



# 7th Multinational Conference Rethinking Expropriation Law

11-12 September 2025, Krakow, Poland

<https://ie.uek.krakow.pl/kenipi/konferencjeseminaria/rethinking-expropriation-law-2025/>

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## ***Expropriation in times of disruption***

The 7<sup>th</sup> conference on Expropriation Law, hosted in Krakow by the **University of Silesia** (Katowice) and the **Krakow University of Economics**, in collaboration with the **University of Groningen**, the **University of Cape Town**, the **University of the Witwatersrand** (Johannesburg), and the **Radboud University** (Nijmegen) invites you to rethink and explore legal, economic and social considerations of expropriation.

In current times, expropriation demands an analysis in the context of various disruptive factors influencing property rights. These include, but are not limited to, political and social unrest, unresolved land ownership controversies resulting from historical injustices (colonialism, apartheid, forced displacement of populations, wars, armed conflicts, etc.), climate change and extreme weather events threatening the possibility to continue existing land uses, growing difficulties in accessing ownership or affordable rentals, which encourage governments to introduce restrictive regulation of ownership in residential real estate, increased nuisance from public infrastructure (roads, railroads, airports, wind farms), and problematic real estate appraisal in private and expert witness valuations, also for statutory purposes.

Viewing expropriation through the lens of disruptive phenomena is essential to understand the challenges and opportunities in employing this institution to resolve important social and economic problems. Rethinking expropriation law demands a responsible approach to reconciling private and public interests. It also requires contemplating how the expropriation process is managed and governed by public authorities. Thus, the organizers of the conference hope to explore the following aspects of expropriation, with the aim of considering them in a complex setting of: property rights, disruptive events, new or developing social and economic challenges, valuation difficulties, and adequately shaping both private and public law provisions (substantive and procedural) regulating expropriation.

## **TOPICS**

### **1. Social and political disruption.**

Political and social unrest, unresolved land ownership controversies resulting from historical injustices, such as colonialism, apartheid, forced displacement of populations, wars, or armed conflicts are necessarily connected with expropriation, whether factual or exercised as a power of the state. As past harms are being addressed and new political or social conflicts emerge, expropriation becomes an important tool to balance public and private interests. It is necessary to evaluate governmental activity in utilizing expropriation, with attention paid to governance, procedure, the protected public interest, and just compensation. It is also the context in which land grabs and similar activities of a government in territories of other sovereign states should be evaluated.

### **2. Precariousness due to disruption through climate change.**

Continuing the theme of the 6<sup>th</sup> conference on Expropriation Law (Groningen 2022), it is imperative to discuss expropriation in the context of landed property that has become precarious due to its repetitive or reasonably expected exposure to extreme weather events caused by climate change. Expropriation becomes an important element of deliberations regarding the state's responsibility to provide an alternative to owners and occupiers of land already affected or at risk of being damaged or destroyed. It is of paramount importance to understand how adequately designed and executed expropriation, connected with land use planning, will allow to create more resilient societies.

Organizers:



Cooperating partners:





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### 3. Disruption of property rights caused by unaffordable housing

Housing is becoming increasingly unaffordable all over the world, Europe being no exception, and governments are struggling with devising adequate housing policies. In the process of attempting to increase the supply of housing and making it more affordable, various instruments are being utilized, such as: regulated rents, taxes on vacant residential units, bans/restrictions on short-term rentals, protection of squatters, restrictions on evictions. These measures may be viewed through the lens of expropriation, since they often lead to an extreme limitation of private ownership. If so, it is essential to understand if the mentioned forms of state intervention amount to an expropriating interference with property that demands just compensation and whether such legal instruments meet the requirements of Article 1 of the First Protocol (the property clause, A1P1) to the European Convention on Human Rights. The balancing of property rights and the right to housing requires careful consideration.

### 4. Disruption through nuisance from public infrastructure

Expropriation is mainly associated with the complete loss of ownership, but it also concerns instances of limiting property entitlements by various means, like introducing restricted use areas (vicinity of airports, roads, railways, production plants) which may significantly curtail the right of ownership. In addition, it may be argued that nuisance caused by the operation of public works effectively deprives land of its value, making it unmarketable, or significantly reduces that value. In such situations, even when no formal use restrictions have been introduced, it may be argued that expropriation has occurred and compensation is required. This requires a thorough analysis of when de facto expropriation has taken place, whether expropriation will resolve problems of onerous, neighbouring public infrastructure and to what extent is the value of real estate a legally protected asset. Valuation problems also arise, since calculating loss of value requires identifying the value of land in a hypothetical state, in which no nuisance is present.

### 5. Disruption in valuation practice and assumptions – requirements of statutory valuation and valuations in court proceedings

The connection between legal provisions defining (in various degrees of specificity) the bases of calculating compensation and the actual economic methodology as well as the underlying economic assumptions employed by real estate valuers are issues inextricably connected with expropriation. To this end, appraisals for statutory purposes, such as: expropriation, property degradation, compensation of property restrictions, may pose valuation challenges due to specific assumptions that the legislator imposes. In addition, bearing in mind the dependence of courts and administrative bodies on valuations, it is essential to understand when valuations meet the criteria of admissibility, sufficiency, and credibility in order to prevent junk science from being the basis of legally binding decisions. This also demands an evaluation of principles governing the valuation profession and whether its regulation ensures impartial valuations.

### We therefore welcome suggestions for special sessions, such as:

- 1) obligations to reduce emissions and expropriations in the interest of combatting climate change
- 2) expropriation of property vs. transformative regime changes and the issue of compensation (e.g. changes in the ownership of minerals)
- 3) compensating expropriation designed to achieve social reform (e.g. in the context of political transformation in Central and Eastern Europe, the Republic of South Africa)
- 4) expropriation as a means to implement housing policies
- 5) real estate value loss or diminution as expropriation
- 6) the valuer as an expert witness in statutory valuations

Organizers:



Cooperating partners:



Radboud University

