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After many months of careful deliberation, the [international court of justice \(ICJ\)](#) will finally deliver its advisory opinion on the legality of Kosovo's declaration of independence this week.

Though the nonbinding ruling is unlikely to clearly vindicate the position of either party, Serbia's envisaged diplomatic course is once again set to expose and widen divisions within the EU over the issue – in particular the stance of Spain, Greece, Romania, Slovakia and Cyprus, who each remain opposed to recognition. Distracted by the global economic crises and with enlargement fatigue mounting, the EU finds itself ill-equipped to contend with the political and diplomatic challenges that lie ahead.

EU foreign ministers are expected to meet on 26 July to discuss and formulate a common response to the ICJ opinion; a response that is likely to seek renewed dialogue between Kosovo and Serbia, and a constructive approach by the latter, but will fall short of anything more substantive due to the differences that persist.

With Serbia expected to call for a debate at the United Nations general assembly and for the passing of a new resolution in support of renewed negotiations on Kosovo's status, there is plenty of scope for EU divisions to publicly resurface, as they did during the oral proceedings before the ICJ last December. The EU's concerns are such that it has apparently [offered to help write](#) the resolution together with Serbia.

While some EU member states – particularly the UK, France, Germany and the Netherlands – will continue to draw an [implicit and explicit link](#) between Serbia's EU membership prospects and its stance towards Kosovo, others will remain eager to dismiss such a condition. Some, such as Italy, insist that Serbia should be allowed to continue to advance towards EU membership without first having to resolve the Kosovo issue.

The same divisions apply to Kosovo's own European perspectives; with it currently prevented from beginning talks on visa liberalisation and a trade agreement with the EU, let alone a stabilisation and association agreement (SAA), despite advocates of independence being keen to unlock Kosovo's accession process. This lack of agreement in the key area of enlargement only serves to undermine the EU's political and diplomatic leverage in both Serbia and Kosovo.

Early this month, the European parliament adopted a resolution (by 455 votes to 150) that called upon the remaining five EU member states to recognise Kosovo's independence. A similar resolution passed in February 2009 with 424 votes in favour and 133 against (with 24 abstentions) failed to sway the five EU member states in question, and it seems unlikely that the latest resolution will have any tangible impact. Cyprus, for one, has previously gone as far as to declare that they would not recognise Kosovo's independence, even if Serbia ultimately did.

The EU has long endeavoured to give the impression that it maintains a common stance towards Kosovo, primarily by pointing towards the deployment of EULEX and speaking vaguely about a shared commitment to Kosovo's European future. Both pillars, however, remain somewhat hollow. EULEX – while supported by all EU member states – is legally based upon UN security council resolution 1244 and was [conditioned by Serbia](#) to ensure that it remains status neutral and does not attempt to implement the [Ahtisaari plan](#)

. The notion of Kosovo's European perspective, meanwhile, is enveloped within the EU's broader enlargement commitment to the entire Western Balkans; it does not represent a commitment by all member states to incorporate an independent Kosovo.

With the ICJ ruling unlikely to change the stance of the five EU member states opposed to recognition, the EU remains vulnerable to internal divisions and contradictions. While several countries have warned that Serbia's European perspective would be complicated by vociferously pursuing the Kosovo issue, particularly before the UN general assembly, Serbia is fully aware that Europe does not speak with one voice on the matter.

With the US increasingly keen to disengage from the Balkans, important questions remain about the EU's ability to prevent further stalemate in Kosovo, particularly to stimulate and facilitate renewed dialogue between the two conflicting parties.

Any failure of the EU's policies in Kosovo will raise further questions not only about the credibility of its policies elsewhere in the region, particularly in Bosnia and Herzegovina, but

## **Kosovo in danger of further stalemate**

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about its overall capacity to formulate common positions on foreign affairs and security policy amid growing scepticism about the EU's internal cohesion.