

Letter to President Poplasen

The High Representative, Carlos Westendorp, has written to RS President Nikola Poplasen to express his dismay at his decision to start proceedings to dismiss the Prime Minister, Milorad Dodik.

President Poplasen is acting irresponsibly and deliberately fomenting disruption and confusion in the National Assembly by creating a sense of government crisis where there is none. The High Representative is determined not to stand for further malicious attempts to undermine the government and thus the process of Dayton implementation in Republika Srpska.

President Poplasen's claim that his actions are legitimized by Article 94 of the RS Constitution is not sustainable. This article cannot be applied to a caretaker government, given that the inconceivable outcome would be that the Entity had no government. The Venice Commission, in its legal opinion requested by the High Representative, explains that a caretaker government is obliged to continue to exercise its functions until a new Prime Minister is nominated, according to the terms of the Constitution. Mr Dodik therefore cannot be dismissed under Article 94.

Further, the High Representative considers the main complaint of the 26 deputies – that the majority in the Assembly is determining the passage and content of legislation – to be so ridiculous and anti-democratic that any responsible president should have rejected it out of hand.

The High Representative also hopes that recent reports that President Poplasen is considering dissolving the Assembly are incorrect. He reminds the President once again that there are no grounds for calling new elections as there is no crisis in the government or the Assembly – both are working seriously and productively, passing major legislative measures.

The Head of the OSCE Mission, Ambassador Robert Barry, and the High Representative do not see any justification for new elections and will not permit them.

The crisis is presidential and entirely of the President's own making, who stubbornly refuses to appoint as Prime Minister the person that can gain the majority of the votes in the Assembly. In all democracies, as the opinion of the Venice Commission confirms, unconstitutional behavior such as President Poplasen's amounts to abuse of power.

Under these circumstances, the High Representative has reminded President Poplasen of his prerogatives under Annex 10 of the Dayton Peace Agreement and Article 15.35(d) of the Provisional Election Commission (PEC) rules, to apply sanctions if the President continues to jeopardize the Dayton peace process and hinder the implementation of the election results by his frivolous and anti-constitutional actions. These sanctions include the President's removal from office and penalties against his party. The High Representative will not hesitate to apply these measures unless President Poplasen starts behaving responsibly and constitutionally.