

2009

## Josiah Marineau on Housing, Land, and Property Restitution Rights of Refugees and Displaced Persons: Laws, Cases, and Materials . Edited by Scott Leckie (New York: Cambridge University Press, 2007). 592pp.

Josiah Marineau  
*University of Denver*

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>



Part of the [Human Rights Law Commons](#), [International Humanitarian Law Commons](#), [International Law Commons](#), and the [Social Justice Commons](#)

---

### Recommended Citation

Marineau, Josiah (2009) "Josiah Marineau on Housing, Land, and Property Restitution Rights of Refugees and Displaced Persons: Laws, Cases, and Materials . Edited by Scott Leckie (New York: Cambridge University Press, 2007). 592pp.," *Human Rights & Human Welfare*: Vol. 9: Iss. 1, Article 8. Available at: <https://digitalcommons.du.edu/hrhw/vol9/iss1/8>



All Rights Reserved.

This Book Notes is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [digitalcommons@du.edu](mailto:digitalcommons@du.edu).

---

**Josiah Marineau on Housing, Land, and Property Restitution Rights of Refugees and Displaced Persons: Laws, Cases, and Materials . Edited by Scott Leckie (New York: Cambridge University Press, 2007). 592pp.**

**Abstract**

A review of:

Housing, Land, and Property Restitution Rights of Refugees and Displaced Persons: Laws, Cases, and Materials . Edited by Scott Leckie (New York: Cambridge University Press, 2007). 592pp.

**Keywords**

Human rights, Refuges, Housing, Restorative justice, Property rights

**Copyright Statement / License for Reuse**



All Rights Reserved.

**Publication Statement**

Copyright is held by the Josef Korbel School of International Studies, University of Denver. User is responsible for all copyright compliance.

**Housing, Land, and Property Restitution Rights of Refugees and Displaced Persons: Laws, Cases, and Materials** . Edited by Scott Leckie (New York: Cambridge University Press, 2007). 592pp.

Housing and property restitution rights of returning refugees and displaced persons in post-conflict and post-disaster environments are becoming more widely appreciated as key components of postwar peace-building and restorative justice. Moreover, the right to restitution is becoming recognized as an autonomous, free-standing right, and not only a means to achieving restorative justice. This book is a source of 240 laws and other regulations at the international, regional and national levels regarding housing, land, and property restitution rights of refugees and displaced persons. The editor's purpose for compiling this book is "to provide an accurate and reasonably detailed picture of the current state of affairs with respect to these rights set within their various normative contexts" (xix).

The book is divided into five parts. The first part covers international housing and property restitution standards, which are divided into ten sources, including international law, peace agreements, voluntary repatriation agreements, United Nations High Commissioner for Refugees documents, UN Security Council resolutions, UN General Assembly resolutions, UN Commission on Human Rights resolutions, the UN Sub-Commission on the Protection and Promotion of Human Rights documents, and various other UN bodies. The second part, the shortest section of the book, contains regional standards and declarations promulgated by regional bodies such as the Organization of African Unity. The third part of the book gives examples of national housing and property restitution standards from sixteen countries in Eastern Europe, Central Asia, the Caucasus, and with a few examples from South America, Africa and the Middle East. The fourth part has selections from housing and property restitution case law, represented by the rulings of four international courts: the Permanent International Court of Justice, the International Court of Justice, the Human Rights Committee, and the European Court of Human Rights. The last part contains a bibliography of further readings, as well as lists of relevant websites.

The text does not serve as an introduction to the field; some preparatory study is required to make full use of the book's contents. For a student who is new to the field, the last section may be the most useful due to its references to other texts that relate to housing and property restitution rights. Moreover, the contents of the text were selected from a multitude of possible documents, but the editor does not indicate the selection criteria, so the editor's purpose for including the documents in the text is unclear. Why are so few documents related to South-East Asia included? Why are the majority of examples of national laws taken from Eastern European countries? We are not told. The book needs a more substantial introduction and broader discussion on the methods by which the documents were selected.

That said, there is much to value about this book. Of particular note are the so-called "Pinheiro Principles," which represent the most exhaustive attempt by the international community to establish common standards regarding property and housing restitution rights. The editor includes the various working papers and drafts that culminated in approval of the principles by the United Nations, plus many of the documents that the "Pinheiro Principles" cite in endnotes. The breadth of standards and laws promulgated over the past decade, culminating in the

“Pinheiro Principles,” indicates that the international community is increasingly cognizant of the need for protecting the restitution rights of refugees and displaced persons. This volume is useful for human rights and international law scholars, graduate students, policy-makers, activists, and lawyers who are interested in protecting the housing, land, and property restitution rights of refugees and displaced persons. However, the groups of people who would be most interested in this book are the refugees and displaced persons themselves, who are seeking protection of their restitution rights for lost housing, land, and property.

*Josiah Marineau*  
*Joseph Korbel School of International Studies*  
*University of Denver*