

Supervisory Order On Additional Floors On Residential And Other Public Buildings

In accordance with paragraph 11 and 37 of the Final Arbitral Award dated March 5, 1999, and paragraph 3 of the Annex dated August 18, 1999;

Considering that the Executive Board of the RS Brcko Municipality adopted on July 22, 1999, a Decision on Conditions, Manner and Procedure for Building Additional Floors on Buildings (No. 3-36-361-165/99) allowing legal persons to construct additional floors on public buildings in Brcko town that were accessible at the time only to Serb families;

Considering further that the Brcko District Assembly adopted a Decision on Adoption of Measures Proposed by the Government of the Brcko District of BiH on July 18, 2000 (Official Gazette of the Brcko District No. 3/00), and a Decision on Requirements, Manner and Procedure for Building Additional Floors on Buildings and Converting Common Areas into Apartments on December 11, 2001 (Official Gazette of the Brcko District No.1/02), and a Criteria and Measures Based on Which the Right of Construction shall be Acquired in Accordance with the Decision on Building Additional Floors on Buildings and Converting Common Areas into Apartments on December 14, 2001 (Official Gazette of the Brcko District No. 1/02), de facto recognizing the effects of the aforementioned Decision of the Executive Board of the RS Brcko Municipality and giving priority for apartments in additional floors to Bosniak families;

Finding that the aforementioned Decisions are discriminatory and that both the RS Brcko Municipality and the Brcko District have issued approvals for the construction of apartments in additional floors in an inconsistent manner;

Taking into account that the aforementioned Decisions lack legal basis and have not been based on the pre-war Law on Constructing Additional Floors to Buildings and Modifying Joint Premises into Apartments in Socially Owned Buildings (Official Gazette of SRBiH 32/87) still applicable in the Brcko District in accordance with paragraph 11 of the Final Arbitral Award;

Based on the fact that the Law on Constructing Additional Floors to Buildings and Modifying Joint Premises into Apartments in Socially Owned Buildings (Official Gazette of SRBiH 32/87) is based on the concept of public property which is no longer consistent with the legal framework of the District;

Aiming to ensure that all issues related to public buildings are clearly regulated before the process of privatization of the apartments is concluded, and that all necessary standards are met before responsibility for maintenance of additional floors is transferred to the owners of the building;

Concerned by the risk for lives, property and especially dwellings whenever construction standards are not strictly enforced;

Determined to ensure that all construction works within the District are carried out in the manner that fully guarantees the safety of citizens and their property;

I hereby issue the following Order:

1. The Law on Constructing the Additional Floors to the Buildings and Modifying the Joint Premises into the Apartments in Socially Owned Buildings (Official Gazette

of SRBiH 32/87) is hereby rescinded in the Brcko District of BiH.

2. The Decision on Conditions, Manner and Procedure for Building Additional Floors No. 3-36-361-165/99 issued by the Executive Board of the RS Brcko Municipality on July 22, 1999, is hereby rescinded.
3. The Decision of the Brcko District Assembly on Adoption of the Measures Proposed by the Government of the Brcko District (Official Gazette of the Brcko District No. 3/00) is hereby rescinded.
4. The Decision on Requirements, Manner and Procedure of Constructing the Additional Floors and Modifying the Joint Premises into the Apartments (Official Gazette of the Brcko District No.1/02) is hereby rescinded, with the exception of Paragraph 2, Article 12 of this Decision that shall remain in force.
5. The Criteria and Measures Based on Which the Right of Construction shall be Acquired in Accordance with the Decision on Building Additional Floors on Buildings and Converting Common Areas into Apartments (Official Gazette of the Brcko District No. 1/02) is hereby rescinded.
6. The Government of the Brcko District shall within 45 days conduct a thorough inspection of all additional floors built on socially owned buildings in the Brcko District after July 22, 1999, to determine whether such structures: a) have all permits required by law, b) are built in accordance with mandatory technical regulations and safety standards, and especially whether they are properly connected to utilities and meters, as well as identify responsibility and obligations of the Contractor in case additional floors do not meet prescribed requirements.
7. Ongoing construction of additional floors shall immediately cease and shall not resume until the Brcko District Government has conducted the investigation provided in paragraph 6 of this Order and has determined

that construction companies have all permits required by law and that the construction is in accordance with mandatory technical regulations and safety standards.

8. In case additional floors or ongoing construction of additional floors do not meet prescribed requirements or lack required permits, the Government of the Brcko District shall undertake all measures prescribed by Law, and eliminate any danger for the safety of residents or property.
9. The registration of the ownership rights on the apartments that are built as additional floors shall be done only upon confirmation issued by the Government of the Brcko District, proving that conditions set in the paragraph 6 of this Order are met.
10. Maintenance costs of the common parts of additional floors shall be considered as regular maintenance costs of the building, and thus covered from the maintenance funds of the building, only after Brcko District Government has conducted the investigation provided in paragraph 6 of this Order, and all possible deficiencies are eliminated.
11. The Mayor of the Brcko District shall submit weekly reports on the results of the inspections, as well as on the measures undertaken, to my Office starting Friday March 14, 2003.

This Order shall have immediate effect and shall be published in the Official Gazette of the Brcko District of BiH.

Henry L. Clarke
Deputy High Representative
Supervisor of Brcko