



university of  
 groningen

faculty of law



# The Context, Criteria and Consequences of Expropriation Law

25–27 SEPTEMBER 2014

## COLLOQUIUM PROGRAMME



## WEDNESDAY 24 SEPTEMBER 2014

18h00 CITY WALKABOUT & DINNER (Optional; for own account)

## THURSDAY 25 SEPTEMBER 2014

**12h00 LUNCH AND REGISTRATION AT KNIR**

**13h00 OPENING SESSION**

Chair: **Prof Hanri Mostert** (University of Cape Town)

13h00-13h15 Welcome: **Prof Harald Hendrix** (Royal Netherlands Institute in Rome)

Introductions: **Prof Leon Verstappen** (University of Groningen)

13h15-13h25 Housekeeping: **Mr Björn Hoops** (University of Groningen)

13h25-13h50 Opening speaker: **Prof Leon Verstappen** (University of Groningen)  
Topic: **The Context, Criteria and Consequences of Expropriation Law**

**Group 1 CONTEXT OF EXPROPRIATION LAW I (HISTORICAL PERSPECTIVES)**

Chair: **Dr Jeremia Pelgrom** (Royal Netherlands Institute in Rome)

13h50 – 15h10 Speaker: **Prof Bernard Stolte** (Royal Netherlands Institute in Rome)  
Topic: **Historical Roots of Expropriation in a Civilian Context**

Speaker: **Dr Saskia Roselaar** (University of Ghent)  
Topic: **Colonisation and Expropriation: The Legal Consequences of Roman Imperialism**

Speaker: **Dr Imre Andorkó PhD** (University of Debrecen)  
Topic: **The History of Hungarian Expropriation Law**

Speaker: **Dr Stijn Verbist** (University of Hasselt)  
Topic: **Trias Politica in Belgian Expropriation Practice, at Last. Towards a new Flemish Expropriation Decree against the Background of a Judicial Paradigm Shift**

15h10 – 15h30 Discussion

**15h30 – 16h00 TEA**

## Group 2

### CONSEQUENCES OF EXPROPRIATION LAW I

Chair: **Dr Rachael Walsh** (Trinity College, Dublin)

16h00 – 17h00

Speaker: **Dr Emma Waring** (University of York)

Topic: **Controlling Compulsory Purchase and the Role of Parliament**

Speaker: **Ms Karen Bezuidenhout** (University of Stellenbosch)

Topic: **Compensating rather than invalidating regulatory excess Measures in South African Law**

Speaker: **Dr Sjur Dyrkolbotn** (Durham University)

Topic: **The *Pointe Gourde* Principle and its Effect on Expropriation for Economic Development**

17h00 – 17h30

Discussion

**17h30 – 19h00**

**FREE TIME**

**19h00**

**Dinner: Taverna Rossini**

(Viale Gioacchino Rossini, 54, I-00198 Rome)

## FRIDAY 26 SEPTEMBER 2014

## Group 3

### CRITERIA OF EXPROPRIATION LAW I

Chair: **Dr Ernst Marais** (University of Johannesburg)

09h30 – 10h50

Speaker: **Prof Jacques Sluysmans** (Radboud University of Nijmegen)

Topic: **Expropriation and Good Governance**

Speaker: **Dr Frankie McCarthy** (University of Glasgow)

Topic: **Expropriation and the “Three Rules” in Article 1 of the First Protocol to the ECHR**

Speaker: **Dr Ting Xu** (Queen’s University, Belfast)

Topic: **Expropriation Law: From National Laws to Global Guidelines?**

Speaker: **Mr Tony Lamb** (United Nations/World Bank)

Topic: **How Culture affects Expropriation in Albania, Countries of the Former Soviet Union, Samoa and Laos**

10h50 – 11h10

Discussion

**11h10 – 11h30**

**TEA**

#### Group 4

### CONTEXT OF EXPROPRIATION LAW II (COMPARATIVE PERSPECTIVES)

Chair: **Dr Emma Waring** (University of York)

11h30 – 13h10

Speaker: **Dr Rachael Walsh** (Trinity College, Dublin)

Topic: **Context in Compensation Law: A Spectrum of Entitlement**

Speaker: **Mr Björn Hoops** (University of Groningen)

Topic: **The *Kelo* judgment of the US Supreme Court from a German perspective**

Speaker: **Prof Sam Amoo** (University of Namibia)

Topic: **Expropriation: A Comparative Study of the Jurisprudence of Ghana, Namibia, South Africa and Zimbabwe**

Speaker: **Dr Ernst Marais** (University of Johannesburg)

Topic: **The End of the Road? Exploratory Observations on the (im)possibility of recognising Constructive Expropriation in South Africa in view of recent Case Law**

Speaker: **Prof Salvatore Mancuso** (University of Cape Town)

Topic: **Land and Expropriation in Africa: The Case of Eritrea**

13h10 – 13h30

Discussion

**13h30 – 14h15**

**LUNCH**

#### Group 5

### CRITERIA OF EXPROPRIATION LAW II: SPECIFIC EXAMPLES

Chair: **Mr Tony Lamb** (United Nations/World Bank)

14h15 – 15h35

Speakers: **Prof Eran Kaplinsky** and **Prof David Percy** (University of Alberta)

Topic: **The Impairment of Subsurface Resource Rights by Government as a “Taking” of Property: The Canadian Perspective**

Speakers: **Prof Douglas Harris** (University of British Columbia)

Topic: **Private-to-Private Takings and the Dissolution of Condominium**

Speaker: **Dr Sue-Mari Viljoen** (University of South Africa)

Topic: **Lawful Occupation, a Place for Expropriation and the Role of the Courts**

Speaker: **Mr Marumo Nkomo** (University of Cape Town)

Topic: **Plain Packaging as Expropriation – a Desperate Assertion**

15h35 – 16h00

Discussion

- 16h00 – 17h00**      **BORREL**
- 17h00 – 19h00**      **GUIDED TOUR THROUGH ANCIENT ROME**
- 19h30**                **Colloquium Dinner: Ambasciata D’Abruzzo**  
(Via Pietro Tacchini, 26, I-00197 Rome)

## **SATURDAY 27 SEPTEMBER 2014**

- Group 6**                **CONSEQUENCES OF EXPROPRIATION II**  
Chair: **Prof Salvatore Mancuso** (University of Cape Town)
- 09h20 – 10h20        Speaker: **Prof Hanri Mostert** (University of Cape Town)  
Topic: **Natural Resources, National Assets and Pre-existing Proprietary Positions**
- Speaker: **Dr Shai Stern** (Bar-Ilan University)  
Topic: **Taking Community Seriously: The Effects of Expropriation on Residential Communities**
- Speaker: **Prof Gregory Alexander** (Cornell Law School)  
Topic: **Expropriation, Human Flourishing, and Capabilities**
- 10h20 – 10h40        Discussion
- 10h40 – 11h10**      **TEA**
- 11h10**                **PANEL DISCUSSION & CLOSING SESSION**  
Chair: **Prof Magdalena Habdas** (University of Silesia)
- 11h10 – 11h30        Summary of papers and way forward: Panel discussion by  
**Prof Hanri Mostert** (University of Cape Town)  
**Prof Leon Verstappen** (University of Groningen)  
**Prof Jacques Sluysmans** (Radboud University of Nijmegen)  
**Dr Ernst Marais** (University of Johannesburg)  
**Mr Björn Hoops** (University of Groningen)
- 11h30 – 11h50        Closing Speaker: **Prof Jacques Sluysmans** (Radboud University of Nijmegen)  
Topic: **Expropriation in Rome**
- 11h50 – 12h00        Final Words: **Prof Hanri Mostert** (University of Cape Town)
- 12h00**                **FAREWELL LUNCH**

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