vinning. Nevertheless, the thesis reveals and analyzes the main difficulties of this subject and generates in this respect a valuable contribution to a continuing discussion.

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3. Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 (*Official Journal EC* L 200, 8 August 2000). Art. 4 states: ‘1) Member States shall provide in conformity with the applicable national provisions designated by private international law that the seller retains title to goods until they are fully paid for if a retention of title clause has been expressly agreed between the buyer and the seller before the delivery of the goods. 2) Member States may adopt or retain provisions dealing with down payments already made by the debtor.’


The central thesis of this unique and timely book is that the right to one’s homeland belongs to the most fundamental human rights, since its observance by state and non-state actors is a prerequisite for the enjoyment of most other human rights. Indeed, human rights are not exercised in a vacuum, but in a concrete geographical and temporal context, which is most frequently the place where one was born, where one’s historical and cultural links lie. The
denial of the right to live in one’s homeland by mass expulsion or ethnic cleansing entails not only the obvious violation of the right to self-determination, which is considered by many international legal experts as jus cogens, but a breach of most civil, political, economic, social and cultural rights.

The author is a Harvard lawyer, member of the New York Bar, visiting professor of international law at various United States and European Universities, and a prolific writer of a notable book¹ and other publications in the field of human rights, including his seminal piece ‘International Law and Mass Population Transfers’² and ‘The Right to One’s Homeland, Ethnic Cleansing and the International Criminal Tribunal for the Former Yugoslavia’.³ His legal expertise is complemented usefully by a doctorate in modern European History, which he received from the University of Göttingen, where he had been a Fulbright Graduate Fellow. This also explains the anomaly that an American lawyer publishes some of his books first in German and then in English.

In six chapters the author presents in a lucid and concise manner the history of expulsions in the twentieth century, the applicable hard law and soft law norms (from the Hague and Geneva Conventions to the UN Human Rights Covenants, to the Rome Statute of the International Criminal Court, to General Comments of the UN Human Rights Committee, UN reports and resolutions, to pertinent statements by the first UN High Commissioner for Human Rights Ayala Lasso); the jurisprudence of the Nuremberg Trials, the indictments of Karadzic, Milosevic and Mladic, the judgments of the European Court of Human Rights in the numerous inter-state complaints Cyprus v. Turkey as well as in individual cases such as Loizidou v. Turkey; the remedies potentially available to victims of expulsion, and the mechanisms to try to vindicate the right to one’s homeland.

Once in a while the reader would like to have more information, such as on the successful exercise of the right to return of the Crimean Tatars, some 250,000 of whom have returned to the Crimea (mostly from Uzbekistan) with the help of the European Union and UNHCR. One is nonetheless grateful for the information provided in 369 endnotes, which invite the reader to more profound research, and in the extensive and well-chosen bibliography. Politicians and other policy makers would do well to study this book, since the problem of ethnic cleansing will be present for some time to come. Indeed, it is not enough to recognize that mass expulsion constitutes an internationally wrongful act giving rise to state responsibility, but also an international crime giving rise to individual criminal liability. It is crucial to develop preventive strategies so that persons can live in peace in their homelands without the fear of being expelled one day. It is also important to provide effective remedies to the victims of mass expulsion. Obviously the principal remedy required by the victims is an enforceable right to return, as envisaged but hitherto not fully implemented Annex 7 to the Dayton Accords for Bosnia and Herzegovina. A further remedy is restitution of confiscated properties, and when restitution is not possible, the payment of compensation. In this context the author refers to the very interesting jurisprudence of the Human Rights Chamber at Sarajevo, established under Annex 6 of the Dayton Accords.