

Decision removing Mr. Zoran Nikolic from his position as Delegate to the Republika Srpska National Assembly

To:	Mr. Zoran Nikolic, Delegate to the Republika Srpska National Assembly
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Sarajevo, November 29, 1999

Dear Mr. Zoran Nikolic,

For reasons outlined in the attached Decision, we herewith notify you of the following: under the powers vested in the High Representative, you are removed from public office with immediate effect. In addition, in accordance with the Provisional Election Commission Rules and Regulations, this Decision bars you from being a candidate in the upcoming municipal elections.

It is with great regret that we are forced to acknowledge that during your term in office not only have you failed to show any commitment to the implementation of the General Framework Agreement for Peace, but you have also seriously and persistently obstructed its implementation.

Wolfgang Petritsch	Robert L. Barry
High Representative	Chairman of the PEC
	OSCE Head of Mission

In the exercise of the powers vested in the High Representative by Article 5 of the Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative *'is the final authority in the theater regarding interpretation of [the]*

Agreement on the civilian implementation of the peace agreement';

Endorsing the interpretation of these 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;

Noting 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;

Considering the mandate entrusted with the Provisional Election Commission under Article III of the Annex 3 to the General Framework Agreement for Peace in Bosnia and Herzegovina and article 7.10 of the Rules and Regulations adopted thereafter which provides that *no person who has been removed by the High Representative shall be permitted to be a candidate in the elections.*

We hereby issue the following

Decision

To remove Mr. Zoran Nikolic from his position as delegate to the Republika Srpska National Assembly and to ban him from being a candidate for the next municipal elections or to hold any executive office at any level unless authorised to do so.

This Decision has immediate effect.

Reasons for removal

Mr. Zoran Nikolic has abused his power by persistently and seriously obstructing implementation of the General Framework

Agreement for Peace. By pursuing an extra-legal agenda, he has consistently refused to take ownership of the laws of Bosnia and Herzegovina.

In particular,

- Mr. Zoran Nikolic is the main political influence on the President of the Municipal Assembly of Foca/Srbinje, pressuring the latter to continually obstruct the General Framework Agreement for Peace. Since the 1997 municipal elections, the President of the Municipal Assembly of Foca/Srbinje has failed to take any actions to facilitate the implementation of the General Framework Agreement for Peace-particularly in the field of return and the implementation of property legislation.
- Mr. Zoran Nikolic is a key person responsible for the political and economic isolation of the municipality of Foca/Srbinje. Mr. Zoran Nikolic was present at a number of meetings with international organizations where projects benefiting the municipality of Foca/Srbinje were discussed. In these meetings, Mr. Zoran Nikolic obstructed or delayed the approval and/or implementation of these projects. Mr. Zoran Nikolic's intransigence prevented the international community from carrying out their duties under the General Framework Agreement for Peace in the municipality of Foca/Srbinje.
- Mr. Zoran Nikolic's serious obstruction to the implementation of the 1997 municipal election results in Foca/Srbinje led OSCE and OHR to issue an Arbitration Award eight months after municipal elections were held.

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, we hereby remove Mr Nikolic from the position of delegate to the Republika Srpska National Assembly. The decision will be effective immediately and will not require

any further procedural steps.

The mandate of Mr. Zoran Nikolic will be passed to the next candidate on the Serb Radical Party's list in accordance with the Article 7.90 of the Provisional Election Commission Rules and Regulations.

Sarajevo, 29 November 1999

Wolfgang Petritsch	Robert L. Barry
High Representative	Chairman of the PEC
	OSCE Head of Mission

Office of the High Representative