Expectations had been high: The ICJ advisory opinion on the question, whether the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo was in accordance with international law, was expected to say a final word on one of the most contentious state building projects after the end of the cold war and the collapse of the Former Yugoslavia. The Kosovo conflict not only divides the whole region of the Western Balkan along ethnic lines and nurtures fears of further secessions or nation building projects in the region. The conflict over the province’s status has also been relevant in terms of international geopolitical confrontation. The declaration of independence in 2008 splitted the European Union and increased the tension between the United States and Russia. However, in the light of expectations that the ICJ assessment would have strong repercussions globally, the majority of judges of the ICJ chose a rather cautious approach and formulated a very narrow opinion. The ICJ opinion did not address the question of recognition of the state of Kosovo or the right for secession. In consequence, the Kosovo status has continued to be a matter of local and international political dissent.¹

Nevertheless, the ICJ opinion has been of relevance with regard to the political framework after the unilateral secession of Kosovo. Firstly, with the opinion, the political development which since 1999 has been

¹ The legal assessment of the ICJ opinion will be excluded in the following; see the relevant chapters in this book as well as Uwe Halbach/Solveig Richter/Christian Schaller, Kosovo – Sonderfall mit Präzedenzwirkung? Völkerrechtliche und politische Entwicklungen nach dem Gutachten des Internationalen Gerichtshofs, Berlin 2011 (SWP-Studien 2011/S 13).
leading to the independence of Kosovo must now be considered irreversible. Secondly, by depriving Serbia of most of its legal arguments, the opinion shifted the political power: Serbia has since then adjusted its Kosovo-policy and has been under pressure to proof its readiness for compromise. Thirdly, in consequence of the low-key position by the ICJ judges, diplomacy again has been playing an enhanced role. In March 2011, the European-Union-facilitated dialogue on technical issues began, paving the way for the first direct talks between Pristina and Belgrade since the declaration of independence in 2008. Notwithstanding, the ICJ opinion was not followed by a wave of recognitions of the Kosovo state, which fourthly indicates, that only a long-term bilateral agreement between Belgrade and Pristina on the status of the Kosovo state can dissolve the regional and international dissent. The following chapter of the book will elaborate the political relevance of the ICJ opinion in detail and focus on the perspective of the Kosovo state, taking into consideration domestic politics and international diplomacy.

2. REACTIONS BY LOCAL ELITES AND THE INTERNATIONAL COMMUNITY

Pristina as Moral Winner, Belgrade in Diplomatic Offensive

Unlike 2008, reactions in 2010 in Pristina and in Belgrade were rather moderate—both from the official side and on the streets. The Kosovo government and parliament praised the opinion as a historical decision and clear victory in the fight of the Kosovo people for a legitimate state. However, after the first euphoria they had to realize that the opinion neither resulted in a new and immediate wave of recognitions of the independence nor finished the international protectorate. The international community could not find consensus on a new United Nations Security Council resolution meaning that Resolution 1244 (1999) which enshrined extensive sovereignty rights to the United Nations Interim