

Rethinking **Expropriation Law**



INTERNATIONAL HYBRID CONFERENCE



**university of
 groningen**

faculty of law

TAKINGS FOR CLIMATE JUSTICE AND RESILIENCE

GRONINGEN, 29-30 SEPTEMBER 2022

CONFERENCE PROGRAMME

co-hosted and co-financed by:



UNIwersytet Śląski
w Katowicach

WEDNESDAY 28 SEPTEMBER 2022

19h00 CITY WALKABOUT & DINNER (optional; for own account)
Meet in front of Harmony Building (Oude Kijk in 't Jatstraat 26)

THURSDAY 29 SEPTEMBER 2022

08h30 – 09h00 **Registration**
Venue: Van Swinderen Huys, Oude Boteringestraat 19, Groningen

OPENING **Welcome & Introduction**

09h00 – 09h15 Introductions & Housekeeping: **Prof Björn Hoops** (University of Groningen/Turin)

Welcome: **Prof Wilbert Kolkman** (Dean of Law Faculty: University of Groningen)

Group 1 **Expropriation and Regulation for Renewable Energy**

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

09h15 – 09h55 Speaker: **Dr Tina Kotzé** (Stellenbosch University)
Topic: **Combatting the climate and electricity crisis in South Africa: Private property rights and the establishment of renewable energy plants**

Speakers: **Profs Sjur K Dyrkolbotn & Børge Aadland**
(Western Norway University of Applied Sciences)
Topic: **Property rights, regulation, and expropriation for renewable energy in Norway**

09h55 – 10h15 Discussion

10h15 – 10h30 **TEA**

Group 2

Planning Instruments for Climate Action

Chair: **Prof Jacques Sluysmans** (Radboud University Nijmegen)

10h30 – 11h10

Speakers: **Dr Marie Fournier, Dr Maylis Desrousseaux & Dr Elisabeth Botrel** (Geomatics engineering and land tenure laboratory (GeF), National Conservatory of Arts and Crafts, Le Mans, France)
Topic: **Expropriation as a last resort: is climate change modifying the game? The case of coastal risk management in France**

Speaker: **Prof Rachel Alterman** (Technion Israel Institute of Technology)

Topic: **Compensation for “regulatory takings” and capacity to meet climate challenges: A cross-national perspective**

11h10 – 11h30

Discussion

Group 3

Conservation and Restoration in Property Law

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

11h30 – 12h30

Speaker: **Dr Liz Alden Wily** (Van Vollenhoven Institute, Leiden)
Topic: **Land Rights & Wrongs: Rethinking Expropriation for Protected Areas**

Speaker: **Prof Yifat Holzman-Gazit** (The Haim Striks School of Law)

Topic: **Private Trees, Climate Change and Regulatory Takings**

Speaker: **Julie Hassman** (University of Cape Town)

Topic: **Expropriation's Afterlives: Abandoned Infrastructure, Toxic Ruins, and the Public Interest**

12h30 – 13h00

Discussion

13h00 – 14h00

LUNCH

Group 4

Regulatory Climate-Obligations and their Boundaries

Chair: **Prof Björn Hoops** (University of Turin / University of Groningen)

14h00 – 15h20

Speaker: **Prof Dorothy Gruyaert** (University of Leuven)

Topic: **The positive obligation to renovate: a Flemish example of the change in ownership regulations**

Speakers: **Profs Dana Alexandru & Cristina Onet** (University of Sibiu)
Topic: **The framing of climate change discourse and policy: Resilience and vulnerability in Romanian wave of building renovation**

Speakers: **Prof Thomas C. Lundmark** (University of Hull)
Topic: **Takings for Climate, Justice, and Resilience in Germany**

Speaker: **Prof Shai Stern** (Bar-Ilan University)
Topic: **Red, Yellow & Green: The Traffic Light Model for Regulating Private Property in the Face of Environmental Challenge**

15h20 – 16h00 Discussion

16h00 – 16h30 TEA

Group 5 Article 1 First Protocol to the ECHR and Climate Protection

Chair: **Prof Magdalena Habdás** (University of Silesia)

16h30 – 17h10 Speaker: **Prof Vidir Petersen** (University of Iceland)
Topic: **Climate change and the social function of property – a human flourishing reading of Article 1 of Protocol No 1 to the European Convention on Human Rights**

Speakers: **Ignatius Yordan Nugraha & Harriet Kennedy**
(University of Hasselt)
Topic: **Procedural Review, the Right to Property and Climate Change Expropriation: Quo Vadis?**

17h10 – 17h30 Discussion

19h00 Conference Dinner
Venue: Prinsenhof, Martinikerhof 23, Groningen

Friday 30 SEPTEMBER 2022

Group 6	State Interventions in Complex Ownership Situations
	Chair: Prof Leon Verstappen (University of Groningen)
09h00 – 09h40	Speaker: Prof Frankie McCarthy (University of Glasgow & Scottish Law Commission) Topic: Making Scottish Apartment Law Sustainable: an A1P1 Analysis
	Speaker: Prof Miriam Anderson (University of Barcelona) Topic: Facilitating Climate-Friendly Improvements in Condominiums: Recent Developments in Spanish and Catalan Law
09h40 – 10h00	Discussion
10h00 – 10h15	TEA
Group 7	Property Theory
	Chair: Prof Bram Akkermans (Maastricht University)
10h15 – 11h35	Speaker: Prof Ann Davis (Marist College) Topic: Rethinking Property Rights in the Era of Climate Change
	Speaker: Dr Rachael Walsh (Trinity College Dublin) Topic: Constitutional Property Rights and Climate Protection: Assessing the Potential for Resilient Property Law
	Speakers: Dr Richard Cramer & Prof Hanri Mostert (University of Cape Town) Topic: The Duty of the State to Expropriate Property that has Accrued a Negative Value due to Climate Change
	Speakers: Prof Leon Verstappen (University of Groningen) Topic: Climate Change as an Emergency and Expropriation Law
11h35 – 12h00	Discussion
12h00 – 12h20	Summary of papers: Prof Magdalena Haldas (University of Silesia), Prof Björn Hoops (University of Groningen/Turin), Dr Ernst Marais (University of Johannesburg), Prof Hanri Mostert (University of Cape Town), Prof Jacques Sluysmans (Radboud University Nijmegen) & Prof Leon Verstappen (University of Groningen)

12h20 – 12h30

Closing: **Prof Björn Hoops** (University of Groningen/Turin)

12h30 – 13h30

FAREWELL LUNCH