Decision removing Mr. Nikola Poplasen from the Office of President of Republika Srpska

In the exercise of powers vested in me 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*";

Considering, particularly, Art. II(1)(d) of the latter Annex, in terms of which the High Representative shall have the power to "*facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation*"; considering, furthermore, that in accordance with Article I.1 of the said Annex, the term "*civilian implementation*" includes, in particular, "*the establishment of political and constitutional institutions in Bosnia and Herzegovina*";

Endorsing the interpretation of such powers given in paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 10 December 1997, in particular, sub-paragraph (c) thereof, by means of which the High Representative is entitled 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;

Mentioning the reiteration of the acknowledgement of such powers by the Peace Implementation Council in Chapter X of the Annex to the Madrid Declaration of 16 December 1998; and

Taking into account Article 15.35 of the Rules and Regulations

of the Provisional Election Commission;

I hereby issue the following

Decision
To remove the President of Republika Srpska, Nikola Poplasen, from office effective immediately.

Reasons for removal
President Nikola Poplasen has abused his power; blocked the will of the people of Republika Srpska by hindering the implementation of the elections results, refusing to abide by the decisions the National Assembly and consistently acting to impede the formation of a legitimate government with the support of the National Assembly; obstructed the implementation of the General Framework Agreement for Peace, acted to trigger instability in the Republika Srpska and thus put peace into risk in the Republika Srpska and in the whole of Bosnia and Herzegovina, by the following actions:

- acting against democratic principles and abusing 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 refusing to nominate as Prime Minister the candidate proven to be supported by the majority of the National Assembly;
- challenging the National Assembly and disrupting the work of the government by, in contradiction with democratic principles, deliberately nominating a series of candidates for Prime Minister known to be able to command the necessary majority 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, hampering the political process and smooth implementation of the Dayton process. As the head of a democratic government, Mr. Poplasen, whatever his personal preferences, is obviously required to defer

to the will of the voters of Republika Srpska as expressed through the majority of the Representatives in the National Assembly;

- obstructing the will of the people and challenging the people's representation by refusing to sign legislation duly and legally passed by majority vote in the National Assembly;
- deliberately and maliciously misusing 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 attempting to provoke a government crisis;
- disregarding the General Framework Peace Agreement and the Constitution of Bosnia and Herzegovina Agreement 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; and
- promoting and producing, through this illegal action, an untenable institutional and constitutional situation in the Republika Srpska, growing political and social instability and, as a consequence, a threat to 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.

For these reasons, and 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, I decide the following:

I hereby remove Nikola Poplasen from the Office of President of Republika Srpska. Effective immediately, I forbid him from

exercising any of the rights, privileges, and authorities of that office. Succession should be assured by 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.

Sarajevo, 5 March 1999

Carlos Westendorp
High Representative

Office of the High Representative