Rethinking Public Interest in Expropriation Law

26–28 SEPTEMBER 2013

COLLOQUIUM PROGRAMME
WEDNESDAY 25 SEPTEMBER 2013

18h00 CITY WALKABOUT & DINNER (optional; for own account)
Meet at the front door of the University Hotel

THURSDAY 26 SEPTEMBER 2013

12:00 Lunch and Registration at Het Kasteel

13h00 OPENING SESSION
Chair: Prof Hanri Mostert (University of Cape Town)

13h00-13h15 Welcome: Prof Jan Berend Wezeman (Dean of Law Faculty:
Rijksuniversiteit Groningen)
Introductions: Prof Aurelia Colombi Ciacchi (Chair: Groningen
Centre for Law and Governance, Rijksuniversiteit Groningen)

13h15-13h20 Housekeeping: Prof Hanri Mostert (University of Cape Town)

13h20-13h50 Opening speaker: Prof Leon Verstappen (Rijksuniversiteit
Groningen)
Topic: Introduction to Expropriation and to the Contributions of
the Speakers

Group 1 Categorising Public Interest and Public Purpose
Chair: Prof Jan Jans (Rijksuniversiteit Groningen)

13h50 – 15h50 Speaker: Prof Rachael Walsh (Trinity College, Dublin)
Topic: Reviewing Expropriations – The Determinative Impact of
the Public Purpose/Public Interest Distinction

Speaker: Dr Emma Waring (University of York)
Topic: Delineating the “Public Use” and “Public Interest”: The
Elephant in the Room

Speaker: Dr Sabrina Praduroux (University of Turin)
Topic: Public Interest in Takings Cases in Italy and France: The
Constitutional and Human Rights Dimension

Speaker: Prof Hanri Mostert (University of Cape Town)
Topic: The Poverty of Precedent on Public Purpose/Interest: An
Analysis of Pre- and Post-Constitutional Jurisprudence in South
Africa

Discussion
15h50 – 16h10   TEA

Group 2  

When does State Action Amount to Expropriation?  
Chair: Prof Jan Brouwer (Rijksuniversiteit Groningen)

16h10 – 17h10  
Speaker: Prof Brendan Edgeworth (University of New South Wales)  
Topic: State Action and Expropriation: Some Recent Australian Developments

Speaker: Dr Ernst Marais (University of Cape Town)  
Topic: Distinguishing between Regulation and Expropriation of Property: Lessons from South African, Australian and German Law

Discussion

17h10 – 19h00  
FREE TIME

19h00  
Dinner sponsored by Juta Law Publishers at Restaurant De Pauw

FRIDAY 27 SEPTEMBER 2013

Group 3  

Types of Expropriation and Consequences for the Public Purpose and Public Interest  
Chair: Prof AJ van der Walt (Stellenbosch University)

09h30 – 11h00  
Speaker: Prof David Lametti (McGill University)  
Topic: Expropriation: Policies, Paths and Pathologies

Speaker: Prof Eduardo Peñalver (University of Chicago Law School)  
Topic: Bargaining with the State after Koontz v. St. Johns River Water Management District

Speaker: Mr Björn Hoops (Rijksuniversiteit Groningen)  
Topic: Democratic Legitimacy and the Public Purpose Requirement for the Expropriation of Land

Discussion

11h00 – 11h20   TEA
Group 4  
**Third Party Transfers**  
Chair: **Prof Frank Verstijlen** (Rijksuniversiteit Groningen)

11h20 – 12h50  
Speaker (via Skype): **Prof Lee Godden** (University of Melbourne Law School)  
Topic: **Expropriation and New Property: Trends in Australian Jurisprudence**

Speaker: **Prof Heinz Klug** (University of Wisconsin Law School)  
Topic: **Public Interest, Land Reform and the Transfer of Property to Third Parties: A Comparative Perspective**

Speaker: **Prof Michael Heller** (Columbia Law School)  
Topic: **The Land Assembly Solution to Third Party Transfers**

Discussion

12h50 – 14h00  
**LUNCH**

Group 5  
**Less Invasive Means**  
Chair: **Prof Marcel Brus** (Rijksuniversiteit Groningen)

14h00 – 15h30  
Speaker: **Prof Jacques Sluysmans** (Radboud University of Nijmegen)  
Topic: **Change of Purpose or Non-realisation of the Public Purpose after Expropriation**

Speaker: **Dr Bradley Slade** (University of Johannesburg)  
Topic: **The Less Invasive Means Argument in South African Expropriation Law**

Speakers: **Prof Jaap Zevenbergen** (University of Twente) & **Prof Hendrik Ploeger** (VU Amsterdam & TU Delft)  
Topic: **Between Expropriation and Restriction: What if the Public Interest does not require the Whole Property?**

Discussion

15h30 – 16h00  
**TEA**

16h00 – 19h00  
**FREE TIME**

19h00  
**Colloquium Dinner hosted by the Groningen Centre for Law and Governance at Restaurant ‘t Feithhuis**
SATURDAY 28 SEPTEMBER 2013

Group 6

Public Interest and the Scope of Expropriatory Compensation
Chair: Prof Hanri Mostert (University of Cape Town)

09h15 – 11h15

Speaker: Dr Elmien du Plessis (University of Johannesburg)
Topic: The Public Purpose Requirement in the Calculation of Just and Equitable Compensation

Speaker: Prof John Lovett (Loyola University of New Orleans Law School)
Topic: Public Use, Compensatory Justice and Third Party Transfer Limits in States Responding to Economic Crisis and Natural Disasters

Speaker: Prof Magdalena Habdas (University of Silesia)
Topic: Fundamental Premises of Land Expropriation in Poland: The Notion of Just Compensation for Land Expropriation

Speaker: Prof Hanoch Dagan (Tel Aviv University)
Topic: Expropriatory Compensation, Distributive Justice, and the Rule of Law

Discussion

11h15 – 11h45 TEA

11h45 CLOSING SESSION
Chair: Prof John Lovett (Loyola University of New Orleans Law School)

11h45 – 12h05

Summary of papers and way forward: Panel discussion by Prof Leon Verstappen (Rijksuniversiteit Groningen)
Prof Hanri Mostert (University of Cape Town)
Mr Björn Hoops (Rijksuniversiteit Groningen)
Dr Ernst Marais (University of Cape Town)

12h05 – 12h15 Closing: Prof Leon Verstappen (Rijksuniversiteit Groningen)

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