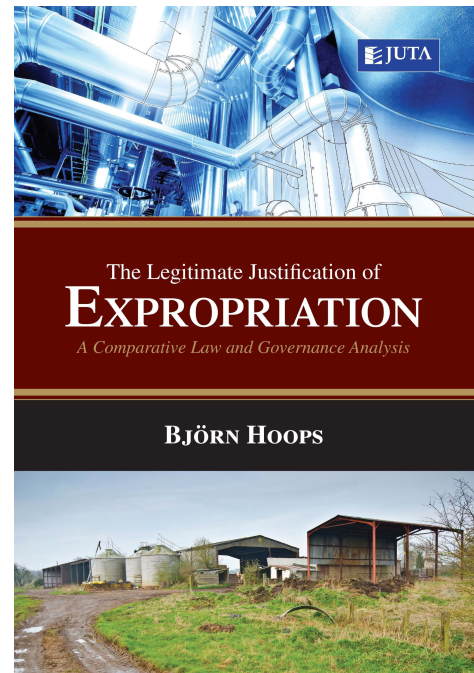


Legitimate Justification of Expropriation, The

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About this Publication:

Property is a constitutionally protected right around the world. Expropriations are lawful only if they can be legitimately justified. In the past few decades, there has been an increasing number of expropriations in favour of private business projects. Governments hope that these projects will create jobs and economic growth, but the justification of such third-party transfers for economic development is controversial. The public benefits of such expropriations are disputed, since they directly benefit private parties, and frequently do not have the desired outcome.

The Legitimate Justification of Expropriation: A Comparative Law and Governance Analysis investigates the institutional, procedural, and substantive conditions under which different jurisdictions permit third-party transfers for economic development. The jurisdictions examined are the Netherlands, Germany, New York State and South Africa.

The Legitimate Justification of Expropriation: A Comparative Law and Governance Analysis shows that employment or economic growth created by private business projects is a legitimate end in all the jurisdictions under examination. However, some striking differences between the jurisdictions are evident, with respect to several questions, including: Which state body decides on whether economic development is a legitimate end? Can a judge prevent unnecessary or excessive expropriations? Is the project developer obliged to implement the project?

Against the backdrop of international good governance standards, *The Legitimate Justification of Expropriation: A Comparative Law and Governance Analysis* assesses whether the laws in these jurisdictions are adequate. The book demonstrates that the examined jurisdictions in various respects fail to meet international standards and recommends legal reforms to ensure compliance.

Contents Include:

- A descriptive theory of the legitimate justification of expropriation
 - The need for a contextualising and descriptive theory of the legitimate justification
 - The substantive definition of the legitimate justification
 - The endurance of the legitimate justification
 - The governance of the legitimate justification of expropriation
 - Table of partially equivalent requirements
- Chapters on German, Dutch, New York State and South African Law
 - Applicable law
 - The legitimate purpose
 - The contextualisation
 - The administrative and court procedures
 - The endurance of the legitimate justification
- Exploration and evaluation of differences and similarities
 - The comparative analysis
 - The roots of the main similarities and differences
 - Application of international good governance standards
 - Recommendations
- Summary and conclusion
 - The goals of the research
 - A descriptive theory of the legitimate justification of expropriation
 - German law
 - Dutch law
 - New York State law
 - South African law
 - Exploring and evaluating similarities and differences
- Cases
- Legislation

Of Interest and Benefit to:

- Legal practitioners
- NGOs
- Government