

Removal from Office of Nikola Poplasen

The High Representative Carlos Westendorp today removed Nikola Poplasen from the Office of President of Republika Srpska with immediate effect.

He took this decision after he received a letter from President Poplasen, rejecting the High Representative's demands with regards to President Poplasen's illegitimate attempt to unseat RS Prime Minister Milorad Dodik.

President Nikola Poplasen has abused his power and blocked the will of the people of Republika Srpska by hindering the implementation of the election results, refusing to abide by the decisions of the National Assembly as well as by consistently acting to impede the formation of a legitimate government supported by the National Assembly. He has obstructed the implementation of the General Framework Agreement for Peace and acted to trigger instability in Republika Srpska, thus putting peace into risk both in Republika Srpska and the whole of Bosnia and Herzegovina.

In particular, the following actions taken by President Poplasen have forced the High Representative to remove him from office:

- He has acted against democratic principles and abused the authority of the Office of President by refusing to consult the parties and coalitions represented in the National Assembly in order to nominate the Prime Minister, and by refusing to nominate as Prime Minister the candidate proven to be supported by the majority of the National Assembly.
- He has challenged the National Assembly and disrupted the work of the government by, in contradiction with democratic principles, deliberately nominating a series of candidates for Prime Minister known to be unable to command the necessary majority in the National Assembly, or who did not accept the mandate, thus leaving the people of the Republika Srpska without a government confirmed by the National Assembly for almost six months. He has hampered the political process and a smooth implementation of the Dayton process. As the head of a democratic government, Mr. Poplasen, whatever his personal preferences, was required to defer to the will of the voters of Republika Srpska as expressed through the majority of the Representatives in the National Assembly.
- He has obstructed the will of the people and challenged the people's representation by refusing to sign legislation duly and legally passed by majority vote in the National Assembly.
- He has deliberately and maliciously misused Article 94 penultimate paragraph of the RS Constitution in order to unconstitutionally unseat the caretaker Prime Minister by allowing a minority of deputies to contravene the will of the majority in the National Assembly to which the Prime Minister is responsible in accordance with the first paragraph of the same Article. Thus he has attempted to provoke a government crisis.
- He has disregarded the General Framework Peace Agreement and the Constitution of Bosnia and Herzegovina by publicly challenging the High Representative's decision regarding the Constitution of Bosnia and Herzegovina as this pertains to civilian command authority over armed forces.
- He has promoted and produced, through this illegal action, an untenable institutional and constitutional situation in the Republika Srpska as well as growing political and social instability. Thus he has threatened the peace in violation of the General Framework Agreement for Peace.

All of the above establishes a disturbing and unacceptable pattern of deliberate attempts to obstruct the implementation of the General Framework Agreement for Peace.

In order to protect the Office of the President of Republika Srpska as an institution and the legitimate interests of the people of Republika Srpska, the High Representative has removed Nikola Poplasen from the Office of President of Republika Srpska and forbids him to exercise any of the rights, privileges, and authorities of that Office. Succession should be assured by the relevant provisions of the RS law, which designate the Vice President of the

Republika Srpska, and, failing that, a replacement appointed in accordance with generally accepted practice.

The High Representative has taken his decision exercising the powers vested in him by Article 5 of Annex 10 to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative "is the final authority in theater regarding interpretation of [the] Agreement on the civilian implementation of the peace agreement," and Article II(1)(d) of that Annex, which empowers the High Representative to "facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation." Article I.1 of the said Annex states that the term "civilian implementation" includes, in particular, "the establishment of political and constitutional institutions in Bosnia and Herzegovina."

Interpreting these powers, the Peace Implementation Council at its conference in Bonn on 10 December 1997, in paragraph XI.2 of the Conclusions and sub-paragraph (c) thereof, authorized the High Representative to take actions against persons holding public office who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms of its implementation. These powers have been reiterated by the Peace Implementation Council in Chapter X of the Annex to the Madrid Declaration of 16 December 1998. Taking his decision, the High Representative has also taken into account Article 15.35 of the Rules and Regulations of the Provisional Election Commission.