



**university of  
 groningen**

faculty of law



# 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

<b>Group 4</b>	<b>Third Party Transfers</b> Chair: <b>Prof Frank Verstijlen</b> (Rijksuniversiteit Groningen)
11h20 – 12h50	Speaker (via Skype): <b>Prof Lee Godden</b> (University of Melbourne Law School) Topic: <b>Expropriation and New Property: Trends in Australian Jurisprudence</b>  Speaker: <b>Prof Heinz Klug</b> (University of Wisconsin Law School) Topic: <b>Public Interest, Land Reform and the Transfer of Property to Third Parties: A Comparative Perspective</b>  Speaker: <b>Prof Michael Heller</b> (Columbia Law School) Topic: <b>The Land Assembly Solution to Third Party Transfers</b>  Discussion
12h50 – 14h00	<b>LUNCH</b>
<b>Group 5</b>	<b>Less Invasive Means</b> Chair: <b>Prof Marcel Brus</b> (Rijksuniversiteit Groningen)
14h00 – 15h30	Speaker: <b>Prof Jacques Sluysmans</b> (Radboud University of Nijmegen) Topic: <b>Change of Purpose or Non-realisation of the Public Purpose after Expropriation</b>  Speaker: <b>Dr Bradley Slade</b> (University of Johannesburg) Topic: <b>The Less Invasive Means Argument in South African Expropriation Law</b>  Speakers: <b>Prof Jaap Zevenbergen</b> (University of Twente) & <b>Prof Hendrik Ploeger</b> (VU Amsterdam & TU Delft) Topic: <b>Between Expropriation and Restriction: What if the Public Interest does not require the Whole Property?</b>  Discussion
15h30 – 16h00	<b>TEA</b>
16h00 – 19h00	<b>FREE TIME</b>
19h00	Colloquium Dinner hosted by the Groningen Centre for Law and Governance at Restaurant 't Feithuis

## 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 Elmién 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 Habdás** (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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**The generous financial support of the following institutions is gratefully acknowledged:**

- Groningen Centre for Law and Governance
- Ford Foundation
- University of Cape Town, Programme for the Enhancement of Research Capacity
- Juta Law Publishers
- South African Research Chair in Property Law, Stellenbosch University
- National Research Foundation, South Africa