

## B o s n i a and H e r z e g o v i n a

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I hope that you forgive me by allowing me to address my notes, because I think I'm still somewhere in transit - a little jet lagged. I am going to respond to the four points and I am going to end with some recommendations. And I'm going to start by talking very briefly about the state of affairs in Bosnia at the moment in relation to gender equality mechanisms.

#### **1. Short explanation of state of affairs in Bosnia**

Julie Mertus has remarked "the case of Bosnia was a turning point in international recognition of protection of women in conflict and in attempts by governments and aid workers to solve the problems of women and girls". She was referring to the prosecution by the International Criminal Tribunal for Yugoslavia (ICTY) of individuals convicted of war crimes solely for rape and sexual violence. This landmark decision that is known worldwide but sometimes seem to stand for more gains than are experienced in the daily lived reality of Bosnian women, in which war trauma and pain is often compounded by severe economic hardship that has not really improved significantly since intervention. Peace came in 1995 with Dayton but there were no women at the negotiating table.<sup>1</sup> The Dayton Peace Accords did not include any references to 'gender' or women. Consequently, in the 12 years since Dayton, many of the services and programmes designed by NGOs and government donors to operationalize Dayton have typically not included women into the implementation process. The many powerful international institutions and agencies that arrived in Bosnia-

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<sup>1</sup> Only one woman was represented among the signatories to the agreement: Ms. Pauline Neville-Jones, who led the British negotiation delegation.

Herzegovina in 1995 to pacify and administer the country, also neglected 'Gender' in their own operations.

Yet, despite this, there have been significant advances for women and gender has become operationalized in into some key structures and process of governance in Bosnia-Herzegovina, at least in theory. Suffice to say that during the session of the Commission on the Status on Women in 2005, it was remarked that institutional mechanisms for gender equality are in state, federal, cantonal and municipal levels. For example, in 2000 the gender centre of the federation of BiH was established to promote, "equal rights and equal status of women and gender equality principles and [the] implementation of relevant international conventions and treaties". The Republika Srpska also has a government Gender Centre. While there is no gender quotas system as such, political parties are obligated to include 30% women on their tickets and this has resulted in women in the lower but not the upper house. There is a Gender Equality Law since 2003 and although it promoted political participation by women, this has remained comparatively low (for reasons I don't have time to go into here). There is a national Gender Equality Agency; there are Gender focal points in each ministry; Gender Centres reporting to entity Prime Ministers; coordination Boards for gender equality at canton level and municipal levels for gender equality. Each of these mechanisms works with NGOs, principally women's organizations to implement the Gender Equality Law and around key gender issues in BiH which are currently to promote increased awareness of 'gender equality' as a component of democracy and human rights, to eliminate trafficking of women in the region, to improve the situation of returning displaced women and their families; to combat domestic violence; to improve the depiction of women in the media and to improve women's access to health, employment and finance. Women's organizations have lead civil society since 1995 in partnership with international funders and agencies such as UNIFEM and UNICEF and UNHCR and the Helsinki Committee for Human Rights and many others. The networking of BiH women's organizations throughout the region is also responsible for the ongoing scrutiny of the implementation of UNSCR 1325.

But it is necessary that the women's work, the women's organizations' work in Bosnia and throughout the region, is recognized to be responsible for the work that is done to patch up the inadequacies and the omissions of the work of the oversight.

## **2. What have been the gendered impacts of European peace and security policies in BiH?**

In terms of the administration of peace-building in BiH we need first to talk of the UN/NATO participation and then the entrance of the EU in the form of the EU Police Mission in 2003 and then EUFOR in 2004 to oversee the military implementation of the Dayton Agreement. And then the Office of The High Representative who is now also the European Union's Special Representative, tasked to the arbiter of the reconstruction. I have already indicated that the structures and mechanisms for gender equality exist in BiH and that much progress has been made since the conflict years. When we talk about gender impacts we need to first consider whether the structures set in place by 'peace and security policies' are successfully implementing mechanisms that improve women's and men;s lives and again we can see that in principle this is the case And in practice not so much. The excellence of the structures does not explain why gender equality is only theoretical for the bulk of BiH women, eg women head up to 20% of all households in BiH (World Bank, 1998) and are the primary income earners in 15% of families (UNHCR); the economic situations of women abandoned during the war years has deteriorated and is worse than that of war widows many of who live on subsistence level benefits (UNCHR); the employment rate for women remains low at 44% because of gender and age-based discrimination (HCHR, 2005) and that one in four families continue to suffer domestic violence.

Clearly where peace and security policies falter in BiH is in two areas: Firstly, of a policy overview about how best to deliver democracy and human rights

standards to a still traumatised ethnically organized state. Recent history shows us that none of the recent international humanitarian interventions have had long term planning and their subsequent ad hoc-ery in delivery of aid and development strategies have added to the burden of local citizens recovering from conflict, and this disproportionately affects women and children. On the second point, women's organizations have ably advised international funders INGOS and government agencies about the need to consultation with the community and importantly about how best to implement policies as an ongoing process. This should be appreciated by international agencies as part of the deliberative aspect of democratisation necessary for embedding human rights standards like gender equality into the mechanics of government. However, Dayton delivered peace through the creation of a legal system that requires a complex working together of municipalities, cantons, and entitles and this makes consistency and continuity of aid and development extremely difficult – if not impossible at times. Even the oversight of the EU High Representative does not ensure that legislation achieved in principal will filter evenly to the municipalities and communities making up the BiH. Every level of government has an international oversight functionary or committee and this does not always mean there is sufficient conviction or incentive in new policies and laws. Thus gender principles have on the one hand been impressively set in place within peace and security policies. But gender equality has also suffered because the policies have not been implemented with sufficient groundwork with the local community. In the end, local communities must take ownership of gender equality and other human rights standards if they are to succeed. And as I have said this awareness-raising is what women's organizations are doing in BiH.

### **3. How have the policies (not) considered the Resolution 1325 and its idea?**

I am not specifically going to address the EU peace and security policy, because it has been less obvious around 1325 in B-H than has the work of NGOs and

international organizations to set up the conditions that actually build on the idea of 1325. From what I have said so far, you can see that the UNSCR 1325 seems to be evident in the legal and political structures created so far. At least the structural mechanisms for gender equality exist. However, you have also heard that implementation remains a major problem, where local citizens especially women are not evenly represented at all levels of negotiation. This also reflects the gender blindness of many international organizations and agencies, which have to be reminded of the existence of UNSCR 1325 and its obligations. In this regard, much more work is needed to ensure that women are fully represented at all levels of government and social policy delivery and that women's organizations are noted as the leaders in much of the social reconstruction going on in BiH.

The MDG reported by UNDP in 2003, noted "a comprehensive, fully developed policy for the democratisation of BiH and the establishment of a system ensuring respect for fundamental human rights has never existed." It goes on, "no body starting from the Venice Commission and the Steering Board of the Peace Implementation Council, through the OSCE, to the OHR as well as local authorities, has ever had a comprehensive and detailed policy. In fact, not even a vision or plan of democratisation and the protection of human rights. Since this kind of policy, programme or plan has never existed it has never been raised who should be accountable for the evident failures of the international community or the local authorities in the field of democratisation of the post-war society". This failure to comprehensively be accountable for what is established and delivered, is precisely what confronts the EU peace and security planning and in BiH we can only hope the EU is prepared to work more closely with civil society groups and local government to set common goals and targeted policies and to establish with the community, accountability mechanisms to assess how policies deliver objectives that are meaningful.

#### **4. Special focus on gender and civil negotiation processes**

Finally, from what I have said already you can hear that civil society groups are the most energetic in reconstruction work, and that women's groups lead in this. However, EU peace and security policy needs to ensure that the principles of UNSCR 1325 are further reinforced not only in their own organization, but also in relation to 6 final points:

1. Making sure women's human rights are promoted and upheld through legal and political education programmes that target rural and poor women and families;
2. By training judicial authorities to consistently apply international and regional human rights standards in all legal documents at state and entity levels of governance;
3. To implement gender- aware reform of the public administration sector;
4. To strengthen support for local initiatives by government and NGOs combating trafficking
5. To better facilitate and materially support the right of return by families and especially by women-headed families; and
6. To strengthen support for the capacity of local organizations, especially women's networks, to take over development work done by international organizations.

In summary, it should be said that much has been achieved since Dayton for peace and security, but this is now not evident to and experienced by those in BiH, particularly those women and families who are poor, rural, and marginalised. Moreover, despite UNSCR 1325 and all the mechanisms and structures that have been set up so far, women's human rights to peace and security remain yet to be fully realised. Thank you.