



Qendra Kosovare për Studime Gjinore
Kosovar Gender Studies Center

WHERE ARE THE WOMEN IN THE KOSOVO-SERBIA DIALOGUE?

Position Paper



Acknowledgment

"Where are the women in the Kosovo-Serbia Dialogue?" is a position paper document of the Kosovar Gender Studies Center (KGSC) published within the project "Equality, Gender, and European Integration" supported by Kvinna till Kvinna Foundation. KGSC would like to thank all those who provided help and invaluable information and data for this document.

"Equality, Gender, and European Integration" is a project implemented by KGSC within the frame of the Kvinna till Kvinna regional program for the Western Balkans; "Strengthening Women's Rights, Participation and Influence in the Western Balkans" - aimed at strengthening women's rights and women's equal participation in decision-making through the existing EU accession processes.

Researcher: Gresa Rrahmani

Editor: Dafina Prekazi

Kosovar Gender Studies Center (KGSC) www.kgscenter.net

KGSC has been contributing to gender mainstreaming since 2002 and continuously makes efforts to achieve gender equality in Kosovo. It has been pioneering changes to the discriminatory system, social norms, and double standards, and is very active in monitoring public institutions. KGSC mission is to integrate gender-sensitive analysis, programs, and policies in all sectors of Kosovar society by increasing gender awareness and focus on gender issues, developing gender studies and ensuring the inclusion of gender-sensitive policies through research, policy development, advocacy, and lobbying.

Address:

Str. Nëna Terezë No. 18/1,
10000 Prishtina – Kosovo,
Tel. +381 (0) 38 735 991

Disclaimer

This material is completely or partly financed by the Swedish International Development Cooperation Agency (Sida) and the Kvinna till Kvinna Foundation. Sida and Kvinna till Kvinna do not necessarily agree with the opinions expressed. The author alone is responsible for the content.

Copyright

© Kosovar Gender Studies Centre (KGSC), November 2020. All rights reserved. No part of this publication may be reproduced, stored in or introduced into a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of KGSC.

Table of Contents

INTRODUCTION	1
THE KOSOVO - SERBIA DIALOGUE	2
• Early Developments	2
• Further Developments	3
• Latest Developments	5
RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY	6
• Resolution 1325 in Kosovo	7
• Involvement of women in the process	8
CONCLUSION	10
RECOMMENDATIONS	10

Introduction

Membership to the European Union (EU) has been the prime foreign policy in Kosovo and the country's largest aspiration since declaration of independence. During this process, which involves fulfilment of the so-called Copenhagen Criteria for membership, the EU has continuously put forward more conditions for the aspiring countries. For Croatia, for instance, cooperation with the International Criminal Tribunal for ex-Yugoslavia became the key condition for membership. In the case of Kosovo and Serbia, the EU started a series of talks on 'normalisation of relations', commonly known as the Brussels dialogue.

The dialogue is not a policy of the EU; it is a process. As such, from a side activity of the European External Action Service (EEAS), the dialogue somehow became part of the EU's enlargement policy. In this way, both Kosovo and Serbia are rated against the progress they make in the dialogue on their path to full membership to the EU. Indeed, it was after the first agreement on the principles of the normalization of relations in 2013, when the European Council decided to "reward" open accession negotiations with Serbia, as well as the negotiations for the Stabilization and Association Agreement with Kosovo.

Without a clear EU policy, the dialogue has had its ups and downs, accelerations and stagnations. As with most political processes in Kosovo, it has also been led and dominated by men, with women having only a marginal role in the dialogue. Indeed, despite the fact that Kosovo's chief negotiator with Serbia was a woman, there is little evidence that the gender perspective was ever part of the preparation for any part of the dialogue so far.

This position paper will make a brief elaboration on the matter, as gender issues have not been part of the agenda in this dialogue. It will include an overview of the basic data and preliminary analysis of gender representation in this process.

The Kosovo - Serbia Dialogue

This section provides a brief description of the major events, dates and documents related to the dialogue from the earliest stages until now.

Early developments

On 9 September 2010, the United Nations General Assembly adopted Resolution A / RES / 64/298, which acknowledges the advisory opinion of the International Court of Justice (ICJ) in assessing the compatibility of the Declaration of Independence of Kosovo with international law and welcomes the EU to facilitate the dialogue process between Kosovo and Serbia, which should serve as a factor of peace, security and stability in the region. The process intended to promote cooperation between the countries, improve citizens' lives, and progress EU accession. On 10 March 2011, the Kosovo Assembly adopted a Resolution that mandated the Government of the Republic of Kosovo to commence negotiations with Serbia. Initially these negotiations were only technical.

Women's rights activists advocated for strategies towards gender equality, including women's participation in the negotiations of Kosovo's political status, conducted between 2005 and 2008. Given that women were not included in these negotiations, the Women's Peace Coalition and the Regional Women's Lobby extensively advocated for women's voices to be heard. As a result, Edita Tahiri was leading Kosovo's team in the dialogue with Serbia by 2011.

The first meeting between Kosovo and Serbia was held on 9 March 2011. Edita Tahiri, Deputy Prime Minister and Minister for Dialogue in the then Government of the Republic of Kosovo, represented the Republic of Kosovo, and Borko Stefanovic, Serbia's Special Representative to the Dialogue led the Serbian delegation. The first phase of the dialogue, ending in late 2012, reached seven (7) agreements: 1. Freedom of movement, 2. Integrated Border Management (IBM) Agreement, 3. Cadastral records, 4. Civil registry records, 5. Regional representation, 6. Recognition of diplomas, 7. Agreement on mutual recognition of customs stamps. However, none of the issues raised by women were included in the talks and the majority of the experts in the negotiating teams were men. Tahiri stated that negotiation teams prioritise competency and professionalism over gender balance, arguing that the absence of women in the delegation was due to a lack of women in decision making, public administration and higher governmental positions in Kosovo.

In late 2012, as the first phase of the technical dialogue was ending, the political dialogue on normalizing relations began. The Kosovo Assembly adopted a new Resolution to support the talks, mandating the Government of Kosovo to lead the process once again. The Resolution required the Government of Kosovo to report regularly on the normalization of relations and the Kosovo Assembly to ratify agreements made during the process. This Resolution included new terminology, notably addressing both countries as

independent states, and adjusting the role of the USA from facilitator to a strong supporter of the process.

During the political talks, the then Prime Minister of Kosovo, Hashim Thaçi, and the then Prime Minister of Serbia, Ivica Dacic, held ten rounds of meetings to reach an agreement on the general principles of normalizing relations between the two countries. The First Agreement of Principles Governing the Normalization of Relations between Kosovo and Serbia was signed on 19 April 2013, by both Prime Ministers under the mediation of the EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton. Soon after, the Kosovo Assembly passed another Resolution expressing its consent and support for the signing of the first agreement on the principles governing the normalization of relations, as well as support for the commitments deriving from this agreement. The First Agreement was subsequently ratified in the Kosovo Assembly on 27 June 2013, with a two-third majority voting it to be recognized as an international agreement. This was the only Agreement reached during the process that was also ratified by the Kosovo Assembly, and represents the first legal and formal arrangement between the Republics of Kosovo and Serbia.

Women's organisations from Kosovo, Serbia and Sweden criticized the EU facilitated negotiations between Kosovo and Serbia for continuing to disregard UNSC Resolution 1325 and exclude women from the Kosovo-Serbian negotiations, sending an official complaint on 4 December 2013 to Ashton. Activists reminded the EU High Representative for Foreign Affairs and Security Policy of the Resolution and urged the her to take appropriate measures to ensure women participate in the process, give their perspective on potential agreements affecting women, and advise on the critical issues of education, health, and economic and social rights, which affect all members of society. Inclusivity could only increase legitimacy of the process.

On 25 August 2015, the Kosovo-Serbia Dialogue reinstated with the then Prime Minister of the Republic of Kosovo, Isa Mustafa, and the Prime Minister of the Republic of Serbia, Aleksandar Vucic. After several meetings, they established the Brussels Agreements Package, which included: the Agreement on energy, Telecomn, the Association of Serb-majority municipalities, and Freedom of movement / Mitrovica Bridge.

Further developments

The Dialogue progress slowed significantly after the summer of 2015, due to the political situation in Kosovo. The meetings held between the parties during 2016, facilitated by the EU, had overtones of readiness to implement the agreements created in Brussels. However, non-compliance with the agreed timelines continued. Technical level meetings continued to be held between the parties, facilitated by the EU, although behind the agreed-to deadlines. The process endured major shocks, particularly when the Serb diplomacy fought against recognition of the state of Kosovo and its membership to international organizations, such as UNESCO and INTERPOL, as well as the building of

the Mitrovica bridge wall at the time of the proposed bridge opening.

The tense situation continued and in March 2017, the Assembly of the Republic of Kosovo passed a Resolution to request the termination of the dialogue process until the release of the then Prime Minister of Kosovo, Ramush Haradinaj, detained in France based on a warrant issued by Serbia. Political parties articulated the need to change the dialogue approach, and requested the process to be reformed. The Kosovo Assembly then went through an election process and no meeting was held between the Prime Ministers of the two countries until the new government formed.

The Brussels meetings were reinstated on 3 July 2017, when the respective Presidents of Kosovo and Serbia, Hashim Thaçi and Aleksandar Vucic, negotiated the issues to be addressed in the next phase of the process. At the EU's invitation, the state representatives returned to the negotiation table in 2018, to discuss implementation of the agreements reached, including Freedom of Movement, Integrated Border Management, the Association Serb-majority Municipalities, Justice, Energy, and the Mitrovica Bridge.

On 15 December 2018, the Assembly adopted a Resolution supported only by the ruling coalition, and excluding the Serbian List party. The State Delegation was formed, consisting of representatives from the political parties that supported it and men only, despite the Minister of European Integration being a woman at that time. On 7 March 2019, the Law on the State Delegation for Dialogue and the Platform for Dialogue came into effect, however they were not politically popular. The largest opposition parties, the Democratic League of Kosovo (LDK) and Vetëvendosje, boycotted these initiatives on the grounds of illegitimacy, and contested the conditions of the law itself in the Constitutional Court. The law was deemed completely unconstitutional, ending the State Delegation. The legal validity of the Platform remained unclear. Two months after the decision, Prime Minister Haradinaj resigned, sending the country into early parliamentary elections.

In February 2020, the new government, headed by Prime Minister Albin Kurti, formally expressed its interest in continuing the dialogue process. It demanded that reciprocity be established before removing the 100% tariff, a condition criticized by US officials involved in the process. On 20 March, the government decided on a partial removal of the tariff. US officials deemed this insufficient and effectually took over the conclusion of the dialogue process. Their request for the full and unconditional removal of the tariff was ignored by the incumbent government, which instead decided on 31 March to lift the 100% tariff and implement reciprocity measures with Serbia. The government's decision was supported by most EU member states, and their respective officials involved in the process.

The processes of the Kosovo-Serbia dialogue and normalization of relations have faced internal and external leadership "battles". Firstly, between the two heads of state in Kosovo, President Hashim Thaçi and the then incumbent Prime Minister Albin Kurti, secondly between the two international powers, namely the US and EU, to facilitate and

influence the process. The US and EU have each appointed special envoys, respectively Richard Grenell and Miroslav Lajcak, and introduced parallel initiatives to restart and conclude these processes, in an apparent bid to be recognised as concluding the Kosovo-Serbia dialogue process. Indeed, such developments and discursive battles have been the main preoccupation of the public regarding the dialogue, which has overshadowed all criticism and possible improvement of this process.

Latest developments

The government of the incumbent Prime Minister Avdullah Hoti, which took office on 3 June 2020, has adopted a programme that prioritises the resumption of the Kosovo-Serbia dialogue and the post-COVID-19 economic recovery. The programme only pays lip-service to empowering women's position in society. There is barely any gender perspective and no reference to the inclusion of women in the dialogue. Of the 21 Hoti government members, 4 are women.

The EU-facilitated dialogue resumed with a virtual high-level meeting on 12 July 2020, followed by more high-level meetings in Brussels on 16 July and 7 September. A number of expert-level meetings have taken place in Brussels. Reaching a comprehensive, legally binding agreement is urgent and crucial so that Kosovo and Serbia can advance on their respective European paths.

On 4 September 2020, Prime Minister Hoti and President Vucic signed separate economic normalization agreements in Washington D.C.. The delegation did not include any women. Later, on the occasion of the continuation of the EU Facilitated Kosovo-Serbia Dialogue, Prime Minister Hoti and President Vucic confirmed to the EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission, Josep Borrell, that they attach high priority to EU integration and the continuation of work on the EU facilitated dialogue process, which is a key element on their path to the EU. They also pledged to redouble their efforts to ensure further harmonization with the EU in line with their respective obligations. In this regard, the recently signed documents in Washington D.C., building on previous Dialogue-related commitments undertaken by both parties, can make a useful contribution to reaching a comprehensive, legally binding agreement for the normalization of relations.

The EC 2020 Kosovo Country Report has commended Kosovo's engagement in the dialogue, recommending that the government continues to uphold its commitments and implementation of past Dialogue agreements. Yet, similarly to previous years it makes no reference to women or their priorities and needs.

Civil society organisations and independent commentators have continuously raised the issue of non-transparency in the dialogue, and yet transparency was neither a priority for the parties of the dialogue nor, unfortunately, for the EU. What is particularly concerning, is that gender perspective was not taken into account in the more than 30 agreements

reached in Brussels since 2011. As such, the dialogue, aside from ad-hoc and minimal representation of women in the process, has not been prone to any gender-based scrutiny. The lack of basic participation of women in this important policy, of course, translates to no women perspectives, interests and worldviews ever being part of the process.

Resolution 1325 on Women, Peace and Security

Resolution 1325 on Women, Peace and Security was adopted by the United Nations Security Council in 2000. It is considered a landmark resolution recognising that women and men are affected differently by conflict and war, and that women continue to be excluded from participating in peace processes. UNSC Resolution 1325 affirms that peace and security efforts are more sustainable when women are equal partners in the efforts to prevent violent conflict, deliver relief and recovery, and forge lasting peace. As women's full participation and involvement is critical to every aspect of achieving and sustaining peace and stability within the community, the UNSC Resolution 1325 addresses the impact of violent conflict and war on women and girls, as well as the crucial role that women should, and already do, play in conflict prevention, conflict resolution, peace-making and peacebuilding.

Civil society and women's groups played a particularly decisive role in persuading the United Nations Security Council to adopt Resolution 1325. The Resolution is the first Security Council Resolution specifically linking women's experience of conflict with the preservation of peace and international security. It emphasizes women's ability to lead and facilitate conflict resolution during peace talks and reconstruction, and demands stronger gender sensitive responses in peacekeeping operations, as well as training on gender equality for all those involved in preserving peace and security.

The UNSC resolution 1325 has four pillars: participation, prevention, protection, and relief and recovery. The first pillar calls for increasing women's participation at all levels of decision-making, including in the national, regional, and international institutions, and in prevention mechanisms, conflict management and resolution, including peace negotiations. The EU also has committed itself to enhance the implementation of UNSC Resolution 1325 in its external activities.

In 2009, the EU adopted the "*Concept on Strengthening EU Mediation and Dialogue Capacities*", the first policy document of its nature, where the Council of the European Union recognized it has an important role as a peace mediator globally, and pledged to enhance the ability of the EU to be active internationally. The document introduced five important guiding principles to advance the EU's role in mediation, one of which is to promote women's participation in all stages of the mediation process.

UNSC Resolution 1325 in Kosovo

Kosovo has continued to harmonize its legislation and policies with the *acquis communautaire* of the EU to reflect its integration aspirations. Gender equality is part of its objectives and duties, and is an integral part of the EC Treaty and the EU Charter of Fundamental Rights. Kosovo's progress in gender equality and human rights is monitored and recorded by the European Commission. Kosovo has a robust legal framework to support women's participation in public life and mechanisms to protect and prevent them from violence. Despite the presence of these legal mechanisms, the implementation of laws and sub-legal acts has been slow and chaotic, due partly to lack of financial, material and human resources and partly to lack of political will.

In 2014, the Government of the Republic of Kosovo adopted a Working Plan to implement UNSC Resolution 1325. The Plan was drafted in close consultation with institutional representatives, civil society and international partners. It has three main objectives: increased participation of women in decision-making, peace-building and preservation; an integrated gender perspective and increased participation of women in security structures; access to functional protection mechanisms for women subjected to sexual violence and other forms of violence relating to conflict and war, and access to justice, rehabilitation and reintegration. The Plan omits the Kosovo-Serbia dialogue and women's participation in this process, however the Kosovo Gender Equality Program, the main national policy document related to gender, includes the objective: *"Increasing women's participation in negotiation, peace and reconciliation processes, diplomatic missions and missions abroad"*. This objective strives to lobby and advocate for the participation of women in peace, negotiation and reconciliation processes, in government mechanisms and in commissions that deal with the past, including women of different ethnicities. The issue of war crimes and sexual violence against women during the 1998-1999 war in Kosovo and reparations for survivors of sexual violence must be addressed in the dialogue processes, including the current dialogue process between Kosovo and Serbia.

The Law on Gender Equality (No. 05 / L-020) calls for the equal inclusion of women and men in decision-making positions at executive, legislative and judicial levels. Furthermore, all public institutions are obliged to adopt and implement special measures to increase the representation of women until equal representation of women and men is achieved. Nonetheless, this has not been reflected in the negotiating teams throughout the years.

Local activists have criticized the exclusionary practice of national and international parties involved in the dialogue. In the early 2000s, women consistently had to fight to meet with United Nations Mission in Kosovo (UNMIK) leaders, using UNSC Resolution 1325 to demand to be heard. They took every opportunity to remind international actors and the Kosovo authorities of their responsibility to implement UNSC Resolution 1325 and the Law on Gender Equality, repeatedly calling for the involvement of women in

government and decision-making processes, and demanding justice and reparations for wartime sexual violence.

Involvement of women in the process

The experiences of men and women in war are different, thus women must participate in order to *“offer a vital perspective in the analysis of conflict”* and in doing so they can provide strategies to build peace *“that focus on creating ties between opposing parties and increasing the inclusiveness, transparency, and sustainability of peace processes”*.

The importance of including women in every aspect of making and sustaining peace is also supported by empirical evidence. The International Peace Institute studied 182 signed peace agreements dating from 1989 to 2011 and found that the inclusion of women in peace processes increases the chance of an agreement lasting more than 15 years by 35 percent. Research shows that women participating in peace processes moves the focus from the victories of war to the critical elements of sustainable peace: reconciliation, economic development, education and transitional justice.

Meaningful inclusion of women in negotiations requires both the appointment of women to represent a certain group's interest in talks, and the active participation of women's groups, such as civil society organisations. UN Women advocates for this dynamic, for reasons in line with the aforementioned research – inclusion of women results in more sustainable peace agreements and the participation of women's organisations brings a higher awareness of gender in the outcome of the agreements.

That said, the inclusion of women can and must take many forms – a peace process cannot only be top down. An inclusive process inherently puts women in more pivotal roles, building peace from the bottom up as well as from the top down. Engaging multiple stakeholders is vital to this process, with negotiations taking place in capital cities and rural areas alike. Local communities are confronted with a host of critical issues on the ground that left unaddressed, could unravel any peace deal.

Systematic and representative inclusion of women in peace and security matters is encourages a successful negotiation, and also assure women's interests are being addressed and prioritised. The security of women is integrally linked to the security of the nations in which they live. Gender equality is a stronger indicator of a state's peacefulness than other indicators, such as GDP – therefore women must be in leadership roles and present at every negotiation in order to build peace in a sustainable way.

In Kosovo, the civil society sector is strongly committed to promoting and monitoring the implementation of UNSC Resolution 1325. Organisations have presented numerous reports addressing women's issues and specifically on the implementation of UNSC Resolution 1325 in Kosovo. They have actively lobbied for the inclusion of women's

voices in institutions, the security sector and decision-making positions, and they have collaborated with Kosovo institutions to gender mainstream development policies and programs. For women of all ethnicities, an important aspect of continuing the dialogue is to clarify the fate of missing persons and to end the practice of impunity for sexual violence and other crimes, as per UNSC Resolution 1325. Disappointingly, these issues have yet to garner the attention they deserve.

Kosovar women's rights activists have regularly reminded international decision-makers and Kosovo authorities of their responsibilities to implement UNSC Resolution 1325 since its adoption 20 years ago. These requests are still pertinent today, as women's equal participation and representation are still unrealized in Kosovo today, despite the UNSC Resolution, the Constitution of Kosovo and Kosovo's Law on Gender Equality.

Having women and men in leadership can circumvent the major obstacles to implementation: a lack of coordination, bureaucracy, and the fact that gender equality, although clearly stated in the UNSC Resolution 1325 and Kosovo's laws, has not been internalized fully here. Women's representation in decision-making is important in creating role models for younger generations. The availability of role models may increase the confidence of potential young women and the likelihood of their engagement in the future. Thus, this exclusion can affect young women's motivation to engage in coming processes.

Women's organisations have requested that the process be open and transparent, bottom-up, and based on consultations with diverse women and men regarding their needs and expectations from the dialogue. They have offered to provide information and expertise to support the organisation of public consultations, to ensure a democratic, transparent, and participatory process. This is crucial for lasting peace and security in the region. Women's groups have demanded that women be ensured a meaningful role in the Kosovo delegation to participate in the Kosovo-Serbia dialogue for normalization of relations, as well as in the working groups established to inform the Dialogue. Specifically, women organizations working in Kosovo such as MWAHR and Sandglass from Serbia have had their own peacebuilding and dialogue meetings. These meetings were held with mainly local level women politicians.

The Speaker of the Assembly of Kosovo, Vjosa Osmani, just recently also advocated for the direct and constant involvement of women in the Kosovo-Serbia dialogue, both at the political level and between citizens. In her speech on the 20th anniversary of UNSC Resolution 1325 at a conference organised by KFOR, Osmani also iterated the issue of missing persons and importance of punishing sexual violence and other crimes committed during the war in Kosovo.

Regrettably, these calls have not yielded significant answers by governments, as is the case with the Kosovo-Serbia dialogue on normalization of relations, which has remained to date a gender-blind process.

Conclusion

Women have been almost completely excluded from the dialogue process up until now, with the exception of a single female leader, which is tokenistic at best. This is a gross misrepresentation of stakeholders and excludes the invaluable and diverse contribution and intellectual capital that women bring to the process. Due to the different experience of men and women in war and society, the equal inclusion of both genders is vital to the legitimacy of the processes and sustainability of the agreements. Not only does UNSC Resolution 1325 demand this, but the Kosovo government has committed to including women at all levels of decision making and public administration. Kosovo institutions need to prioritise efforts to uphold their responsibility to implement the Law on Gender Equality to date, to tackle the serious underrepresentation of women in senior political positions, as technical experts, at negotiation tables, notably the Kosovo-Serbia Dialogue, and in public consultations regarding the content of the negotiations and Dialogue. Women in Kosovo are and have historically been active participants in and agents of peacebuilding, policy making and recovery processes. They deserve and demand platform and to no longer be disregarded as passive bystanders or victims.

Recommendations

- Substantive and equal inclusion of women at all levels of decisions making and in the technical, legal and administrative aspects of the dialogue process as an absolute priority for the Kosovo government, pursuant with the Law on Gender Equality and in line with UNSC Resolution 1325.
 - Ensure the effective implementation of the Law on Gender Equality;
 - Ensure that women and women's organisations are consulted throughout the process.
- The European Union, the governments of the member states and their representations in Kosovo and Serbia should establish special lines of support within existing funds or brand new funds for strengthening women's organizations to monitor and to promote dialogue and peaceful conflict.

Supported by:

