

Post-Conflict Housing Restitution
The European Human Rights Perspective
with a Case Study on Bosnia and Herzegovina

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Post-Conflict Housing Restitution
The European Human Rights Perspective
with a Case Study on Bosnia and Herzegovina

Antoine C. Buyse



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‘I’m basically a historian who got into law via a historical accident. I’ve always been fascinated by texts which last from one world into another world, texts like the Magna Carta, the Sermon on the Mount – that doesn’t have any protocols but it’s still around.’

BRIAN SIMPSON

PREFACE

In the summer of 2002 I was mixing cement, sand, and water to make concrete to rebuild housing destroyed in the war in the small Bosnian town of Bosanska Gradiška. I could not have imagined at the time that the following years would be consumed with research on housing issues in that same country. Yet, that is exactly what happened.

Writing a dissertation may in and of itself be a lonely endeavour, but I have been very fortunate to have conducted my research in an environment that was far from lonely. Apart from the numerous people whose insights have benefited my academic work and which the Leiden tradition does not allow me to thank by name, my research would never have led to the same results without the presence and help of the people and institutions mentioned here.

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It cannot be underestimated how important diversions from the research can be, as long as they do not entirely overwhelm it of course. Here, my first word of thanks goes to my two subsequent roommates, Felix and Lisa, who have not only been the most pleasant company but have filled the dissertation years with humour, thus creating the perfect environment for serendipities. In addition, my ‘comrades in arms’ – Herke and Mireille – and all my table companions during our weekly case law lunches, and the other colleagues at the Faculty, created an atmosphere of friendship that made my stay in Leiden such a pleasure.

My fellow Board members of the Centre on Housing Rights and Evictions and my friends of Critical Mass – Bas, Enno, Floris, and Hiske – have ensured that my academic work was never done in a vacuum, as the European Court of Human Rights would put it, but was enriched by the practical application of human rights in advocacy and education.

Outside the context of work, I am very grateful for the support of my family and friends. They have not only shown interest in how I muddled through the ups and downs of writing a Ph.D. thesis, but have also often *not* asked about it, which may have been even more important for my peace of mind.

Finally, my deepest gratitude is owed to the two persons who have accompanied me on the road of life and have given me so much strength and love: Ward and the Eternal One. The latter's love is so strong and unconditional that it forms a source of permanent consolation and support. Ward, for his part, has enriched my life in more ways than I could possibly have imagined and he has been my best supporter at every stage of this research project and on all other fronts as well. He has shown me the true meaning of the word joy. It is my wish and hope that they will both continue to walk that road with me for a very long time to come!

Leiden, October 2007

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LIST OF ABBREVIATIONS

a.o.	and others
Appl.no.	Application number
Art.	Article
BiH	Bosnia and Herzegovina
CERD	Committee on the Elimination of Racial Discrimination
CoE	Council of Europe
CRPC	Commission for Real Property Claims
CSCE	Conference for Security and Co-operation in Europe
ECHR	European Convention on Human Rights and Fundamental Freedoms
EComHR	European Commission of Human Rights
ECtHR	European Court of Human Rights
e.g.	exempli gratia (for example)
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
GA	General Assembly
HRC	Human Rights Committee
HRC BiH	Human Rights Chamber of Bosnia and Herzegovina
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
Ibid.	Ibidem
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICG	International Crisis Group
ICJ	International Court of Justice
IDP	Internally displaced person
IO	international organisation
IPTF	International Police Task Force
NGO	non-governmental organisation
OHR	Office of the High Representative
OSCE	Organization for Security and Cooperation in Europe
P1-1	Article 1 of the first Protocol of the ECHR
para.	paragraph
PCIJ	Permanent Court of International Justice
PIC	Peace Implementation Council
PLIP	Property Law Implementation Plan
p.	page

List of Abbreviations

pp.	pages
SC	Security Council
SFOR	Stabilisation Force in Bosnia and Herzegovina
s.l.	sine loco
RRTF	Reconstruction and Return Taskforce
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNMiBH	United Nations Mission in Bosnia and Herzegovina