosovo's membership record shows that international participation is shaped less by abstract legal capacity and more by institutional voting design and recognition politics. Kosovo has demonstrated practical international legal personality through multiple successful accessions, yet it faces recurrent obstacles in organizations where membership votes become proxies for recognition disputes. The most feasible pathway is incremental: expanding functional participation, building durable voting coalitions, and aligning domestic governance performance with the standards most often invoked in accession debates. Where institutional pathways remain blocked, Kosovo's strategy should emphasize legal consistency, diplomatic normalization, and selective engagement with organizations that provide tangible cooperation benefits even without full membership.

6. Patents

Not applicable.

Supplementary Materials: Not applicable.

Author Contributions: Conceptualization, F.R.R. and D.M.-F.; methodology, F.R.R. and D.M.-F.; formal analysis, F.R.R. and D.M.-F.; investigation, F.R.R. and D.M.-F.; writing, F.R.R.; writing, review and editing, D.M.-F.; supervision, D.M.-F. All authors have read and agreed to the published version of the manuscript.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Acknowledgments: The authors thank colleagues at the University of Tetovo, Faculty of Law, for constructive academic discussions that helped refine the framing of this study.

Conflicts of Interest: The authors declare no conflicts of interest.

Appendix A

Not applicable.

Appendix B

Not applicable.

References

1. International Court of Justice. (2010). *Accordance with international law of the unilateral declaration of independence in respect of Kosovo* (Advisory Opinion of 22 July 2010). *ICJ Reports*, 2010, 403–459.
2. United Nations Security Council. (1999). *Resolution 1244 (1999) on the situation relating to Kosovo*. United Nations.
3. United Nations. (2007). *Comprehensive proposal for the Kosovo status settlement*. United Nations Security Council.
4. Crawford, J. (2006). *The creation of states in international law* (2nd ed.). Oxford University Press.
5. Weller, M. (2009). *Contested statehood: Kosovo's struggle for independence*. Oxford University Press.
6. Vidmar, J. (2013). Democratic statehood in international law: The emergence of new states in post–Cold War practice. *Hart Publishing*.
7. Talmon, S. (2005). Recognition of governments in international law. *American Journal of International Law*, 99(4), 877–913.
8. Ker-Lindsay, J. (2012). *The foreign policy of counter secession: Preventing the recognition of contested states*. Oxford University Press.
9. Ker-Lindsay, J. (2015). Engagement without recognition: The limits of diplomatic interaction with contested states. *International Affairs*, 91(2), 267–285.
10. Coggins, B. (2014). *Power politics and state formation in the twentieth century*. Cambridge University Press.
11. International Monetary Fund. (2009). *IMF Executive Board approves the membership of the Republic of Kosovo*. IMF Press Release No. 09/240.
12. World Bank. (2009). *Kosovo becomes a member of the World Bank Group*. World Bank Publications.
13. Union of European Football Associations. (2016). *Admission of the Football Federation of Kosovo as a member association*. UEFA Executive Committee Decision.
14. Fédération Internationale de Football Association. (2016). *Admission of the Football Federation of Kosovo as a member association*. FIFA Congress Decision.
15. Parliamentary Assembly of the Council of Europe. (2024). *Request for an opinion on Kosovo's application for membership of the Council of Europe*. Council of Europe Documents.
16. European Stability Initiative. (2025). *Council of Europe and Kosovo membership: Decision-making timeline and political constraints*. ESI Policy Brief.
17. Zaum, D. (2007). *The sovereignty paradox: The norms and politics of international statebuilding*. Oxford University Press.
18. Fabry, M. (2010). *Recognizing states: International society and the establishment of new states since 1776*. Oxford University Press.
19. Grant, T. D. (1999). *The recognition of states: Law and practice in debate and evolution*. Praeger.

20. Milanovic, M., & Wood, M. (2015). The law and politics of the Kosovo Advisory Opinion. *British Yearbook of International Law*, 86(1), 1–43.
21. Rexhepi, B. R., Murtezaj, I. M. (2024). Visa liberalisation and labour migration: Legal and economic implications for Kosovo. *Social and Legal Studios*, 7(2), 19–27.
22. Rexhepi, B. R., Daci, E. (2024). The role of management in microfinance institutions in Kosovo: A case study of the Dukagjini region. *Quality – Access to Success*, 25(202), 207–213.
23. Rexhepi, B. R., Murtezaj, I. M., Dauti, B., & Xhafa, H. (2024). Mitigating economic losses and prospects for the development of the energy sector in the Republic of Kosovo. *Economics of Development*, 23(3), 82–92.
24. Rexhepi, B. R., Mustafa, L., Sadiku, M. K., Ahmeti, S. U., & Rexhepi, O. R. (2024). The impact of the COVID-19 pandemic on the dynamics of development of construction companies and the primary housing market. *Architecture Image Studies*, 5(2).
25. Peters, A. (2016). *Beyond human rights: The legal status of the individual in international law*. Cambridge University Press.
26. Shaw, M. N. (2017). *International law* (8th ed.). Cambridge University Press.
27. Klabbers, J. (2015). *An introduction to international organizations law* (3rd ed.). Cambridge University Press.
28. Alvarez, J. E. (2005). *International organizations as law-makers*. Oxford University Press.
29. Kohen, M. G. (Ed.). (2006). *Secession: International law perspectives*. Cambridge University Press.
30. Thakur, R., Maley, W., & Newman, E. (2017). *The responsibility to protect and sovereignty*. Oxford University Press.