

To Count or Not to Count? That Is the Question

The first post-war census in Bosnia and Herzegovina continues to cause controversy. Though the enumeration period was in October 2013 - 20 months ago - the final official data has still not been released

There had been hope that the complete data set would be published in mid-June. However, this was forestalled by renewed controversy regarding which census forms should and shouldn't be counted in terms of determining the number of people in the country. Authorities in the Republika Srpska are seeking a narrow definition of "residence," perhaps based on where one studies or works, and not solely based on one's stated residence or simple participation in the census exercise. Officials in state and Federation bodies seek a broader approach, which would count anyone who participated in the census or who was accounted for by participating family members. Reports suggest that the different possible methods in counting could result in a change of over 400,000 more or fewer people.

Two Public Policies

Pieter Everaers, Director at the Office for Statistics of the European Commission (EUROSTAT) and Chairman of the Management Group of the International Monitoring Operation for BiH which is providing technical assistance and oversight to the state and two entity statistics agencies, has pointed out (including on his recent visit) international standards defining permanent residence. He has also noted that this element is not precise, explaining that censuses are bigger picture statistical exercises, and should not be confused with local registration processes. Everaers also reminded that census data will play a role in determining EU funding allocations to BiH, which, as of June 1, has a freshly activated Stabilization and Association Agreement with the EU. Censuses are never just academic statistical exercises, as they very often directly determine two public policies: budgets and political rep-

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resentation. The allocation of public funds is often based on the number of residents in a certain area; more people means more resources. Political representation policies can vary from regular population-based congressional representation allocation (as in the US) to minimum national minority representation quotas based on the numbers of a given national minority group (as often seen in Europe).

As census data is often tied to budget allocations, including financial influxes from Brussels, it is reasonable to ask why any BiH official would not want to maximize the number enumerated to guarantee larger financial inflows based on per person calculations?

While this question is based on the assumption that the first noted policy implication (budgets) is paramount, it is more likely that such potential funding disbursement is being overshadowed in the RS by an interest in preventing any basis for calls for more political representation by non-Serbs in that entity. Since the "I Will Vote for Srebrenica" campaign prior to the 2012 local elections demonstrated the potential power of strategic voter registration (and the Prvi Mart effort endeavored to do the same but on a wider scale in 2014), authorities in the RS have worked to reduce or eliminate the possibility for such electoral activism by seeking to narrow definitions of residency. If five of the 14 RS seats to the BiH House of Representatives could be held by a bloc in opposition to Banja Luka "politics as usual," then the RS's use of the entity veto against state legislation could be blocked. It was not a coincidence that the JMBG controversy of 2013 was related to the seeming-

ly technical issue of ID number issuance; this competence, together with laws regulating residence and the broad yet still vague concept of entity citizenship vis-a-vis BiH citizenship, are all related to the assurance and exercise of a person's citizenship rights on the territory of the country. It was also no accident that a question asking respondents for their "entity citizenship" was added to the census form fairly late in the development of the questionnaire (question 19.1). While respondents could choose not to declare, there was never an explanation of how one might determine or define their entity citizenship, what this means or how such data might ultimately be used. (The meaning and impact of entity citizenship in Brcko is playing out in an interesting case in the District, which will be the subject of another essay.)

How to Define Residence

Media reports suggest that the final results could be ready by the end of the year, following new consultations among experts and political actors on how to define residence. The 2012 BiH Law on the Census will provide scope for lawyers with varying interest to interpret terms differently: permanent resident, temporary resident, temporarily absent, temporarily present, etc. The time for shared and precise definitions and agreed interpretation of such terms was before the October 2013 enumeration process. The images of filled out forms being potentially arbitrarily counted or discounted could cause a severe blow to the legitimacy of the census process, but also further undermine (if that is even possible) citizen faith in public policy and politics generally.

The way this controversy plays out will continue to be interesting. While Milorad Dodik

has demonstrated his interest in a narrow counting method (and lower numbers) for his entity, his frequent political ally Dragan Covic has a strong interest in ensuring the most liberal possible counting methods to increase the likelihood of a higher number of Croats reported as residents in BiH, throughout the country but particularly in the Federation. Bakir Izetbegovic and the Bosniaks may fantasize of a state-wide plurality (for symbolic, not pragmatic policy reasons), but would also be satisfied to be able to demonstrate greater return to communities in the RS than may be presently assumed.

As usual, no one is representing citizens, those who reject the implications of the idea of "constituent peoples," or those who simply consider themselves to be "Bosnian" or an other, though even the most cynical could harbor some interest in what might happen to the Dayton political construct if this amalgamated "fourth group" turned out to be larger than one of the country's three constituent peoples.

The absence of any firm indication - let alone legal basis - on how the census results will be used remains troubling. The open policy questions include the inconsistent legal references to "the last census" and the "1991 census" at the core of representation and positive discrimination policies. This is all related to the implementation of Annex 7 of the Dayton Agreement (return), and arguments over when - if ever - implementation of Annex 7 will be "done."

At this stage, a non-transparent political agreement arrived at among political elites with no public consultation will undermine both statistical accuracy and public confidence in the results. The worst outcome of the 46 million KM exercise (a substantial chunk of which was funded through EU or other external donor money) would be if either - or each - of the entity statistical offices decides to apply their own chosen methodology to the full data set at their disposal, with no common state-wide census data or analysis forthcoming.

Perhaps the simplest solution would be to disregard for all public policy purposes the three sensitive questions on the form that form the core of controversy: the optional questions on nationality/ethnicity and religion, and the compulsory question on mother tongue. This would enable a broad count of the number of people who participated in the census, and provide minimal data related to their stated educational attainment, employment, residential dwelling infrastructure status and other basic issues. Anything beyond such technical data will be inherently political, subjective and open to continued manipulation in the lead up to the 2016 local elections.

Verdict in Cvetkovic Genocide Case on July



After a trial that has lasted nearly two years, the state court will hand down a verdict in the Aleksandar Cvetkovic trial on July 2. Cvetkovic has been indicted for genocide in Srebrenica, reports Justice Report

Throughout the course of the trial the state prosecution has attempted to prove that Cvetkovic, a former member of the Tenth Reconnaissance Detachment of the Main Staff of the Bosnian Serb Army, participated in the mass execution of Srebrenica civilians in July 1995 on the Branjevo military farm. Cvetkovic's defense has maintained that he was only a driver and didn't participate in any of the killings. While testifying in his own defense, Cvetkovic insisted before the trial chamber that he is "absolutely innocent." The state prosecution invited 26 witnesses to testify, while the defense invited 14.

"Everyone was shooting"

A protected witness known as C2, who managed to survive the Branjevo shootings, testified at the trial.

"I fell down right away. When the shooting stopped, someone asked if anyone was alive. Two men came forward, and one said 'Kill me,'" C2 said.

According to C2, two of the men who came forward were killed.

C2 said he and other civilians were abducted from the village of Potocari on July 13,

1995. They were taken to the Vuk Karadzic school in Bratunac, where they spent two nights. They were then taken to the village of Pilica, near Zvornik, and were housed in the Kula school. Two days later, they were transferred to Branjevo.

Witness Zoran Gajic, who transported the prisoners, also testified at the trial. He said when they arrived to Branjevo, he found soldiers that he'd never met before.

"I saw a lot of killed people in the field. About 500 to 600 of them had been executed," Gajic said. He said that was when he realized what awaited the prisoners he'd brought to Branjevo.

Many witnesses confirmed that members of the Tenth Reconnaissance Detachment participated in the Branjevo shootings, including Franc Kos and Stanko Kojic. Kos confirmed that he'd personally participated in the shooting. In a statement he gave to the state prosecution, Kos said he heard Zoran Goronja address Cvetkovic, saying "Come on kid, let's see how you did that in Kozarac."

At the trial, Kos said protected witness C-1 told Goronja to shoot. Kos said that in his initial statement he wanted to protect C-1. Goronja also confirmed that C-1 told him to