INTERNATIONAL ACADEMIC ASSOCIATION ON PLANNING, LAW, AND PROPERTY RIGHTS
ANNUAL PLPR CONFERENCE 2018 IN NOVI SAD
MIGRATIONS – IMPACTS, LAW, AND SPATIAL PLANNING

Book of Abstracts

Edited by:
Prof. Dr. Dušan Nikolić
Jelena Cvejin Poznić
Dunja Malbaša

Novi Sad, 2018
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INTRODUCTORY WORD
BY THE PRESIDENT OF PLPR

The International Academic Association on Planning, Law, and Property Rights (PLPR) was established more than a decade ago to create a forum for promoting multi-national and interdisciplinary study. Its members include academics and practitioners who are experts in their own disciplines but who also have real interest in better understanding the nuances of others. In addition to nurturing advanced graduate students, the association’s core functions include providing a peer group of scholars and promoting cross-national and comparative perspectives on scholarly work at the intersection of planning, law, and property rights.

PLPR does this primarily through the organization of regular annual conferences. PLPR 2018 in Novi Sad is the 12th annual conference for our association. We have developed a robust membership for our organization, and we greatly value new participants as the conference moves around the globe from year to year. The Novi Sad conference offers an exceptional contribution to our efforts, one especially timely given ongoing concerns globally about the causes and impacts of migrations. It is the latest meeting of colleagues working to advance our multi-national and interdisciplinary knowledge of things planning, law, and property rights, and it will set the stage for yet further meetings and collaborations to come. Thank you for joining us in Novi Sad!

Richard K. Norton
President, PLPR
Professor, Urban and Regional Planning Program
University of Michigan, USA
The modern world is faced with numerous and very complex challenges and problems. The increasingly pronounced climate changes, that can be, in part, attributed to anthropogenic influences, and, in part, to cyclical shifts of ice ages, whose causes were explained by the famous climatologist Milutin Milanković, impact the global warming. The consequences are felt across the globe. In some parts of the world, they even take on a dramatic scale. The increase in temperature affects the rapid melting of snow and ice. This in turn causes the rise in sea and ocean levels. This further brings about soil erosion in the coastal areas, flooding of large portions of arable land, damage to the urban areas, etc. On the other hand, the increase of the average temperature, results, in certain regions, in the shortage of drinking and sanitary water. Arable lands cannot be used for agricultural production without irrigation systems. When the costs of land improvement surpass the yield, such fields remain neglected, and in some regions, gradually become barren lands with very little flora and fauna. Due to this, the price of food rises. The people are forced, under such circumstances, to leave their homes and seek shelter in other places with more favourable living conditions.

In many parts of the world, uncontrolled urbanization, together with mass migrations from rural to urban areas, represents a particular problem. According to the official data of the United Nations, more than one half of the global population lives in urban environments. Urbanization, as a rule, causes shortages in housing, rise in the prices of real estate, debt increase through the use of mortgage and bank loans, cultural disorientation of settlers, growth in unemployment, social differentiation and social tensions.

In recent years, mankind is faced with mass migrations caused by wars and conflicts. Millions of people have fled their homes in the wake of destruction, searching for safe places for themselves and their families. Many have tragically lost their lives on this path, to which many distressing photographs bear witness. The international community would need to react to all of this.

The University of Novi Sad deals with the causes and consequences of mass migrations in a systematic way. At the center of interest are the events within the so-called Balkan route, which is in the immediate environment, but attention is also given to the developments in other part of the world. The University of Novi Sad, as a socially responsible institution, has a particular scientific mission, both at the local and the global level. One of the examples is the conference on migrations, jointly organized by the International Academic Association on Planning, Law, and Property Rights and the Center for Strategic and Advanced Studies of the University of Novi Sad.

The Conference is dedicated to all those who had to, due to climate changes, wars, poverty, uncertainty and hopelessness, leave their homes, in search for other places to live in.

Prof. Dr. Dušan Nikolić
Rector of the University of Novi Sad
The University of Novi Sad was being created in a special milieu built by generations of foremost intellectuals, as well as institutions of particular national significance, in the cities of Vojvodina. Its duration is measured in centuries. The foundations of higher education in today’s Autonomous Province of Vojvodina, and Serbia as a whole, were laid around 1740, with the establishment of the Visarion’s Collegium (Collegium Vissariono – Pavelovicianum Petrovaradinense) in Novi Sad. Among the most prominent forerunners of the University of Novi Sad were Norma – school for the education of Serbian teachers, founded in Sombor in 1778, and Preparandija, a teachers’ college founded in 1812 in Sent Andreja, whose seat was moved to Sombor in 1816. The most significant role in the development of scientific thought from the 19th century onwards is held by Matica Srpska, the oldest cultural and scientific institution of the Serbian people, founded in 1826 in Pest, whose seat was relocated to Novi Sad in 1864. The development of legal sciences and education on the territory of today’s Vojvodina was especially influenced by the Faculty of Law in Subotica, established in 1920.

The great synthesis of aspirations, visions, ideas and achievements in the field of science and education took place in 1960, when the National Assembly of the Republic of Serbia adopted the Law on establishment of the University of Novi Sad, which brought together previously founded faculties into a unique academic community of Novi Sad.

The University of Novi Sad connects people, space and time. Nowadays, it is one of the largest educational and research centers in Central Europe, with more than 50,000 students and 5,000 staff. It belongs to the group of comprehensive universities and covers almost all fields of study and research. It comprises 14 faculties and 3 institutes, in four historic university cities, Novi Sad, Sombor, Subotica and Zrenjanin. Novi Sad is the seat of the Faculty of Philosophy, Faculty of Agriculture, Faculty of Sciences, Faculty of Law, Faculty of Technical Sciences, Faculty of Technology, Faculty of Medicine, Faculty of Sport and Physical Education, Academy of Arts, Department of the Faculty of Economics, as well as the Institute of Lowland Forestry and Environment, Scientific Institute of Food Technology and BioSense Institute. Subotica is the seat of the Faculty of Economics, Faculty of Civil Engineering, and the Teacher’s Training Faculty in the Hungarian Language. The Faculty of Education is located in Sombor, and the Technical Faculty „Mihajlo Pupin” is located in Zrenjanin.

The University of Novi Sad is well-known as a place from which more than 140 start-up companies in the field of IT emerged. Thanks to this fact, the city in which it is headquartered has become known as a Software Valley. The University is becoming more recognizable internationally through top achievements of its students at European and world competitions in different disciplines. The University and its constituent parts have been included among 1,000 best universities in a number of global rankings.
Novi Sad, and the XVIII century Petrovaradin Fortress, which is sometimes called the Gibraltar on Danube, has been one of the key European geostrategic points for centuries. It was the location of a military stronghold crucial for defending Europe against Ottoman invaders. Different cultures met and permeated each other in it. Thus, the city came into being and grew as a multiethnic and multiconfessional community. The people of Novi Sad purchased their city the status of a Free Royal City from Empress Maria Theresa in 1748. The Free City with a good reputation attracted members of different nations and confessions from various social strata. Massive migratory movements have contributed to the manifold increase of the city’s population.

Novi Sad is the second largest city in Serbia and the administrative seat of the Autonomous Province of Vojvodina, located in the southern part of the Pannonian Plain of the Central Europe.

Founding of Novi Sad

Novi Sad was founded in 1694, when Serb merchants formed a colony on the banks Danube across the Petrovaradin fortress. In the 18th and 19th centuries, it became an important trading and manufacturing centre, as well as a centre of Serbian culture of that period, earning the nickname of the Serbian Athens.

Geography

The city lies on the S-shaped meander of the river Danube, which is only 350 meters wide beneath the Petrovaradin rock. A section of the Danube-Tisa-Danube Canal marks the northern edge of wider city centre, and merges with the Danube. The main part of the city lies on the left bank of the Danube, in the Bačka region, while smaller parts Petrovaradin and Sremska Kamenica lie on the right bank, in the Srem (Syrmia) region. Bačka side of the city lies on one of the southern lowest parts of Pannonian Plain, while Fruška Gora side is a hort mountain. Alluvial plains along the Danube are well-formed, especially on the left bank, in some parts 10 kilometres (6 miles) from the river. A large part of Novi Sad lies on a fluvial terrace with an elevation of 80 to 83 metres (262 to 272 feet). The total land area of the city is 699 square kilometres (270 sq mi), while the urban area is 129.7 km² (50 sq mi).

Novi Sad is a typical Central European town.

European Capital

In 2016 Novi Sad was proclaimed as the European Youth Capital 2019 and the European Capital of Culture 2021.

Coordinates

45.2500° N, 19.8500° E
## PROGRAMME

### Monday, February 19

| 09.00 – 12.30 | PhD Workshop  
Coordinator: Andreas Hengstermann, University of Bern, Switzerland |
|---------------|----------------------------------------------------------|
| 12.30 – 13.30 | Lunch hosted by the University of Novi Sad  
Location: Orangery of the University of Novi Sad, Second Floor |
| 13.30 – 17.00 | PhD Workshop  
Coordinator: Andreas Hengstermann, University of Bern, Switzerland |
|               | Location: Central University Building, Multimedia Room, II-13 |

### Tuesday, February 20

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| 10.00 – 10.30 | Opening Ceremony  
Amphitheater  
Welcome Speeches  
Prof. Dr. Dušan Nikolić, Rector of the University of Novi Sad  
Prof. Dr. Richard Norton, President of the International Academic Association on Planning, Law, and Property Rights  
Prof. Dr. Vladimir Kostić, President of Serbian Academy of Sciences and Arts  
*Music programme* |
| 10.30 – 11.00 | Coffee Break  
*Statements to the media* |
| 11.00 – 13.00 | Keynote Speakers  
Prof. Dr. Gabor Hamza  
Professor of the Eötvös Loránd University in Budapest  
Full Member of the Hungarian Academy of Sciences  
MASS MIGRATIONS IN THE PAST |
Mr. Mirko Stefanović
Ambassador (Ret.)
CAUSES OF CONTEMPORARY MASS MIGRATIONS

Prof. Dr. Martin Wickel
Professor of the HafenCity University Hamburg
SPATIAL AND LEGAL CHALLENGES OF CONTEMPORARY MIGRATIONS

13.00 – 14.00  Lunch hosted by Rector of the University of Novi Sad and Tasting of Rector’s Wine

14.00 – 15.30  Track A
Multimedia Room I-16
MIGRATIONS
1. Pamela Duran Diaz, Technische Universität Muenchen, Germany
   The Pressure-State-Response Framework as a Comprehensive Approach for Analysis of Land-use Conflicts: The Case of Chobola, Mexico
2. Yasemin Sangleyeva Levent, Mersin University, Turkey
   Gecekondu - As the scar of immigration movement during 1960s-1980s in Turkish Cities
3. Ravit Hamarel, Tel-Aviv University, Israel
   Housing Policy and Internal Migration: The effect of the 2007 housing crisis on residential mobility in Israel
4. Alan Mallach, Center for Community Progress, USA
   Urban depopulation and the regulation of vacant property: comparative national approaches to balancing property rights and public policy concerns

Track B
Conference Room I-9
CLIMATE CHANGE
1. Edward Joseph Sullivan, Portland State University, USA
   What Is To Be Done – Oregon’s Response to Climate Change in the Age of Trump
2. Safira De La Sala, Technion, Israel
   Can Planning Law Adapt to Climate Change? The case of sea-level rise
3. Peter A. Buchshaum, Judge, Superior Court of New Jersey/Ret., USA
   The Common Law and Climate Change

Track C
Multimedia Room II-13
PROPERTY RIGHTS
1. John Sheehan, Bond University, University of Technology, Sydney, Australia
   The Compensation Catapult
2. Nira Orni, Technion, Israel
   The Abandonment of Public Purposes
3. Fennie van Straalen, Utrecht University, Human Geography and Planning, the Netherlands
   Urban land readjustment – voluntary or mandatory?
4. Heidi Gorovitz Robertson, Cleveland State University, Cleveland-Marshall College of Law, USA
   Cities and Citizens Seethe: Piloting the Oil and Gas Pipeline Permitting Pathway

15.30 – 16.00  Coffee Break
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<td>1. Magdalena Rauter, University of Natural Resources and Life Sciences, Vienna, Austria</td>
<td>1. Richard K Norton, University of Michigan, USA</td>
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<td>3. David Evers, PBL Environmental Assessment Agency, the Netherlands</td>
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<td>Thomas Hartmann, Utrecht University, the Netherlands</td>
<td>Joost Termeke, PBL, Environmental Assessment Agency, the Netherlands</td>
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<tr>
<td><em>Application of Legal Attitudes of European Court of Human Rights in the Practice of Constitutional Court of Serbia in the Field of Protection of Asylum Seekers Rights</em></td>
<td>Jirina Jilkova, J.E.Parkyn University in Usti nad Labem, Czech Republic</td>
<td>Property rights ‘up in the air’ in Dutch wind-energy implementation</td>
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<td>3. Arthur Schindelegger, Technical University, Vienna, Austria</td>
<td><em>Institutional Adjustments for Flood-resilient Cities</em></td>
<td>4. Stephanie Weir, Heriot-Watt University, United Kingdom</td>
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<td><em>Relocation in hazard prone areas in Austria</em></td>
<td>4. Emilia Malcata Rebelo</td>
<td>Property Rights, Financial Enclosure, and Uncertainty: The Case of Scottish Commercial Fisheries</td>
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**16.00 – 17.30**

17.45  | Departure from the Central University Building Main Entrance |
| |
| Bus drive to the headquarters of Matica Srpska |

**18.00 – 19.15**

Reception hosted by the President of Matica Srpska

Venue: Matica Srpska, Matica Srpska 1, Novi Sad

- Welcome Address by President Prof. Dr. Dragan Stanić
- Prof. Dr. Miladen Jovanović, Department of Geography, Tourism and Hotel Management, Faculty of Sciences, University of Novi Sad

Cocktail
<table>
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<tr>
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<td>09.00 – 10.30</td>
<td>Multimedia Room I-16</td>
<td>Conference Room I-9</td>
<td>Multimedia Room II-13</td>
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<tr>
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<td>MIGRATIONS</td>
<td>ENVIRONMENT</td>
<td>PROPERTY RIGHTS</td>
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<tr>
<td></td>
<td>1. Athena Yiannakou, Aristotle University of</td>
<td>1. Guido Wallagh, INBO Amsterdam, the Netherlands</td>
<td>1. Winrich Voss, Leibniz University Hannover, Germany</td>
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<td>Thessaloniki, Greece</td>
<td>Thomas Hartmann, Utrecht University, the Netherlands</td>
<td>Jörn Bannert, Leibniz University Hannover, Germany</td>
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<td>Emmanouel Damanakis, Aristotle University of</td>
<td>Tejo Spit, Wageningen University &amp; Research, the Netherlands</td>
<td>Real Estate Market Transparency – a tool to support land policy?</td>
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<td>Thessaloniki, Greece</td>
<td>The new Dutch Environmental Plan – coping with</td>
<td>2. Jay Mittal, Auburn University, USA</td>
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<td>flexibility and legal certainty in inner-urban</td>
<td>Sweta Byabhat, Auburn University, USA</td>
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<td>regeneration projects in Amsterdam</td>
<td>Value Capitalization effect of Proximity and View of</td>
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<td>2. Hans Leinfelder, KU Leuven, Architecture, Belgium</td>
<td>Scenic Lands on Home Prices</td>
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<td>Marjolijn Claeyns, Voorland consultancy agency, Belgium</td>
<td>3. Jerry Anthony, University of Iowa, USA</td>
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<td>Belgium</td>
<td>Estimating the relative impact of source of income</td>
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<td>'Planning Procedures Follow Planning Processes' - the</td>
<td>discrimination in Housing Choice Vouchers recipients</td>
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<td>concept of the environmental decision</td>
<td>housing search process</td>
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<td>3. Małgorzata Urszula Bartyna-Zielinska, Wrocław, Poland</td>
<td>4. Rebecca Lesninsky, RMIT, Australia</td>
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<td>Searching new tools and methods in urban planning</td>
<td>Unblocking blockchain technology and land</td>
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<td>concerning nature-based solutions introduction</td>
<td>registration</td>
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<td>4. Martin Wickel, HafenCity University Hamburg, Germany</td>
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<td>E-Mobility and Local Planning</td>
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<td>10.30 – 11.00</td>
<td>Coffee Break</td>
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</table>
| 11.00 – 12.30 | **Track A**  
Multimedia Room I-16  
MIGRATIONS  
1. Manal Totry - Jubar, Bar Ilan University, Israel  
Transnational Justice In Housing Injustice  
2. Dragan Umek, University of Trieste, Italy  
Migration routes towards Europe: reflections from an Italian observatory  
3. Dušan Nikolić, University of Novi Sad, Serbia  
Challenges Of Mass Migration: Conflict of Universal Human Rights And Property Rights  
4. Havatzelet Yahel, Ben Gurion University of the Negev, Israel  
Land Privatization in the Negev: The Role of Immigration in the 19th and 20th Century |
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<td>12.30 – 13.30</td>
<td>Lunch hosted by the University of Novi Sad</td>
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</table>
| 13.30 – 15.00 | **Track B**  
Conference Room I-9  
COASTAL PLANNING  
1. Edward Joseph Sullivan, Portland State University, Urban Studies and Planning, USA  
Protecting Oregon’s Estuaries  
2. Linda McElhuff, Ulster University, United Kingdom  
Coastal Governance on the Island of Ireland: challenges and opportunities in a new era  
3. Enzo Falco, OTB Department - Research for the Built Environment, TU Delft, The Netherlands  
Urbanization of coastal areas in Italy: the impact of landscape and urban planning legislation  
4. Maedeh Hedayatifar, Iran University of Science and Technology, Tehran, Iran  
Reza Kheyrroddin, Iran University of Science and Technology, Tehran, Iran  
Jean Ruegg, University of Lausanne, Switzerland  
Exclusive space production in coastal pre-urban areas: Coastal areas in Southern part of Caspian Sea as the case study |
| 15.15 | Departure in front of the Central University Building Main Entrance for the group visits  
Bus drive to the institutions |
| 13.30 – 15.00 | **Track C**  
Multimedia Room II-13  
HOUSING  
1. Rachelle Alterman, Technion, Israel  
Nuriel Or, Technion, Israel  
Condominium Law as a Challenge to Urban Regeneration: A comparative view of laws and practices  
2. Nir Yona Mualam, Technion, Israel  
Branislav Antonić, University of Belgrade  
Rebecca Leshinsky, RMIT, Australia  
Maintenance and condominium living – reciprocal learning from Serbia, Israel and Australia  
3. Fred Hobma, Delft University of Technology, the Netherlands  
Change of use of vacant buildings: Effects of deregulation of land-use and building regulations  
4. Gabriela Debrunner, University of Bern, Switzerland  
The New Business of Interim Housing – The Case of Zurich, Switzerland |
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<td>15.15 – 17.00</td>
<td>Group Visits</td>
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<td><strong>Group 1</strong></td>
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<td>Provincial Secretariat for Urban Planning and Environmental Protection</td>
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<td>Public Utility Company for Urban Planning <em>Urbanizam</em></td>
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<td>Company Schneider Electric DMS NS</td>
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<td>Matica Srpska Gallery</td>
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<td>Museum of Vojvodina</td>
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<td>City Museum of Novi Sad</td>
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<td>18.30</td>
<td>Departure from the Central University Building Main Entrance</td>
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<td>Bus drive to the Provincial Government</td>
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<td>19.00 – 20.00</td>
<td>Reception at the Government of Autonomous Province of Vojvodina</td>
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<td>Hosted by the President of the Provincial Government, Mr. Igor Mirović</td>
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<td>Venue: Provincial Government, Bulevar Mihajla Pupina 16, Novi Sad</td>
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<td>20.00 – 23.00</td>
<td>Conference Dinner — <em>Alaska barka</em>, Restaurant at the Danube river bank</td>
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<td>Bus transport from the Government of Autonomous Province of Vojvodina to the restaurant and back to the city center is organized by the University of Novi Sad</td>
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| 09.00 - 10.30 | Multimedia Room I-16  
MIGRATIONS  
1. Tolga Levent, Mersin University, Turkey  
*An Ongoing Massive Wave of Immigration to Turkey: Actual and Potential Impacts of Syrians on Turkish Cities and Urban Planning*  
2. Ratka Čolić, Faculty of Architecture, University of Belgrade, Serbia  
Biserka Mitrović, Faculty of Architecture, University of Belgrade, Serbia  
Marija Maruna, Faculty of Architecture, University of Belgrade, Serbia  
Danijela Milovanović Rodić, Faculty of Architecture, University of Belgrade, Serbia  
*Examining formal and informal planning instruments for housing for migrants within a post-socialist country, Serbia*  
3. Giovanni Caudo, Università degli Studi Roma Tre, Italy  
Nicola Vazzoler, Università degli Studi Roma Tre, Italy  
*Migrants, facilities and public spaces: the Italian law on urban standards as a response to the new social demand*  
4. Athena Yiannakou, Aristotle University of Thessaloniki, Greece  
Alex Deffner, Aristotle University of Thessaloniki, Greece  
*Planning for resilient cities and the question of migrations: Issues raised from the Resilient Strategies of Athens and Thessaloniki* | Conference Room I-9  
PLANNING AND PUBLIC SPACE  
1. Joost Teunenkes, PBL Environmental Assessment Agency, the Netherlands  
*Publicly funded real estate and the planning of public service provision. A framework for analysis*  
2. Konstantinos Lalenis, University of Thessaly, Greece  
Balkiz Yapicioglu, University of Thessaly, Greece  
Parks to Cyberparks: a transformation with legal and institutional challenges  
3. Thomas Leys, KU Leuven, Belgium  
*No space for quasi-public space in Belgian law?*  
4. Tamara Radić, Faculty of Architecture in Belgrade, Serbia  
Alessandra Djukić, Faculty of Architecture in Belgrade, Serbia  
*Maintenance of communal spaces: case study within modernist mega blocks in New Belgrade, Serbia* | Multimedia Room II-13  
HOUSING  
1. Nurit Alfasi, Department of Geography and Environmental Development, Ben-Gurion University of the Negev, Beer-Sheva, Israel  
*Breaching the planning framework: the housing hysteria and its fatal circumstances*  
2. Sónia Alves, Instituto de Ciências Sociais, Universidade de Lisboa, Portugal  
João Ferrão, Instituto de Ciências Sociais, Universidade de Lisboa, Portugal  
*Land-use planning and the provision of affordable housing in Portugal: A study of Évora*  
3. Beatriz Condessa, Instituto Superior Técnico, Lisbon University, Portugal  
Isabel Loupa Ramos, Instituto Superior Técnico, Lisbon University, Portugal  
José Antunes Ferreira, Instituto Superior Técnico, Lisbon University, Portugal  
*Land-use regulations in periurban landscapes: the case of Metropolitan Area of Lisbon*  
4. Francesco Chioldelli, Gran Sasso Science Institute, Italy  
*Atypical urban informality in the Global North: housing illegality and organised crime in northern Italy* |
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<td>Coffee Break</td>
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<td>11.00 – 12.30</td>
<td>Amphitheater</td>
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<td><strong>Roundtable 2:</strong></td>
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<td><em>Property Rights and Climate Change</em></td>
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<td><em>Land Use Under Changing Environmental Conditions</em></td>
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<td>Coordinators: Fennie van Straalen, Thomas Hartmann, John Sheehan</td>
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<td>12.30 – 13.30</td>
<td>Lunch hosted by the University of Novi Sad</td>
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<td>13.45 – 17.00</td>
<td>Departure from the Central University Building Main Entrance</td>
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<td>Bus drive to Bistrica Neighbourhood</td>
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<td>Bus drive to Sremski Karlovci</td>
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<td>Visit to Bishop’s Palace and Živanović Winery and Museum of Beekeeping</td>
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<td>18.00</td>
<td>Departure from the Central University Building Main Entrance</td>
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<td>Drive by bus to the City Center</td>
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<td>18.30 – 19.30</td>
<td>Reception hosted by the Mayor of Novi Sad, Mr. Miloš Vučević</td>
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<td>Venue: Novi Sad City Hall, Trg slobode 1, Novi Sad</td>
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<td>20.00</td>
<td>Concert at the Synagogue, Symphonic Orchestra of Vojvodina</td>
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<td>Venue: Novi Sad Synagogue, Jevrejska 11, Novi Sad</td>
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<tr>
<td>Multimedia Room I-16</td>
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<tr>
<td><strong>MIGRATIONS</strong></td>
<td><strong>LAW AND POLICY IN PLANNING</strong></td>
</tr>
<tr>
<td>1. Tomasz Piotr Zaborowski, University of Warsaw, Faculty of Geography and Regional Studies, Poland</td>
<td>1. Cygal Pollach, Technion - Israel Institute of Technology, Israel</td>
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<tr>
<td>Legal systems of development land designation management as tools of controlling migrations of people and investment capital in Germany, Poland and Spain</td>
<td>Rachelle Alterman, Technion - Israel Institute of Technology, Israel</td>
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<td>2. Sofija Nikolić, University of Belgrade, Serbia</td>
<td><em>Flexibility in Regulatory Planning: The function of plan amendments from a comparative perspective</em></td>
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<td>Influence of migrations on urban sprawl</td>
<td>2. Rachel Katoshevska, Department of Geography and Environmental Development, Ben-Gurion University of the Negev, Beer-Sheva, Israel</td>
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<td>3. Pavel Raška, J. E. Purkyne University in Usti nad Labem, Czech Republic</td>
<td>Magdalena Belof, Faculty of Architecture, Wroclaw University of Science and Technology, Poland</td>
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<td>Monika Stchliková, J. E. Purkyne University in Usti nad Labem, Czech Republic</td>
<td>Przemysław Małecki, The Institute for Territorial Development, Wroclaw, Poland</td>
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<td>Kristýna Rybová, J. E. Purkyne University in Usti nad Labem, Czech Republic</td>
<td>Narra P. Alfas, Department of Geography and Environmental Development, Ben-Gurion University of the Negev, Beer-Sheva, Israel</td>
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<tr>
<td>Narrating planning challenges for flood risk management resulting from urban-rural migration: the Czech case</td>
<td>Disconnection of the infrastructure planning from the main planning apparatus – reasons, mechanisms and planning consequences.</td>
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<td>Tamara Marić, Institute of Architecture and Urban Planning of Serbia, Serbia</td>
<td>Paulo V.D. Correia, IST - Lisbon University, Portugal</td>
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<td><strong>Urban Planning and Migrations – the Role of Arrival Locations</strong></td>
<td>A New Legal Framework For Land Policies And Land-Use Planning: Is It Enough For A New Practice?</td>
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<td>4. Andreas Hengstermann, University of Bern, Switzerland</td>
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<td>10.30 – 11.00</td>
<td>Coffee Break</td>
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<tr>
<td>11.00 – 12.30</td>
<td><strong>Track B</strong>&lt;br&gt;Conference Room I-9&lt;br&gt;URBAN PLANNING AND PUBLIC PARTICIPATION&lt;br&gt;1. Aleksandar D Slaev, Varna Free University, Bulgaria&lt;br&gt;Atanas Kovachev, University of Forestry, Sofia; Varna Free University, Bulgaria&lt;br&gt;Boriana Nozharova, Varna Free University, Bulgaria&lt;br&gt;Peter Nikolov, Varna Free University, Bulgaria&lt;br&gt;Property rights and public participation in urban planning and management&lt;br&gt;2. Natasa Colic, John Naisbitt University, Serbia&lt;br&gt;Zorica Nedovic-Budic, The University of Illinois of Chicago, College of Urban Planning and Public Affairs, USA&lt;br&gt;Evaluation of implementation of early public participation in Serbian planning practice: a qualitative perspective&lt;br&gt;3. Paschalis Arvanitidis, University of Thessaly, Greece&lt;br&gt;Konstantinos Lalenis, University of Thessaly, Greece&lt;br&gt;Cyberpark: new concept, new challenges&lt;br&gt;4. Ryan Yonk, Utah State University, USA&lt;br&gt;Local Planning and Land Use Regulation and High-Speed Internet Deployment</td>
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<td>12.30 – 13.30</td>
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<td>13.30 – 14.30</td>
<td><strong>Track C</strong>&lt;br&gt;Conference Room II-13&lt;br&gt;PROPERTY RIGHTS AND PLANNING&lt;br&gt;1. Ide Gaston Hergens, KULeuven, Belgium; UAntwerpen, Belgium&lt;br&gt;Pieter Van den Broeck, KULeuven, Belgium&lt;br&gt;Bernard Hubeau, UAntwerpen, Belgium&lt;br&gt;Analysing land rights governance and transformation in Flanders. An institutionalist approach&lt;br&gt;2. Willem K. Korthals Altes, TU Delft, the Netherlands Planning Initiative: The Use of Options in Land Development in Amsterdam&lt;br&gt;3. Mathias Jehling, KIT, Germany&lt;br&gt;Fabrice Banon, KIT, Germany&lt;br&gt;Global perspectives on land re-adjustment: Insights from suburbanisation in West Africa&lt;br&gt;4. Francois-Xavier Viallon, Haute école d'ingénierie et de gestion, Yverdon, Switzerland&lt;br&gt;Pierre-Henri Bombenger, Haute école d'ingénierie et de gestion, Yverdon, Switzerland&lt;br&gt;Stephane Nahrath, Université de Lausanne, Switzerland&lt;br&gt;Multi-site land improvement syndicates: an alternative to transferable development rights?</td>
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<td>14.30 – 15.00</td>
<td>PLPR Executive Committee Meeting</td>
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| Tuesday, February 20 | 14.00 – 15.30 | Group Visit to the Department of Architecture and Urban Planning, Faculty of Technical Sciences, University of Novi Sad  
*Meeting in front of the Central University Building Main Entrance: at 13.45 for the group visit starting at 14.00 at 15.45 for the group visit starting at 16.00* |
| Wednesday, February 21 | 11.00 – 12.30 | Group Visit to the Department of Civil Engineering, Faculty of Technical Sciences, University of Novi Sad  
*Meeting in front of the Central University Building Main Entrance at 10.45* |
| Wednesday, February 21 | 9.00 – 10.30 | Group Visit to the Department of Geography, Tourism and Hotel Management, Faculty of Sciences, University of Novi Sad  
*Meeting in front of the Central University Building Main Entrance at 8.45* |
Prof. Dr. Gabor Hamza holds the following degrees: J. D. (Budapest, 1973), Diplôme at Faculté Internationale pour l’Enseignement de Droit Comparé (Amsterdam, 1973), Candidatus Rerum Politicarum et Juridicarum (Hungarian Academy of Sciences, 1979), Doctor Rerum Politicarum et Juridicarum (Hungarian Academy of Sciences, 1983).

Professor Hamza completed all of educational and professional training required to become a Hungarian attorney-at-law in 1972. He has been a member of the Budapest Bar.

Prof. Dr. Gabor Hamza has been the Chair Professor of the Department of Civil Law, „Eötvös Loránd” University since 1984. He was also the Associate Professor of Law at „Eötvös Loránd” University (1980-1984), Senior Assistant Professor of Law at „Eötvös Loránd” University (1977-1980) and Assistant Professor of Law at „Eötvös Loránd” University (1971-1977).

Professor Hamza is the author of 22 books, as well 1,319 partly autonomous, partly co-authored, partly edited or co-edited volumes, articles and review articles on Roman law, legal history, comparative law, EC law, legal philosophy and constitutional law.

He was a visiting professor at the University of Rome (Università degli Studi Roma Tre), December 2015, Universidad del Salvador (Buenos Aires), April-May 2014; Universidad John F. Kennedy (Buenos Aires), April 2014; Kazakh Abylai Khan University of International Relations and World Languages (Almaty), December 2013, University Le Havre, January-February 2011, November 2009; University of Savoie, March 2009; University of Paris V, March 2008; University of Toulouse, February 2008, University of Paris V, March 2007; Université Paul Cézanne-Aix-Marseille III, February 2007; Seinan Gakuin University (Fukuoka), September 2006; University of Paris II, March 2006; University of Paris V, February 2006; Faculty of Law (UNISA-Pretoria), January 2006, University of Paris XII, on a regular basis since 1993 in March and October every academic year; University of Rome (Università Roma Tre), May 2004, November 2003, May 2003, May 2002, April 2001; University of Rotterdam, September 2002; Michelle Pifard Wynne Professorship, Loyola University School of Law (New Orleans) February 2000; University of Helsinki, December 1999; University of Liège, October 1999; University Rey Juan Carlos (Madrid), April 1999; University of Milan, November-December 1998; University of Memphis, February 1995; University of Pisa, April-May 1994; University of Paris V, February 2006, February 1993, February 1994; Syracuse University College of Law, August-September 1991; European University Institute at Florence fall semester 1990; Fulbright Visiting Professor, Benjamin N. Cardozo School of Law (New York City), academic year 1989/1990; University of Rome (“La Sapienza”), spring semester 1989, spring semester 1988, spring semester 1987, spring semester 1986, University of Salerno, May-June 1989; and University of Parma, May 1988.


Professor Hamza held numerous guest lectures at the universities in the U.S., Canada, France, Germany, United Kingdom, Italy, Austria, Poland, Peru, Spain, Belgium, Finland, Romania, Serbia, Slovenia, Slovakia, Israel, The Netherlands, South Africa, Greece, Switzerland, Japan, China, Brazil, Chile, Mexico, Argentina, Turkey, Portugal, Australia, Thailand, Kazakhstan, Georgia, Russia, Bulgaria, Cuba etc.


Throughout his academic and professional career Professor Hamza was awarded with the following awards, prizes and decorations: TUBA Academy Prize in Social Sciences and Humanities – Turkish Academy of Sciences (2017), Scientific Prize (Rome) “Oriens Arca Iuris” (2014), Commandor’s Cross of the Order of Merit of Hungary (2014), Ordinary member of the Hungarian Academy of Sciences (2010), Scientific Prize “Albert Szent-Györgyi” (2005), Corresponding member of the Hungarian Academy of Sciences (2004), Officer’s Cross of the Order of Merit of the Republic of Hungary (2000), Scientific Prize “Ferenc Deák” (2000), Honorary Medal “Petrus Pázmány” (1994) and Graduation “Sub Auspicis Praesidentis Rei Publicae” (1973).

He regularly holds lectures in English, French, German, Italian, Portuguese, Russian and Spanish. He also reads Dutch, Latin and classical Greek.
Mirko Stefanović was born on 18 April 1952 in Novi Sad, Serbia. He holds a law degree from the University of Novi Sad (1974).

Mr. Stefanović worked at a legal practice in Novi Sad for two years prior to taking a position as the Secretary of the “Matica Srpska” Gallery in 1976. In 1979, he joined the Executive Council of the Autonomous Province of Vojvodina as an Advisor and Assistant Secretary of the Council followed by a position and Council Under-Secretary and Advisor to the President of the Executive Council.

In 1986, Mr. Stefanović joined the Secretariat for Foreign Affairs of the Socialist Federal Republic of Yugoslavia in Belgrade. During the same year, he took up a position at the Embassy of Yugoslavia in Baghdad, Iraq. Mr. Stefanović completed his tenure in Baghdad as a First Secretary and Consul at the Embassy in 1991.

Upon his return to Belgrade, he worked in the Directorate for Middle East and Africa in the Federal Secretariat for Foreign Affairs. Mr. Stefanović served as the Chargé d’Affaires and Ambassador of the Federal Republic of Yugoslavia in Tel Aviv, Israel, respectively, from 1992 to 1997 and 1997 to 2001. During this time, he also represented Yugoslavia in its relations with the Palestinian Autonomous Authority in the Gaza Strip and West Bank. Upon the completion of his mandate in Israel, Mr. Stefanović returned to Serbia and worked in the private business sector.

From 2003 to 2007, he worked as the Deputy Chief Executive Officer of “Carnex,” the largest meat processing company in the region.

In 2007, Mr. Stefanović returned to the Ministry of Foreign Affairs of the Republic of Serbia and was appointed as its Secretary-General. In 2009, he was appointed as the State Secretary of the Ministry. From 2011 to 2015, Mr. Stefanović served as Ambassador of the Republic of Serbia to the Republic of Portugal and the Republic of Cape Verde.

During his diplomatic career, Mr. Stefanović conducted numerous lectures and discussions on international relations and foreign policy issues, including at the Diplomatic Academy of the Ministry of Foreign Affairs in Belgrade, to foreign dignitaries and students both in Serbia and during official visits around the world.

From 2015 to 2017 he was a guest professor at the NOVA University Law School in Lisbon, Portugal, teaching a course in international politics with an emphasis on how regional crises, particularly in the Middle East and North Africa, have developed into global challenges for the international community. He has also lectured at the ISCTE Lisbon University Institute (Business School and Department of History) on the topic of globalisation. Mr. Stefanović is also researcher at the Center for International Studies at Lisbon University Institute (ISCTE) and has published numerous articles on the topics of Middle East, North Africa and Western Balkans.

Mr. Stefanović speaks English and German.
Prof. Martin Wickel is Professor for Law and Administration (Recht und Verwaltung) at the HafenCity University Hamburg, where he has worked since the university’s founding in 2006. Prior to that, he held a professorship at the Hamburg University of Technology (2001-2006).

The HafenCity University focuses on questions of the built environment and metropolitan development. Currently, Prof. Wickel serves as dean of the international master’s program Resource Efficiency in Architecture and Planning. Besides this, he primarily teaches courses for undergraduate and graduate Urban Planning students.

Prof. Wickel specializes in planning, building, and environmental law. In his research, he covers these fields as they relate to German constitutional, administrative, and European Law. His publications and research projects range from subjects at the core of urban and spatial planning law (eg. Bauplanung, in: Ehlers/ Fehling/Pünder (ed.), Besonderes Verwaltungsrecht, 3rd edition 2013); to infrastructure planning (eg. Steinberg/Wickel/Müller, Fachplanung, 4th ed. 2012); and various subjects in the field of environmental law (recently law of climate protection and climate adaptation; emission control law and noise abatement planning; local water infrastructures).

Prof. Wickel has advised government departments and parliaments at federal, state, and municipal levels, as well as NGO’s by issuing expert opinions. He served twice as Dean for Urban Planning at the Hamburg University of Technology and the HafenCity University Hamburg. In 2009, he was named member of the German Academy for Urban and Regional Planning. He was member of the Nature Protection Council of the State of Hamburg from 2009 to 2012. He served as the president of the German Deans’ Conference for Architecture, Urban Planning and Landscape Architecture (2013 – 2016) after he served as Vice-president for eight years.

Prof. Wickel started his legal education at the University of Bremen and the Goethe University in Frankfurt a.M. where he graduated in 1992 (1st state examination in law). In 1996, he earned a doctorate in law for a dissertation in the field of environmental law. In the same year he participated in the British Council’s European Young Lawyers Scheme and received a Diploma in English Commercial Law at the College of Law in London. After completing his legal education (2nd state examination) in 1998 he studied at the University of Michigan Law School in Ann Arbor and graduated with a Master of Laws in 1999. He returned to the Law School as a visiting scholar in 2006.
Abstracts
The Israeli planning system is going through a process of change. Mainly, it is gradually dismantling from traditional legal and formal stipulations dedicated to safeguard agricultural land and natural sources for the sake of rapid planning of housing. The backdrop to this change is a growing national hysteria framed in the discourse as a “housing crisis”, referring to the rising prices of residences and the claim that not enough apartments are built each year. As the finger is pointed to what seem to be the weakest link – the process of planning – new legal and administrative circumventions are created to enable rapid planning of housing, usually in the form of entire new neighborhoods at outskirts of central and peripheral cities.

The paper deals with the abandonment of widely accepted standards for planning residences, starting with basic requirements as proper industrial infrastructures (mainly sewage and water recycling), public services and public transportation, coming to the established procedures for safeguarding agricultural land. Planning malpractice is enabled through a series of circumventing commissions (these are, the appointment of new commissions permitted to make planning decisions while neglecting the former administered process) legitimized by panicking public discourse. Although the practice of circumventing planning is not new in general, and particularly in the case of Israeli planning (Alfasi, 2006; Alfasi et al., 2012), the current phase introduces new tools to the circumventing arsenal (see: Charney, 2017). The research shows which planning stipulations practically pushed aside and how this practice is taking place. Particular intension is given to “strong” versus “weak” stipulations and to the way each type is pushed aside in practice. The paper ends with few suggestions for ways to protect important standards against such temporal and destructive periods.
The extensive knowledge on urban regeneration to date focuses mainly on housing either on owner-occupied old housing, or on rental properties. Research has largely ignored situations where the existing housing is in condominiums (strata) ownership. Yet, such tenure format is a major part of the global housing stock. In many countries, unlike the USA and Canada, condominium tenure serves not only the upper middle and rich households, but lower income households as well. Since condominium laws are not as old as private or rental tenure, the need to consider regeneration of such housing has emerged only in recent years, but is now on a steep curve in many regions in the world, including East Europe, China and the Pacific, South America and even some Western European countries.

The structure of condominium law makes decision making by the owners more difficult than where renter or owner-occupants are concerned. What are the legal rules regarding construction of additional floors to a building or to add a slab of construction to enlarge and retrofit existing dwelling units? And what is the decision-making mode in the growing number of cities where regeneration policies seek to encourage condominium buildings to be demolished and rebuilt with higher density and number of units? In this case, must the condominium be legally terminated and another one created? The owners are usually offered a better apartment, and in theory, such schemes are “win win”. But not all condominium owners may be interested in such an initiative, for various reasons.

The situations described do not entail the use of expropriation, but do have some kinship to this sensitive area of law. There are major issues of rights and fairness, rules of appraisal, possible displacement (though short-term), new unanticipated costs for maintaining the upgraded housing, and the possibility of “hold-outs” who do not want to participate.

The basic rule in most countries is (probably) that all owners must agree to such drastic decisions because they affect the very essence of ownership. However, in response to growing need to regenerate condominium housing, there are recent examples of countries where some forms of special majority short of full consensus have been adopted. Do these work well? Do they generate other problems regarding the minority of “holdouts”? What decision mechanisms are adopted to resolve conflicts? The research reported seeks to analyze and evaluate the emerging laws and practices of regarding condominiums in urban regeneration in several countries.

Selected references:
Roberta Altin, CIMCS, University of Trieste, Italy

AFTER THE EMERGENCY: HOSPITALITY AND INCLUSION OF THE ASYLUM SEEKERS IN TRIESTE (ITALY)

Changes in European policies and the positions of the various governments of the Eastern nations have led to constant and rapid changes in the migrants using the Balkan route, in part to seek asylum and protection and partly as illegal underground flows (Rigo 2007); another consistent group of asylum seekers in Nord-East Italy are relocated from South Italy. After the transit flow via the Balkan route and the emergency in 2015-2016, in Trieste and in the border area between Italy and Slovenja the management of hospitality for asylum seekers and refugees is shifting toward the second phase of reception.

In the last year the flow of migrants has been constantly increasing but is more diluted and gives no sense of invasion. One of the most important issues for social inclusion is to consider not only the characteristics of the migrants but also the specific context of settlement (local residents, features of the city in terms both of history and citizenship planning). From an anthropological viewpoint, the ‘Trieste-model’ of hospitality is currently based on:

1) A long experience in the management of displaced people and refugees since 2nd WW.

2) A system of spread hospitality in small buildings with small self-organised groups of refugees (SPRAR; asylums closed by Basaglia) (Foot 2015)

3) An agreement between the Prefecture, NGOs, the Municipality and a network of international scientific institutions (UNITS, SIS-SA, ICTP, etc.) that are working together in order to find the best solution for relocating refugees with skills and scientific degrees and to create the basis for a better integration.

The critical issues are: an informal shelter in the centre of the town (Altin 2017), the low level of education for most of the migrants; the narrative of fear and invasion in the discourse of the media; the lack of knowledge about the asylum seekers’ future projects. Currently the urban social planning is trying to overcome the pressure of ‘emergency’ measures in order to plan more active social inclusion (Fassin, Pandolfi 2010).
Inclusionary zoning policies, a concept that refers to municipal ambitions to promote the inclusion of affordable housing in market-rate projects through planning regulations or economic incentives, have been an object of debate in many urban contexts with increasing shortages of affordable housing and processes of socio-spatial segregation. This concern has, cyclically, crossed several historical periods. It is now possible, with the benefit of hindsight, to look back at initiatives developed in the past and evaluate their outcomes.

This paper looks at how land-use planning can simultaneously secure the provision of affordable housing for low-income people and a mix of housing tenure regimes for a wide range of social groups in an unsegregated way. To do so, the research focuses upon two plans for expansion, Zona de Expansão I (1940/1950, Etienne Groer) and Malagueira (Siza Vieira, 1977), developed in the medium-sized city of Évora via the initiative of the central state in collaboration with the municipality.

Focusing upon Évora during these eras can be justified on several grounds. First, because the postwar decades saw an unprecedented amount of urbanization related to rural-urban migration, in which Évora’s rapid population growth led to severe housing shortages and, in a context of non-existent planning instruments, the expansion of informal settlements. Second, because this expansion overlapped two different historical periods, that is i) the 1940s/1950s in the midst of the governance period of the fascist regime which ruled Portugal from 1933 to 1974, and ii) following the ‘Carnation Revolution’ that initiated the implementation of democracy in 1974, opening up popular movements for the ‘right to housing and to the city’. Third, assuming that housing and planning ideas and practices are embedded in networks of social relations and politics, the paper looks at the continuities / disruptions in urban planning and housing solutions aimed at preserving Évora’s medieval heritage and providing affordable housing resulting from the transition from a dictatorship to a democracy.

Combining a range of methods, such as documentary analysis and interviews, and focusing upon fine-grain planning and housing practices at the local level, this research contributes to the discussion of critical factors that affect the provision of affordable housing through land-use planning policies, but also those that shape concerns of heritage preservation, democratic legitimacy, and social justice.
ESTIMATING THE RELATIVE IMPACT OF SOURCE OF INCOME DISCRIMINATION IN HOUSING CHOICE VOUCHERS RECIPIENTS HOUSING SEARCH PROCESS

The 14th Amendment to the US constitution prohibits discrimination on a variety of factors. The Fair Housing Act of 1968 specifically extends those protections from discrimination to the housing market. Yet in spite of those safeguards, there are many discriminatory practices in the US residential market. This paper explores one type of discrimination in the low-income rental housing market involving households that receive Housing Choice Vouchers.

Housing Choice Voucher (HCV) recipients encounter many types of discrimination in the housing search process. Landlords could choose not to lease a home to HCV recipients merely because they are HCV recipients. While many forms of discrimination (such as discrimination because of race or gender) are proscribed by federal and state constitutions, discrimination based on income or source-of-income (such as paying rent using an HCV) is not banned by the federal constitution or by most state constitutions. Source-of-income (SOI) discrimination makes the housing search process more complicated and time-consuming for HCV recipients, often restricting their housing options and resulting in sub-optimal housing choices (Galvez 2010, Freeman & Li 2014). SOI discrimination could lead to HCV recipients not being able to rent a home within a reasonable time, thereby lowering HCV utilization rates -- a deplorable consequence given the large mismatch between the number of HCVs funded each year and the families that need them. Indeed, a few researchers have found that having anti-SOI regulations can increase HCV utilization rates (see Freeman 2012, for example).

My paper reports on the findings of a study exploring the relative magnitude of SOI discrimination compared to other types of discrimination that HCV recipients of a Midwestern public housing authority (PHA) experience in the housing search process. I also report on how SOI discrimination varies by race, family-size and other socio-economic & demographic factors among these HCV recipients, to explore if SOI discrimination is a cover for commonly proscribed forms of discrimination.

Information for this study was collected by surveying all HCV families of one PHA using a mail-out/mail-back questionnaire. About 400 questionnaires were received; of these, about 300 were complete and were used in this analysis.

My findings suggest that SOI discrimination is perhaps more pervasive than other common sources of discrimination, and may be a more significant contributing factor to a less-than-100% voucher utilization rate than many other factors. This paper is a significant addition to the literature on fair housing because it focuses on a factor other than race and because it uses primary data from HCV recipients (whereas a majority of the published literature on fair housing is based on either secondary data -- from the US census or HMDA reports, for example -- or matched-pair testing data).

My paper also describes the PHA’s initial, strongly negative response to these findings, and yet how within 18 months the local government modified the city statutes to provide protection from SOI discrimination citing my findings. In the concluding segment of the paper, I discuss how and why this happened. The study reported here and its demonstrable impact on public policy and people in a certain geography is an example of how faculty scholarship could translate to positive action and social benefits in a local jurisdiction within a relatively short time.
The idea of a technologically augmented urban public space might sound bizarre, extreme, ridiculous or even frightening to some people. We generally perceive parks, plazas, squares, etc. as places to enjoy for leisure, sometimes for work, but rarely as places specifically designed to bring together the “real” with the “virtual” and to offer digital interaction and cyber experiences to visitors. Yet, these places not only do exist but it is expected to increase in number and sophistication in the next years.

The current paper comes to shed light in the concept, the characteristics and challenges of such a space, termed in the literature as ‘cyberpark’. To do so, the paper draws on a survey conducted with various experts on the issue. These are the participants of the UT 1306 COST Action, called CyberParks. The questionnaire that is used has collected their views on a number of cyberpark and public space aspects, aiming to explore further the idea and specify the peculiarities, the unique characteristics and the emerged challenges of a cyberpark, vis-à-vis conventional urban public spaces. The questionnaire we developed consists of three parts containing 24 questions examining a number of relevant issues, such as: the elements and qualities of both cyberpark and public space, the facilities both spaces should offer, the activities they should facilitate, the appropriate allocation of property rights, the legal and other challenges in the means of their provision, management, and appropriation.

We argue that such an analysis is very important given the authority and the variety (in scientific backgrounds and training) of these people, which include social scientists, urban designers, urban planners, information and communication technology specialists, legal experts, etc., and consequently the diversity of their views regarding what a cyberpark is or might actually be. We believe that such analysis would enrich the ongoing dialogue within the respective scientific community, and facilitate interactions between relevant, but yet fragmented, research in various scientific areas.
Nowadays cities experience local flooding and heat stress, with projections for these issues to increase due to climate change and ongoing development. Working in complex, resource-constrained urban environments, the municipalities look for joined-up, cost-effective, smart solutions to address these and other urban challenges. Cities of the future will need to achieve more with fewer resources and deliver genuine sustainable development that realizes a broad range of social, economic and environmental objectives. The solution could be nature-based solutions introduction. But how to encourage cities, its citizens and investors to use solutions based on nature so green infrastructure could be treated in the same way as other infrastructure.

My goal is to focus on new solutions/tools in urban planning acts such as local plans and other resolutions that would introduce green infrastructure into urban planning. Look for the solutions in European countries, compare them to Polish solutions and propose new solutions in land-use plans and other local acts.

For example, in Wroclaw the City Council has passed the resolution on tax decrease for residential buildings that include green vertical or horizontal surfaces. Extending this act is now being considered, to offer incentives for investors as well. There is also Mayoral Ordinance on managing rainwater in Wroclaw.

As for local land-use plans provisions regulate so far:
• delimitation of new green areas and rules for their development;
• proportions between sealed area and a biologically active area in built-up areas;
• the proportion of ‘high’ greenery in a biologically active area;
• protection of trees and vegetation;
• the obligation of green walls in some investments;
• sustainable use of rainwater and thawing water;
• increasing the width of impermeable surfaces within streets, which is not enough concerning the goals I would like to achieve.

The Wroclaw city also promotes:
• using greenery for water retention and evapotranspiration (rain gardens, green roofs, and walls);
• pre-treatment of rainwater from contaminated areas with the use of hydrofit water pre-treatment and other methods;
• planting water-retaining plants along streets and roads.

But this concerns only city’s investments, the question is, how to extend it to private investors – combining obligations and incentives.

To achieve my goals I would like to use my 12-years experience as an urban planner working for the Wroclaw Municipality, my experience on Smart City field and my current position of Wroclaw City Gardener working on projects such as GrowGreen – Green cities for climate and water resilience, sustainable economic growth, healthy citizens and environments (within Horizon 2020 programme) or Green Infrastructure Plan for Wroclaw and Greenery Charters - sets of practical recommendations on nature-based solutions use, addressed to different stakeholders and designed for different types of investments.
THE COMMON LAW AND CLIMATE CHANGE

Law in the English speaking world is largely judge made, even today. Having been developed by accretion over many centuries, the common law possesses a flexibility that enables it to deal with new challenges, even in the absence of statute or regulation. The theme I will explore, that is also the subject of a chapter in a book being published by Routledge, is whether such judge made law can address the complexities of climate change, where there is no one single actor causing the adverse effects, and causation/liability is difficult to assign in the context of a lawsuit.

I argue that three traditional common law theories do provide the tools for addressing climate change. These theories are nuisance law, sic utero tuo, that is do not use your property to harm another, and the public trust in riparian land. There is a federal climate change case in Oregon which has actually built on these theories to deny a government motion to dismiss, so the case remains pending in federal court there. The further argument is that such suits have the benefit of keeping the climate change issue before the public. Even if the plaintiffs do not eventually win, they will succeed in part if they can survive dismissals as has happened in Oregon and also, potentially, in a Connecticut case that had been before the U.S. Supreme Court.
According to OECD data (2017), the Italian population is decreasing (in 2015 there were 228,000 more deaths than births) whereas foreigners in Italy are increasing (72,000 born in Italy and 250,000 migrated). There are 3.5 million more foreigners now than in 2000. Most of them migrated to Italy for familiar and humanitarian reasons. In 2015, out of 153,000 immigrants, 83,540 people sought asylum. The presence of facilities and public spaces dedicated to the resident population enabled Italian cities to meet indirectly the migrants’ social demand. The paper looks at facilities and public spaces in Italy and the tools adopted to create them, linking this issue with that of migration. The 1967 Italian law on urban standards is used as a starting point. Law no. 765 (technically defined by interministerial decree 1444, 1968) introduced the concept of a minimum surface of public space for each inhabitant (18 + 17.5 sqm per inhabitant). It stated that urban standards need to be implemented through the creation of new general and operational town planning tools and through the review of the already existing ones. Through this means, the central government ensured a balance between public and private space in new urban developments (developer obligations). The cities growth was then fostered by significant internal migration flows which were mainly governed by private initiative.

Over the course of five decades the social context has changed. The law needs to be reviewed in order to meet the new social demand of public space and services. Through the years, a significant amount of facilities and public spaces in Italian cities have been taken possession of by users who are not directly included in the law. Immigrants use parks, squares, streets, parking areas and contribute to the creation of a parallel, alternative city – a city that is not always visible but has great potential, and in which cultural relations form the basis of urban interaction. The (functionalist) model is showing its potential to manage/receive/organize (in more or less structured forms) the presence of migrants, even in case of emergency migration waves. For example: in some cases facilities and public spaces are improperly used by irregular migrant populations, where they find temporary refuge; the decline in the local population has forced the closure of many facilities (schools, social services, sports centers, etc.) that are being re-used by local administration as residential temporary centers during emergencies. This paper investigates the potential of a law which introduced obligations that enabled public administrations to build a capital that is useful in meeting different demands. The paper wants to: explain, with various examples, how facilities and public spaces have supported the phenomenon of immigration even though the original purpose of the law was not this; argue that facilities and public spaces could work better if inserted into a national government plan; investigate how immigration processes, and new related social questions, may have an effect on amending the 1967 law.
Contemporary migration flows represent the largest movement of people to European countries since the Second World War, raising both challenges and opportunities for local territories. The paper will focus on the Balkan route, being one of the main access points to the EU. Greece and Bulgaria can be seen as entry points of the route, proceeding North-West through FYROM, Serbia, Croatia and Slovenia as transit countries. Before its borders were heavily fenced in summer 2015, Hungary represented the most walked pathway towards Austria, Germany and possibly other northern countries: these were and are, indeed, the final destinations of the route. The whole area is simultaneously experiencing (i) a demographic decline combined with an expanding urbanization towards the capitals (i.e. migration from rural to urban areas); (ii) an ‘internal’ macro-regional movement of people in search of better life conditions; (iii) an ‘external’ mobility involving both asylum seekers and people who are simply leaving their country of origins for other destinations (mainly Western EU Member States, or overseas); and (iv) a returning flow composed by rejected asylum applicants returning home in the Balkans. The research is aimed at mapping and better understanding these flows through data collection (both quantitative and qualitative indicators), also for the purpose of assessing their impact on urban and territorial cohesion.

The research is aimed at mapping and better understanding these flows through data collection (both quantitative and qualitative indicators), also for the purpose of assessing their impact on urban and territorial cohesion.

The paper will be divided into two sections. First, it will analyse and map the migration and refugee flows experienced by the macro-region since 2015, focusing on the nature of flows (i.e. arrivals, transit and final destination) and selected features of the socio-economic background of migrants (e.g. age, gender, education). As known, the primary objective of both refugees and migrants at the time was that of reaching Central and North-European countries, following the refugee-friendly policy displayed by countries like Austria, Germany, and Sweden. However, when the mentioned States reconsidered their laws and introduced daily quotas on intakes, the Balkan route transformed from the gateway to Europe into a potential cul-de-sac for migrants. This provides both for challenges and opportunities for local communities. Can displaced people contribute to local economy? How can public administrations rethink property rights in rural areas to reanimate local development? A sample of case studies have been selected to deepen understanding of territorial experiences that engage with addressing territorial challenges by means of an active management of migration flows and offer of integration measures. Against this backdrop, the second section will reflect on the role of migrants and refugees as catalysts for socio-economic development, with particular reference to depopulated and ageing areas across selected countries of the Balkan route. Building further on ‘good practices’, the article will single out lessons learned that can support the replication of positive experiences in other territories, or else support the design of new initiatives avoiding known risks.

Finally, specific policy recommendations will be provided, targeting the territorial potentials connected to migration and refugee flows across the Balkan route.
Francesco Chiodelli, Gran Sasso Science Institute, Italy

**ATYPICAL URBAN INFORMALITY IN THE GLOBAL NORTH: HOUSING ILLEGALITY AND ORGANIZED CRIME IN NORTHERN ITALY**

The paper deals with housing illegality in Italy. It presents a case study focused on Desio (Milan), in which illegal construction is particularly widespread, and occurs in the presence of ‘Ndrangheta, a criminal mafia-type organization originating in the region of Calabria. In particular, three exemplary cases of illegal construction in Desio are analyzed: first, the case of a real estate company owned by people connected with ‘Ndrangheta members, that illegally built some apartments, in order to sell them on the formal market; second, the case of a person with several links with organized crime who built his own house illegally; third, the case of a person without any direct linkage with the ‘Ndrangheta, who constructed his house without permission, induced to do so by the environment of illegality and ‘omertà’ spread as a result of the activities of the ‘Ndrangheta cell in Desio. These examples are the basis for a discussion on the distinctive features of housing illegality building in Italy, and on its nexus with organized crime.

The case of illegal housing in Italy provides also significant input to the wider international debate on informality, challenging the hermeneutic validity of the Global South/Global North dichotomy.
EVALUATION OF IMPLEMENTATION OF EARLY PUBLIC PARTICIPATION IN SERBIAN PLANNING PRACTICE: A QUALITATIVE PERSPECTIVE

Early public participation has been introduced in Serbian legal planning framework in 2014. In the context of recent Serbian planning history, early public participation can be observed as a novelty within the field of deliberation. Still, there is no sufficient data on the success of the process, or its effects. Hence, the main aim of this paper is to contribute towards filling this gap by providing an understanding on implementation of the early public participation from a qualitative perspective, through the eyes of planning practitioners.

Implementation of early public participation in Serbian planning practice is evaluated during May and June 2017 in 7 Serbian local municipalities. Planning practitioners were interviewed about procedural aspects in its operationalization, but also provided data on actual and potential effects of participatory processes. Qualitative data was complemented with content analysis of the By-law on implementation of participation as well as existing reports on completed early participation processes.

Findings suggested that early public participation is implemented differently in each local municipality. Planning professionals pointed out at practices from a real life perspective, where procedural participation represents no guarantee of actual changes in outcomes of planning. Paradoxically, planners who operationalize early public participation beyond minimal legal obligations have witnessed how early participation has affected changes in planning solutions. Based on these findings, paper offers recommendations for improvement of early public participation in practice and especially in relation to dissemination of good practices between planning practitioners, through sharing and dialogue within an inclusive and long-term platform for peer-to-peer learning.
Serbian planning system is influenced by its path dependency in relation to socialist era and later transitional stages. Moreover, it is directed towards adjusting to market economy and EU perspective, where various international influences were developed during the period of support through programs and projects of international assistance for the socio-economic integration of refugees. Some of these programs are still ongoing.

The contribution of this paper is to offer a basis for understanding the influences on development of both formal and informal planning instruments for housing solutions for refugees and internally displaced persons from 1990s to 2015, with Serbia being taken as an illustrative case. The nature of housing solutions is examined in relation to different state policies, concepts and planning practices, as well as systemic solutions in legal framework within particular focus on: introduction of different forms of ownership, regulation of norms and standards of planning, new institutional solutions, and treatment of housing as a public interest. Finally, this paper will demonstrate that in a transitional society, legal framework represents a prerequisite but not a guarantee of enforcement, where complexity of its operationalization is closely related to real political and socio-economic context.
LAND-USE REGULATIONS IN PERIURBAN LANDSCAPES- THE CASE OF METROPOLITAN AREA OF LISBON

Periurban areas are spaces located in the urban fringe, between the city and pure rural areas. Most such areas lie in close proximity to the consolidated urban areas, but can also consist of smaller scattered settlements in rural landscapes. Usually understood as a type of urban sprawl, periurbanization is one of the most significant contemporary processes of land-use change in Europe. The rapid growth in the consumption of rural and natural land by urbanization processes negatively affects ecosystem services, such as food production, provision of leisure and recreational spaces, biodiversity and the aesthetic value of rural landscapes.

In Portugal, low-density sprawl has increased in the past couple of decades, due to cultural and economic changes as well as shifting life-style choices. Public investment in infrastructure greatly improved accessibility in the outer fringe of the metropolitan areas, and private real-estate development has coveted the lower land prices, proposing new periurban housing as an affordable alternative to the inner city, or even the suburbs. These trends have been especially noticeable in the Metropolitan Area of Lisbon (MAL).

Local governments (Municipalities) are tasked with land-use classification and qualification, through their Municipal Land-use Plans. While originally (1990) the land-use legal framework allowed for several different classes of land-use, the newer versions of the law (2014/2015) require land “classification” to mark a clear distinction between just two classes: urban or rural land. Any further refines comes in the form of land-use “qualification”, which establishes the dominant activities, and regulates building rights, compatible uses, and restrictions.

But, within this strict dichotomy between mutually-exclusive urban vs. rural classes, where to place periurban spaces, urban sprawl, the diffuse city?

In this communication, we address how periurban territories have (or rather, have not) been addressed by Portuguese land-use law. We survey and discuss the legal standards that frame land use planning, and especially those norms regulating building rights in periurban and rural areas. By comparing the Municipal Land-Use Plans across all municipalities of the MAL, we identify and rank their standards in terms of their level of restrictiveness to building outside urban perimeters. We compiled the data and, resorting to a multi-criteria decision analysis, calculated an aggregate “Building Permissiveness Index” for the land-use plans, and contrasted the results with the intensity of land-use transformations.

While it may be a stretch to assume that the level of “permissiveness” of some local land-use plans is responsible for the sprawl occurring in the fringes of the MAL, we were nevertheless able to identify lax legal standards that were, if not the drivers, at least a necessary condition to allow periurban development to take hold. The dichotomy in urban/rural classification, which persists even after the new legal framework was enacted in 2014/2015, will likely remain unsuited to adequately deal with these territories, not quite urban enough, and no longer rural.
CAN PLANNING LAW ADAPT TO CLIMATE CHANGE? THE CASE OF SEA-LEVEL RISE

An underexplored aspect of urban resilience to climate change is the legal context. A society needs to adapt to environmental changes that create multiple disruptions. While there is a worldwide abundance of policies addressing local climate change – both in mitigation and in adaptation – too little attention has been devoted to researching the responsiveness of existing legal contexts for coping with urban environmental challenges. Property rights and planning laws must work together to create physical and institutional resilience, but are often intransient themselves. What is the balance between necessary stability of property rights, and the necessary responsiveness and flexibility to permit adaptation to climate change?

This presentation aims to contribute to the understanding of the roles played by planning laws and property rights in face of climate change. The focus is given to legal and planning tools for adaptation to sea-level rise, to handle challenges such as managed retreat in response to coastal environmental risks, necessary interventions in property rights, compensation issues, and more. This work-in-progress asks (i) to what extent have local frameworks of planning law and property rights been able to cope with climate change risks? And (ii) are some legal systems or planning tools more conducive to resilience than others?

These questions are approached from a comparative, cross-national analysis. We first analyze the limited existing knowledge in the international literature. We then report on the currently ongoing empirical studies in selected major coastal cities in several countries. Those have been selected to as to represent high degrees of climate change and impacts on coastal areas, with differing adaptation strategies as well as differing legal systems and planning cultures.
It is a truth universally acknowledged that 'beauty is in the eyes of the beholder'. If this is true, can governments legitimately regulate the aesthetics of the built environment? Research in psychology has revealed that the way in which we perceive the beauty of our environment has important effects on our well-being as individuals and as a society. If an aesthetically pleasing environment indeed serves the public interest, it seems legitimate for governments to control the beauty of buildings and neighbourhoods. Planning authorities typically enjoy considerable room for appreciation (discretionary power) in matters of 'aesthetic regulation'. But precisely because aesthetic taste is often regarded as highly subjective, not everybody agrees that this is desirable. This raises the question of who is to (co) decide on what constitutes 'beauty' in this context. Architects, as experts? The public? This is also important because 'aesthetic regulation' affects fundamental rights. Whereas owners point to their right to protection of property, architects argue that they should be free from censorship, relying on their right to freedom of expression. The public, on the other hand, may well argue that it has a right to enjoy an agreeable neighbourhood, which could be subsumed under the right to an effective enjoyment of private life.

My postdoctoral project, funded by the Flemish Research Foundation (FWO), studies the way in which Flemish urban planning law deals with these questions and seeks inspiration in France, the Netherlands, the US and the UK. Flanders is a particularly densely populated region in Europe, where there has long been a disregard for urban planning law beyond traditional zoning regulations. Only in the past decade has the importance of cross-sectoral planning been acknowledged by the legislature, meaning, amongst other things, that the impact of constructions on the aesthetics of the environment is now a material consideration for planning authorities. Public authorities, however, struggle with this relatively new ‘goal’ behind urban planning law. Which instruments should they use to regulate aesthetics (plans, local regulations, soft law,...)? Who should they involve in the process of developing a general policy or regulatory framework?

My paper and presentation will contain the intermediary results of my comparative research on:

- the gradations of discretionary power that planning authorities enjoy in the area of aesthetic regulation;
- the way in which the courts deal with this discretionary power and especially the intensity of review;
- best practices for the governance of aesthetic regulation.
This article questions the role of interim housing as up-coming coping strategy to deal with affordable housing shortages in growing cities. We use the two concepts of institutionalization and commodification to analyze the significance of the increasing societal interest in interim housing. Contrary to housing squats, interim housing is a form of housing that went through a process of institutionalization. However, two different models of interim housing need to be distinguished. While non-commodified housing was historically developed to meet the needs of specific categories of tenants, commodified interim housing is managed on the owners’ behalf. It is based on loaning contracts that require payment for operation costs but not rent. Consequently, the legal protection of the rights of interim users, namely low-income families, single parents, people with social aid and students, remains weak. To understand how these different models could emerge, we analyzed the motivations of different actors involved. Through the analysis of seven subcases in the metropolitan region of Zurich, Switzerland, the mechanisms that led to the diversification of institutionalized interim housing models will be assessed and discussed.
As population increases worldwide, urban centres are projected to keep expanding at the expense of other land uses in the peripheries of cities. A key issue in spatial planning and urban development is associated with the implementation of effective mechanisms to control changes in land uses and consumption of land as a non-renewable resource. At the same time, reconciliation of interests and negotiation should take place at the local level to integrate the values and interests of all stakeholders in the planning process. Disputes over land comprise political, social, ecologic and economic factors, as well as their interactions. Therefore, successful strategies for sustainable land management rely also on the full understanding of the thematic context.

The aim of this study was to propose a conceptual framework for the investigation of land-use conflicts that provided in-depth understanding of the context where they take place (actors, relations, drivers, location), and allowed to recognize potential leverage points for conflict anticipation and resolution to support sustainable urban development.

This research work adopted the Pressure-State-Response (PSR) framework, developed by the Organization for Economic Cooperation and Development with the purpose of organizing indicators for sustainable development in a causal sequence, as conceptual model for the analysis of land-use conflicts in the case study of Cholula, Mexico. Recently, the urban growth of Puebla occurred to a large extend at the expense of the rural territories of Cholula, reconfiguring the social dynamics of the local communities that were once exclusively rural.

The pressure component focused on the identification of the competing interests over the utilization of land and incompatibilities. The state component investigated the configuration and composition of the current land uses and identified the land-units under dispute. The response component focused on the analysis of policies and regulations for urban development, as well as on the way that different actors react to the emergence of conflict.

The findings from the analysis of the case study indicated that the logic of the PSR framework facilitates the identification of cause-effect relations, and enables the contextualization of land-use conflicts and identification of opportunities for improving the spatial planning process. The main challenge is to design a conceptual and comprehensive approach that breaks down the complexity of land-use conflicts into manageable components, without neglecting the interconnections among them. A better understanding of the emergence of land-use conflicts can help to avoid disturbances that deviate from the sustainability principles: ensuring economic progress, while maintaining the quality of the natural environment and safeguarding the human well-being.
Onshore wind energy often concerns conflicting property rights, namely the right to use one’s land to produce electricity, and the right of others to not be disturbed by this. Unfortunately, in this case ‘disturbance’ is highly subjective. Much of the academic literature in planning has focused on factors to enhance ‘social acceptance’ (e.g. Ellis and Gianluca 2016; Wolsink 2010) – one of the more promising being profit-sharing schemes. It is interesting to note that while such schemes are becoming increasingly common for facilitating wind parks, they are not suggested for other alleged LULUs such as power plants, factories or superstores. To what extent should those nearby have a right to participate in a scheme? Can planning permission be made contingent on this?

In this contribution we wish to discuss the relatively neglected issue of property rights in the discussion on renewable energy, with a particular focus on profit-sharing schemes. How do these fit into Dutch law? How do other countries (e.g. Austria, Belgium, Germany, UK) deal with this issue?
Italian coastal areas have been subject to strong anthropogenic pressure and urbanization processes over the past 60 years. Urbanization of the protected 300-m strip from shoreline has reached levels of over fifty per cent in some parts of the country. This contribution seeks to understand whether a con-cause that has led to a considerable urbanisation process is to be found in the way national landscape legislation has been designed, in its relationship with urban planning legislation, and in the institutional and administrative fragmentation that characterise the management of coastal areas in Italy. After analysing landscape legislation and assessing its relationship with urban planning functions, the article highlights, for Italy as a whole, that national landscape legislation while seeking to protect and safeguard coastal areas paved the way for increased urbanization and development. Drawing on regional data on illegal development, the contribution seeks to emphasise the impact that building amnesty laws have had on the practice of illegal development so contributing to increased urbanization processes.
In recent years, the global financial crisis of 2007/8 was intertwined with a housing crisis, and has been characterized globally by a severe shortage of suitable and affordable housing. Following the global housing crisis, internal migration trends were changed in many places. In general, affluent population had “returned to the cities”, while disadvantaged population, mainly families with children, were pushed out to peripheral areas. These trends were tangibly occurred in U.S. main cities, such as New York and Washington, but happened also in other places (such as the Amsterdam and London,) (Hyra, 2015; Van Der Land, 2007; Andreotti, et al., 2013).

The purpose of this study is to examine to what extent these trends have taken place in Israel. Israel comprises an interesting case study for examining housing policy and internal migration, because like many other societies, for the last two decades Israel has faced a housing crisis. However, unlike many other places, in Israel, the housing crisis was expressed in a sharp rise, not in a decline in housing prices (Benchetrit, 2014; Gruber, 2014).

How has the rise in housing prices affected internal migration trends in Israel? Who moved into the central cities, who moved away, and where to? Answering these questions is the challenge of this paper. We will focus on internal migration trends of various population groups within the center of Israel (Tel-Aviv and the Central districts). [1]

Our primary findings indicate that in Israel, the internal migration patterns of the last decade differed from those in the U.S or in European countries. As this study has shown, the upper and core middle class moved to new urban neighborhoods in small municipalities in the center of Israel, but more distant from Tel Aviv district. In many cases these new urban neighborhoods were disconnected from the original community of these smaller places. Unlike the general trend in the U.S and some European countries, in Israel these towns are not wealthy suburbs, but poorer towns with a supply of housing at prices that families can afford.

[1] Data shows that since the 1990s more than half of internal migration in Israel occurred in these districts Central Bureau of Statistics (CBS) Year Book 2016. Internal migration between localities by district and population groups, Table 2.26. http://www.cbs.gov.il/reader/shnaton/templ_shnaton.html?num_tab=st02_26&CYear=2016
EXCLUSIVE SPACE PRODUCTION IN
COASTAL PRE-URBAN AREAS: COASTAL
AREAS IN SOUTHERN PART OF CASPIAN SEA
AS THE CASE STUDY

Mazandaran Province in North of Iran has a shoreline with 337
km length. Coastal cities are among the most densely populated
and rapidly growing cities in Iran. Approximately 3 million people
are crowding into a thin coastal region of Mazandaran Province
which is about 4.2% of the nation’s population. This implies an
enormous need for providing more public access for increasing
coastal population. From 337 km length of Caspian Sea shoreline
in Mazandaran Province, about 73% (248 km) are built and only
27% (about 90 km) are open and have no limitation for public use.
Gated communities are the physical interpretation of exclusive
spaces as they prevent public access to the natural and public
resources inside the gates, walls and fences. This research
aims to explain the socio-spatial mechanisms of production
of exclusive spaces in pre-urban area in North of Iran. With
applying qualitative research methodology and grounded theory
as the main method, the conceptual and theoretical pattern for
explanation of exclusive space production is formulated. Findings
of the research shows the different discourses under which
public spaces are privatized in the case study in comparison to
the current literature throughout the world. The rentier political
economics and the spatial structure are the structural situations
in privatization of public spaces in north of Iran. Cultural
norms supporting exclusiveness and the power contrast are the
grounded situations, the rentier institutional framework is the
usual situation for creation of coastal land privatization. On
the other hand, the multiplier rent by the informal actors is the
reaction to the illegal activities of formal institutions which cause
the demolishes of environment and natural resources in this
vulnerable area. Findings of the research show that in contrast
to current literature on theories for exclusive space production,
there is not “production” of space, in this case study, but, it is a
suddenly creation of exclusive spaces supported by the rentier
mechanisms of public-private collaboration.
FOOD DISCOUNT STORES AS INDICATORS FOR THE FAILURE OF PLANNING LAW

In most countries, planners find themselves in a in-between situation: On the one hand, they have been given ambitious overall planning objectives (mostly codified in planning law or similar binding documents) that have to be achieved. On the other hand, they are equipped with a set of instruments (such as plans) that only prevents undesirable development (such as building permit). It remains unclear, if planning is to achieve or if planning is to prevent. Besides the question what planning “should” be, it might be interesting to evaluate what planning actually is. Therefore an indicator is needed which shows potential discrepancies between the objectives in planning law and the actual outcome. The present paper wants to measure this by taking food discount stores as indicators.

Taking food discount stores as unit of analysis has some scientific and methodological advantages: a) Discount stores are highly spatially relevant as they can have huge direct and indirect impacts (urban sprawl, car dependency, relocation of retail activity). b) This type of planning object is comparatively new (in Switzerland since 2005), thus the were all built under running planning systems and (most of the time) under the current planning law. c) The private interest behind this object remains the same (the business model is quite clear and strong). This allows to reduce the influence of private actors on the scientific findings and to focus on the public authorities and their strategies.

Having this framework in mind, the paper will present empirical findings on food discount stores in Switzerland. 256 out of the 275 discount stores could be researched. Findings will be shown that show the quality of the location and the quality of the building itself with regards to the objectives determined in planning law.
Analyzing land rights governance and transformation in Flanders. An institutionalist approach

The landed commons are reviving both in theory and in practice. By questioning and redesigning the current instruments of land policy the commoning movement is contesting a heavily institutionalized promotion of private property. To study the dynamic relationship between these two opposing strands it is necessary to place them within a broader and long term analysis of land policy production, approaching the latter as governance of land use rights. To examine how land rights are (re)produced and transformed over time, according to which logics, with which techniques and to which ends, this paper mobilizes an analytical framework, informed by political economy, critical legal studies and institutional theory, as opposed to the law and economics perspective. Since the region of Flanders (Belgium) is often portrayed as a region urbanized in an unsustainable manner, in which private property of land is favored and, which is lacking a proper land policy, it is chosen as a challenging case study. Emblematic moments of land use rights transformation are detected and studied by tracing clues in instruments and techniques designed during two centuries of territorial development of Flanders. Examples of these moments include the end of feudal land organization and rising hegemony of private property around 1800, accelerated land rights exchange and emerging public-private dichotomy around 1840, land rights fragmentation and gradual redistribution since 1880, rising public-private tensions over land rights since 1930, re-accelerated enclosure from 1980, and the reintroduction of common land rights in the private-public divide in the 2000s. This paper firstly concludes that it is possible to identify land policies in Flanders by revealing the rationalities embedded in the selective institutional arrangements constituting a hidden or implicit land rights governance. Secondly, privatization of land rights and (re-)commoning have always been in negotiation in Flanders, generating a hybrid, multi-layered and highly fragmented land rights governance system, quite resistant - although decreasingly - to land rights concentration and speculation.
IMPACTS OF MIGRATIONS ON PLANNING LAWS IN AUSTRIA

Like many European countries Austria faced a huge increase of refugees arriving within the last years. More than 130,000[1] people asked for asylum in 2015 and 2016, most of them trying to find housing in cities, preferably in Vienna.

As a result, many cities were challenged to provide sufficient shelter. To meet this aim most of the nine Austrian provinces enacted legal provisions to facilitate temporary accommodation for refugees. These new laws mostly provided for exceptions from building and planning laws. Thus, temporary housing could be provided also in areas, normally not zoned for living and in buildings, which did not have to meet the usual provisions of the relevant building law. What’s more, neighbours’ rights were significantly reduced within these building procedures.

In my contribution I will compare the different provincial laws and evaluate their strengths and weaknesses. Focus will be given, among others, on the following issues:

- Time Frame: Are the laws limited in time in their applicability, if yes: how long? Is there a maximum time for this sort of accommodation stated by law? Can these time frames be prolonged under the respective law, if yes: how often and under which conditions? Does the law state what consequences the expiry of the maximum time will have on the buildings erected?
- Extent of exceptions: Are planning provisions and/or building laws affected by these exceptions? How far reaching are these special cases and which provisions of planning / building laws are not affected?
- Applicability: Are the legal provisions only applicable to accommodate refugees meeting the definition of the Geneva Conventions, if no: what other groups of people might be included in the applicability?
- Quantity: Is the number of buildings erected or amount of people accommodated under these provisions limited, if yes: how?
- Neighbours’ rights: Are the new provisions limiting neighbours’ rights, if yes: up to which extent? Can neighbours apply for legal remedies or are these also limited?

As a result, I will provide a comparison of the relevant legal provisions and respective laws as well as their consistency with constitutional rights.

Large scale vacancy of office buildings is a phenomenon that can be observed in many countries. Several factors have contributed to the vacancy of offices. A shared opinion is that a large part of the vacancy is permanent. Demolition of vacant buildings is unattractive from the financial viewpoint of the owner-investor; it is a destruction of capital. Furthermore, demolition is environmentally undesirable because of the waste it produces. Hence, both property owner and local authorities have an interest in a change of use of vacant buildings (Wilkinson et.al., 2014).

A barrier often expressed to the change of use of vacant buildings is (the number and length of) legal procedures. In particular, it concerns procedures to change the land-use plan to the new use and permit procedures. This complaint can, for instance, be heard in Italy (Olivadese et.al., 2017). Some countries, notably the UK and the Netherlands, in recent years have changed their regulatory framework to remove this barrier. In the UK, an amendment to the Town and Country Planning (General Permitted Development) Order 1995 implied that no planning permission is needed in case of conversion of an office to dwellings (Remoy and Street, 2016). The Netherlands can be seen as a case of fairly extreme deregulation of land-use and building regulations regarding change of use. The Building Code 2012 (Bouwbesluit 2012) strongly lowered the minimum technical requirements for new apartments to be built in vacant buildings. This paper will share examples comparing newly built apartments and apartments in re-used buildings on topics like minimum heights, fire regulations and noise insulation.

It is without question that the deregulation serves the economic feasibility of change of use. Yet one might have doubts whether bringing relatively low quality apartments to the market is in the general interest. Furthermore, prospective users (owners and tenants) may be unaware of the frequent low technical quality of the apartment they buy or rent. Assuming that other countries consider deregulation in this field, taking note of Dutch, UK and Italian experiences may be useful.
Worldwide, suburbanisation – the expansion and extensification of cities – sets the framework for spatial planning. But how is suburbanisation facilitated in the Global North as well as the Global South? How is rural land transformed into build-up land? Going to the very basic, the transfer of property rights and the re-adjustment of parcels to accommodate new land uses appear as central.

Aiming at a global understanding of land re-adjustment, we concentrate on the interlinkages of spatial planning and property rights in the context of suburbanisation in West Africa. Therefore, we conduct a comparative analysis of cases of land re-adjustment observed in the agglomerations of Cotonou (Benin) and Ouagadougou (Burkina-Faso). We reflect on the underlying planning systems of the two countries, which are shaped by entangled formal rules and non-formalised practices.

The cases give insights into institutional arrangements, which include customary land use right exchange, private based and state led land readjustment as well as illegal land occupation. In their complexity, these arrangements facilitate suburban growth and – most importantly – deliver housing for growing urban populations.

Taking suburbanisation in West-Africa as an example, the contribution encourages new perspectives for comparative thinking on planning systems and instruments, while including highly dynamic planning systems of the Global South.
WHY COMPENSATE? WHAT PRIVATE LAW CAN TEACH US

Why (and when) should the government compensate a landowner affected by expropriation or other regulatory harm? The various normative positions in the jurisprudence and literature are derived from fundamental notions of fairness, from the legal or constitutional status of “property”, or from general observations and hypotheses regarding the effect of compensation on social welfare. In this contribution I propose to draw parallels between normative arguments about public compensation to affected landowners and normative theories of compensation in private law. I consider first the theory of “corrective justice”, which views compensation as the means by which the law redresses an injustice inflicted by one individual on another individual by gaining at the latter’s expense, and restores the parties’ equal rights to noninterference (Weinrib, 2002). I will raise several difficulties with applying this theory to injuries inflicted by public authorities. I then propose to consider economic theories of compensation, which focus on the effects of compensation on the incentives of prospective plaintiffs and defendants, especially under conditions of uncertainty (Friedman, 2000). Economic analysis suggests that a single measure of compensation will not necessarily optimize each party’s incentives. Using a simple model, I will show, similarly, that no single rule of compensation can guarantee optimal investment by landowners when regulatory harm is uncertain. Moreover, when the diffuse nature of costs and benefits generated by public actions is considered, the economic case for compensation becomes even less clear. I will conclude by reflecting on the seemingly impossible normative demands placed on the legal institution of compensation, and offering tentative recommendations.
National infrastructure planning, in many western countries, has gone a process of parting from the main planning apparatus. That is, discussing and approving infrastructure investments and plans have shifted in many places to designated commissions while in others it is facing a shortened process based on designated acts.

Regardless of the tools applied, in most countries this is part of infrastructure planning which is becoming detached from the overall land use as well as long term strategic spatial planning.

In the Israeli case, the National Infrastructure Commission (NIC) was created in 2002 by a law amendment. This commission is officially authorized to approve plans dealing with national infrastructures: infrastructure facilities, airports, sea ports, water desalination plants, water and sewage plants, waste treatment and removal facilities, communication facilities, power plants, gas and fuel storage facilities, roads and train tracks, gas production facilities, and mining sites, parking facilities, (defined by the Israel planning and building law 1965). The commission was meant to expedite and improve the process of infrastructures planning that beforehand was part of the general land-use planning. Though considered highly professional in terms of the technical and engineering aspects, the link between infrastructure and other land use planning are sometimes weak. The developers and entrepreneurs have the right to decide whether to submit their plan to the regular path or to the special commission, the NIC.

The plans approved in the NIC are detailed plans which can be divided into two groups: those that are based on National/Regional master plans and those based on a new initiative. We claim that in both cases this detached planning process may have a crucial significance on the spatial order in various aspects.

In Poland, similarly to Israel, the mechanism was applied to speed up infrastructure planning approval. Unlike Israel, in Poland, those mechanisms base on a series of so called ‘Special Acts’ which enable simplification of consultation, approval and even expropriation processes for almost all types and levels of infrastructure investments.

Despite the great impact of large scale (National level) infrastructures, including aspects as restriction of other land uses, considerable land consumption, creating/preventing development option, etc., in Poland and Israel there is no strict procedure that safeguards the coherence of spatial plans and infrastructure development plans on local, regional or national level.

The aim of our study is to identify and evaluate some outcomes of this parting process of infrastructure planning. This is done on two complementary domains. First, a comparative study of the parting process in different countries (Australia, Greece, Israel, Poland and others) enables better understanding of various aspects of the process, its similarities and differences in respective countries as well as arguments that stood behind it.

Second, selected case studies exemplify the implication of the infrastructure planning as a sole component on the spatial order. By studying specific infrastructure plans, looking at various aspects of the process and its outcomes we aim at better understanding of the interrelation between the infrastructure planning apparatus and local/regional planning and also how planned infrastructure facilities may impose on the existing and planned spatial structures.

This combination of the two domains will lead us to draw conclusions regarding the benefits and (non-material) costs of disconnection the infrastructure planning from the ‘regular’ planning procedures.
PLANNING INITIATIVE: THE USE OF OPTIONS IN LAND DEVELOPMENT IN AMSTERDAM

Land use regulations tend to limit the exercise of property rights. They limit development at certain places or they may set obligations to developers in the case that they will develop. The initiative to develop, however, is a prerogative of the holders of property rights. There are many instruments that are developed to address this issue. Often these instruments do not go beyond the production of serviced plots. This still leaves the initiative to build on these plots at the holders of property rights, which may result in a building land paradox (Davy, 1996). On the one hand planning and infrastructure provision of the local authorities result in the supply of more and more building land, but on the other hand, less and less is built as landowners are hoarding their building land (Hengstermann and Gerber, 2015). So, between the aims of planning policies and the results in practice is the initiative of landowners that are free to choose to develop or not. There are certain instruments that have been developed that may address landowners in the case they do not take the initiative. An example is compulsory purchase in the Netherlands that can be used if landowners fail to take the initiative to develop their land according to the local land use plan (Korthals Altes, 2014). However, even after land has been serviced by an active involvement of the authorities, land tend to be transferred to market parties that may chose an own timing of their initiative, which may hamper development according to plan. This paper is based on a study of the City of Amsterdam where options have been introduced to replace obligations to address this issue. This option instrument seems to have it all. It has resulted in more development according to the plan, it is appreciated by markets parties as being a fair deal and has resulted in large extra income, i.e. in 2016 € 98 million on top of regular land prices, for the City of Amsterdam. This paper reflects on this case and discusses the insights it provides for planning initiative, which may help to reduce land reservations for practices of land hoarding and allows for a better performance of planning.
Lewis Mumford, in “The city in history: Its origins, its transformations and its prospects” (1961), was claiming that the “city of dead” was in fact the precursor of the cities and almost the very nucleus of them. The dead were the first ones in human history that had a stable spatial point of reference, where the – then- continuously moving humans could visit their ancestors. Property rights were associated with ancestral graves, and ancient Greeks, Jews, and Egyptians were claiming the burial grounds of their ancestors, as lands belonging to them by rights of inheritance. Legal rules and regulations were implemented in cemeteries, in both, spatial and social dimensions: they prescribed their location and their internal organization, and they safeguarded the social hierarchy of the local society by differentiating burying procedures, and structures and locations of graves and tombs, according to social classes.

Nowadays, the cultural detestation for any public debate concerning death inhibits any discourse related to the potential of cemeteries to serve social, ecological, cultural, and legal functions significant to the urban environment. Nevertheless, the interaction between the cities of living and the cities of the dead is even more significant and multidimensional than in the past. Cemeteries are green urban spaces regulated by legal frameworks, and directly affecting the neighbouring land uses, land values, and the built and natural environment. They provoke dilemmas such as their public or private character, the temporal characteristics of property rights, the coexistence of different religious or cultural traditions and their expressions in their structural elements (i.e. burying vs burning the dead and location of related infrastructure), the public accessibility to them, and their suitability to host other activities.

The proposed presentation is part of an ongoing research, and focuses in Greek cemeteries as a case study. It reviews the particularly rich historical tradition, and examines the related legal and institutional framework. It analyses the complex property structure in both, the whole area and the individual graves/tombs, the structure of social/religious/ethnic classes and groups, which is transferred and further exhibited from the hosting urban environment to the cemeteries, and the perceptions of the public as it concerns their present and future uses and their role in contemporary cities.
The aim of this presentation is to exhibit the necessity of infusion of cyber technology in open spaces in maintaining sustainability and resilience of urban environment, and to investigate the legal issues accruing from this infusion. Essential elements for sustainability and preparedness for disaster prevention in urban areas are infrastructure and information. Public open spaces (POS) are significant components of both, sustainable infrastructure and locations of information exchange and management. Being part of the urban fabric, besides their function as catalysts in the improvement of quality of life of city dwellers, they are also used as refuge spaces for local population in the event of disasters (earthquakes, fires, etc.), and for almost exclusive spaces of communication and collective actions of vulnerable social groups, as refugees. Information constitutes an essential element of the above, and may vary from dissemination to exchange, on individual or collective basis, while it is further expanded and technologically improved through Information and Communication Technologies (ICTs). The new type of public open spaces combine and explore the relationship between Information and Communication Technologies (ICTs) and urban open/public spaces, and as such, they are able to support urban sustainability and resilience faster and in a more efficient way than traditional POS.

Public spaces have multiple functions, and as such, they are defined by law as “public,” with the sense of being of free access to the public, with no means of prevention for their use, of either quantitative or qualitative characteristics. ICTs, on the other hand, challenge spatial and social experts to use them in policies, methodologies, design and research to produce responsive and inclusive urban places. Their provision is often by private sector, and the “free” access and use of ICT infrastructure by the public is not a prerequisite. Their comparatively higher costs in provision and maintenance often require levying of part of it to the users, and as such, they tend to blend the public character of the hosting POS with means and mechanisms of free market. Consequently, the traditional handling of legal frameworks vis a vis POS, are often inadequate to manage these new developments, with negative repercussions on inclusiveness and social equity.

The proposed presentation aims to examine the legal issues accruing from the “cyber” dimension of the new type of POS, and analyse emerging matters, such as their integration in planning, the questions arising for their maintenance as should be provided by their governance systems, the nature (public or private) of the providers of cyber infrastructure, possible effects on users, and means for the legal reassurance of the principles of equal and democratic rights of citizens in their use of POS.
Hans Leinfelder, KU Leuven, Architecture, Belgium
Marjolijn Gaeys, Voorland consultancy agency, Belgium

‘PLANNING PROCEDURES’ FOLLOW ‘PLANNING PROCESSES’ - THE CONCEPT OF THE ENVIRONMENTAL DECISION

In nearly every country in continental Europe land use plans emerged as main instruments in the earliest periods of organic planning legislation. So far, these plans have managed to survive by adapting successfully to contemporary needs. Impressed by their robustness, policy makers in related policy domains such as environmental policy, nature conservation and cultural heritage policy, have linked their sectoral assessment tools to the approval procedures of land use plans. Despite the integrative character of planning, this strategy has led primarily to a formal overload of land use plans with sectoral policy goals. As a consequence, in Flanders (Belgium), these overloaded land use plans have become very vulnerable in court what leads to frequent annulments and, more in general, to a systemic crisis in land use planning. Our first research project comparing the Flemish approach with these in the Netherlands, France, Germany and Finland led to the definition of different scenarios for a more robust relationship between land use plans and important political decisions on nature, environment or water management. One of the scenarios implies the introduction of a new instrumental concept: the ‘environmental decision’. This paper elaborates on the results of our second research project exploring the essential characteristics of this concept.

The „environmental decision” approach puts the integrated and iterative planning process, dealing with land use issues as well as environmental, mobility, safety, water, nature and financial issues, at the centre of the debate on what to formalize through legislative initiatives. This approach differs from the linear method today where the land use plan, as the final result of a planning process, and its approval procedure are the main subjects of legislative improvement. First of all, the environmental decision concept leaves the substantive legal requirements for land use plans and impact assessments untouched. What is new, however, is that an environmental decision can be taken at any moment in a planning process whenever a co-ordinated decision on programmatic issues or on the use of different operational instruments seems necessary – ranging from a land use plan to a building permit, an environmental impact assessment, a safety report or a decision on budgets. Such a decision allows e.g. for a commitment on a preferential scenario for development, it can enable the simultaneous use of operational instruments that today ought to be used in a sequential order (land use plan before building permit), or it can clarify the alignment of the use of different instruments in time to realize a project on the field. The environmental decision also has its own procedure that replaces the divergent procedures of existing legal operational instruments and creates possibilities for multiple formal participation moments in a planning process which will undoubtedly contribute to the transparency of the decision making.
Blockchain is a distributed ledger system, which was originally created to support the use of digital currencies such as Bitcoin. It is capable of supporting a whole range of applications, and in this exploratory paper we critically discuss its use, benefits and dis-benefits, in the context of real property and land transactions including the registration of mortgages and other encumbrances.

Blockchain is a huge ‘database’ allowing for a secure record of transactions and a method for verifying them. This ledger can be accessed and viewed by a large group of users, who are able to ‘view’ a draft transaction and assess it using a set method or protocol before it gets ‘finalised’ and permanently recorded on the ledger. Once the process is completed, the transaction is then recorded permanently in the ledger. For property lawyers and academics, this is a new world but one with which they must become acquainted, and already Sweden, Georgia, Ghana, Ukraine and others have adopted Blockchain land registration systems. The system can be of great benefit to those countries where there has been government intervention, corporate corruption or natural disasters have disrupted title registration.

For Australian academics, this is an area of great interest with their long-standing and trusted land registration system (Torrens Title). Australia was recently appointed to manage the secretariat role for the international technical committee for the development of blockchain standards. This came after the International Organization for Standardization (ISO) approved Standards Australia’s proposal for new international standards on blockchain. Property lawyers and professionals will no longer be able to block themselves from the rapid progress of the Blockchain world.
Rebecca Leshinsky, RMIT, Australia
Laura Schatz, Western Sydney University, Australia

WHOSE LAND IS IT ANYWAY? THE ELASTIC USE OF STRATA TITLE PROPERTIES FOR SHORT TERM RENTALS

High-rise apartment living is on the rise and a new, yet old, contestation hovers in this space. Short-term rentals (STR) offer tourists and business people an alternative to hotel accommodation – a home away from home. Precincts with strata titled properties have often been used for STRs. Some cities, such as New York and Berlin, have opted to regulate STR behaviour. Other cities have shied away from regulation (eg. Melbourne). STRs have become a place-based messy struggle, where the very meaning in land use planning of short-term use of time and space has become elastic. This paper explores tensions and contestations between various stakeholders and interests: local governments v. Airbnb and other STR companies; long term residents v. short term occupants; neighbours v. STR strangers; long term neighbours v. the municipality; property interests v. contract rights; private v. public law. The struggle has seen hefty fines levied on property owners in breach of short-term rental laws. Airbnb has pushed back on regulation and transferred responsibility and liability for breaches to landlords. In strata titled buildings, permanent residents bemoan the loss of community amenity, as well as the impingement of common areas by strangers, who legally possess a proprietorial interest in such commons. The paper raises questions about whose land is it to use as STRs (individual strata lots v common areas), and whether homeowner associations, municipalities and governments more broadly, can and should control land for STR.
Within the history of urbanization in Turkey, one of the most important milestones is the migration wave from rural areas to urban settlement after the Second World War. Since the Marshall Aids had increased the rate of mechanization in agriculture in a relatively short period of time, lots of villagers had lost their jobs in agricultural sectors and started to migrate to big cities of Turkey in 1950s (and to European cities, especially the ones in Germany, France, The Netherlands, etc. in 1960s). Within this period, the rate of rural populations had been drastically decreased, while the ones of urban population had increased. Yet, hosting Turkish cities did not have a capacity to cope with this amount of people as the European cities and there emerged lots of (urban) problems like squatter areas, informality, unemployment, social disintegration etc., some of which have transformed but remained somehow unsolved up to the present.

After 60 years, Turkey has faced with another wave, a wave of immigration this time. Because of the civil war and the drastic deterioration in daily life conditions in Syria, lots of Syrians began to leave their homelands and immigrate to new countries to sustain their lives. Due to its open-door policy, Turkey becomes one of the main destinations of these immigrations. In the first days of 2017, in Turkey, there were approximately 3,2 million Syrians with temporary protection status. This means more than one third of all Syrian immigrants. This amount seems demographically unimportant with reference to Turkey’s overall population at around 80 million. However, Syrians have not been distributed evenly to Turkish cities. They present significant spatial concentration in certain cities, especially in the ones proximate to Syrian border of Turkey (approximately 1.9 million of all Syrians in only seven cities). These high levels of concentrations, generally outside the refugee camps, make Syrians and the problems related to them relatively visible.

These problems could be associated with every single dimension of daily lives. Within the economic dimension, Syrians have increased the level of informality and unemployment. It becomes, therefore, almost impossible for Turkish workers to compete with the low levels of informal wages of Syrians. The financial aids they have been continuously demanding from central and local authorities have triggered anti-Syrian behaviors and attitudes by Turks and other ethnic groups, especially their low income members. Since Syrians have relatively limited social adaptation and co-existence capacities, social integration problems with local communities have been increasing day by day. Even, there have been problems related to public health dimension such as reappearance of certain child’s illnesses due to the insufficiency of vaccination of Syrian children while entering to Turkey.

As it is obvious, most of these problems could be prevented by using different types of management strategies and proposing structural policies. This study, on the other hand, will focus on the spatial impacts and problems related to Syrian immigrants in cities such as their impacts on the emergence of new patterns in density surfaces; on unforeseen development of land-uses different than plan proposals; on degradation of urban environment occupied by Syrians due to their financial inabilities; on invasion-succession processes changing the social topography; on socio-spatial segregation, etc. The important aspect of these impacts and problems is that they have emerged in a very short period of time. And, there is an obvious lack of planning tools to cope with these rapid changes. The aim of the study, in this respect, is to discuss the changing role of urban planning by coping with the impacts of massive immigration flows on cities with reference to Turkish case. In the first part, there will be a brief introduction about the migration flow in 1950s. Historical consideration of this wave is important to make comparison with the ongoing wave of immigration and to understand its potential impacts on cities in the near future. The second part will be about qualitative and quantitative description of spatial existence of Syrian immigrants in cities where they are highly concentrated. In the final part, there will be a discussion about the changing role of urban planning by considering huge amount of immigrants in the city. The main issue of this discussion is the possibility of different forms of flexible urban planning under the conditions of unpredictability and uncertainty.
Privatization and other changes in the economy and the legal system of countries have led to an increase in privately owned goods with a public function. Nowadays, private entities own airports, squares, malls, roads, museums, ... (so called “quasi-public spaces”). However, this trend has created a new field of tension between private property rights on the one hand and the general interest on the other hand. For example, it can be in the interest of the owner to prohibit a demonstration on his road or to sell and close the road, where the general interest would benefit from an accessible road for traffic and for demonstrations. Therefore, it is important to determine which instruments are available to protect the general interest.

The Belgian legal framework is not very well adapted to this “new” category of goods. Privately owned goods with a public function or quasi-public spaces are not recognised as a separate category of goods. One possibility to ensure the general interest, could be to consider those goods as part of the “public domain”, another category of goods in Belgian law. Public domain goods can in principle (limitations in accordance with the law are possible) be used freely, equally and free of charge by members of the public. Furthermore, public domain goods cannot be sold and private rights to use the public domain (e.g. a building and planting right, an easement) are, according to the Belgian Supreme Court, only valid if the right is compatible with the public function of the good and revocable at any time.

However, a majority of Belgian scholars claim that privately owned goods cannot be part of the public domain. They claim that the personal scope of application of the public domain is limited to public law entities. These are entities which are qualified as public according to the following indicative criteria: the intention of the founder, the objective of the entity, formation or recognition by the government, the public or private form of the entity, the power to bind someone unilaterally and the existence of administrative oversight. Moreover, they argue that qualifying a privately owned good as public domain could constitute unlawful expropriation. Only a minority of scholars argues that privately owned goods could be qualified as public domain. They claim that the public domain protects the function of a good and not the owner.

The author will critically assess the different arguments put forward by legal doctrine in order to make a recommendation concerning the qualification of quasi-public space as part of the public domain.
One of the most significant but often overlooked features of migration is that every migration involves not only travel to someplace, but travel from someplace. Economic and demographic factors in the developed world, including both intra- and inter-national migration, sometimes since the 1950s and 1960s and in other cases only more recently (as in much of Eastern Europe after 1990), have led to significant depopulation of many areas, particularly older secondary and tertiary central cities, such as Cleveland in the United States, Nagasaki in Japan, or Halle in Germany. Within depopulating or shrinking cities, vacant properties take on particular significance both because of their high visibility and the likelihood that, in light of underlying demographic conditions and migratory trends, long-term vacancy and abandonment may become a systemic feature of these cities, with significant harm to urban fiscal viability and the quality of life of the remaining urban population. As a result, dealing with vacant properties has become a major challenge for law, planning practice and public policy at the national as well as sub-national level in many countries experiencing urban depopulation. My paper, which will focus principally on the United States, Germany and Japan, will examine those laws and policies, including both cross-national differences as well as intra-national variations in the United States, to show how the problem of vacant properties is perceived in different policy and cultural contexts, and how it is addressed with the framework of different legal regimes, in particular the extent of deference to private property rights and the manner in which different legal and political systems seek to find a balance between those rights and public social and economic concerns.
COASTAL GOVERNANCE ON THE ISLAND OF IRELAND: CHALLENGES AND OPPORTUNITIES IN A NEW ERA

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On Monday 16th October 2017 ex-hurricane Ophelia made landfall on the island of Ireland: the strongest eastern Atlantic hurricane on record. This event, along with other coastal hazards in recent years, has highlighted the vulnerability of the island’s coastal communities to changing environmental parameters. Yet, at the same time, demand for coastal (particularly tourism-related) development is increasing. Implementing effective responses to such demands and stresses necessitates a systemic appreciation that respects natural and anthropogenic interactions across multi-scalar processes and contexts.

Balancing economic, social and environmental tensions and instigating appropriate intervention, in the interest of the public, is a principal focus of planning as a regulating and regulatory tool and there is a growing awareness of the need to embed mitigation and adaptation strategies into local spatial planning tools and processes at the coast. Importantly, localised responses are shaped by the hierarchal (national – supranational) governance architecture within which local government operates, which may serve to promote or limit particular actions. It is important, therefore, to understand the supporting legal rules and institutions which serve to define what is permitted, who has the power to do what and the consequences of different acts, omissions and situations.

This paper provides a policy review of relevant terrestrial and marine legislation and planning policy, guidance and plans to ascertain the capacity (and willingness) of existing institutional arrangements to facilitate the development of a more strategic approach to managing coastal change. Using coastal regeneration as an example, local case studies across the island are subsequently explored to reveal opportunities, constraints and lessons in implementing aspects of coastal policy through planning. Particular attention is placed on the weight given to issues of community resilience and well-being and how these are, or are not, taken into consideration in the decision making process. Based on the inferences from the study, the paper recommends a policy coupling approach to managing future coastal change.
VALUE CAPITALIZATION EFFECT OF PROXIMITY AND VIEW OF SCENIC LANDS ON HOME PRICES

This paper uses a geographically weighted regression (GWR) modelling approach to assess the value capitalization effect of visual accessibility of scenic land uses on the surrounding housing prices. It provides a methodology of estimating households’ implicit willingness to pay (WTP) for the visual accessibility of privately-owned voluntarily-protected scenic-lands in a single family housing market in Worcester, Massachusetts, USA. The premium price effect was captured using the visual accessibility variable, developed as a combined weighted measure of visibility and proximity of such land uses from homes using geospatial analysis. This variable was named as Gravity Inspired Visibility Index (GIVI).

After providing a comprehensive review of eight different land uses that generated price contributing environmental amenity effect (Mittal and Byahut 2016), this paper reviewed studies from multidisciplinary sources (real estate, urban planning, geography and environmental economics) and the review provided basis on significance of ‘proximity’ and ‘view.’ The paper provides a detailed methodology on developing the spatial interaction variable of GIVI developed using 3D GIS and viewshed [1] technology. This GIVI variable was used to estimate the capitalized premium from the preserved scenic land uses.

The paper uses geospatial analysis and employs geographically weighted regression modelling approach in estimating the effect. Both global regression model \((\text{adjusted } R^2 = 0.32, \text{AICc} = 29828)\) and the geographically weighted regression (GWR) models \((\text{adjusted } R^2 = 0.59, \text{AICc} = 29729)\) were calibrated to estimate the marginal price effect of scenic land uses as capitalized in neighboring homes (Mittal and Byahut 2017; Nakaya et al. 2014; Brundson et al. 199). The results indicated a capitalized premium of 3.4% on an average observed on the mean home value of homes from the GWR model. The paper offers a useful framework for evaluating effects of scenic land uses, land protection for GIS, urban and regional planning and real estate scholars and professionals. It also offers useful insight to conservation agencies, local governments, professional planners, and real estate professionals for prioritizing land sites with scenic views and for property development.

[1] The viewshed identifies cells in an input raster that are visible from one or more observation points. Binary values are added to the output raster with 1 meaning visible and 0 meaning not visible.
The legal framework for both land policies and land-use planning that came into force in 2014 (LBPSOTU - Law No. 31/2014 of 30 May) was entirely justified by the significant demographic, economic, and spatial changes that occurred in Portugal over the last four decades. Meanwhile, the former legal framework for land policies (Decree-Law No. 794/76 of 5 November) had already become quite obsolete, as it came into force when the scarcity of urban land for residential areas and social purposes was very substantial, due to the demographic and economic growth that emerged in Portugal in the second half of the XX century.

Within this context, and according to the 1976 law, Public Administration was expected to lead urban development with landownership, promoting land subdivision and providing public facilities and infrastructures. However, since then, urban land has been mainly developed by the private sector, while public initiative has mostly focused on development control.

Additionally, the former legal framework for land-use planning that came into force in the late 90s (Law No. 48/98, of 11 August) was also out of step with the current demographic, economic, and urban growth prevailing trends. Under this legal framework, the so-called first generation of Municipal Master Plans (MMP) defined over-sized urban areas, several times higher than long-term foreseeable demand needs, allegedly to avoid real estate speculation. However, in the absence of effective land policy tools, the outcome was the opposite: private investment on real estate and household consumption was often channelled to hoarding and speculative behaviours. MMP encouraged a very significant rise of urban land values and most of the areas for urban development remained idle. In fact, after almost 20 years, most of the areas classified as urban on the first generation of MMP are still non-urban areas [1].

The impact of these market inefficiencies was amplified, as some critical tools, namely real estate taxation or other forms of value capture, were not effective. Over the last decades, landowners could retain their urban parcels off the market in order to unbalance supply and demand, without any penalty imposed by Public Administration.

The gap between the Portuguese legal framework for land policies and land-use planning and the planning practice is, therefore, a good example of how relevant is to address the tight and critical interactions between land policies, spatial planning and value capture tools.

Within this background, this paper presents a critical analysis of the main provisions of the new legal framework for land policies and spatial planning that recently came into force in Portugal and identifies the major obstacles to its effective implementation.

Under the light of the international literature, some of the main problems are outlined and systematised, and opportunities for action and changes that are necessary to be introduced in the legal framework and practice are pointed out.

In the end, we will conclude that the innovative approaches created by the Law for Land Policies and Land-Use Planning are not sufficiently detailed and developed in the Land-Use Plans statutory framework. The core of the problem in the Portuguese planning system still persists: how the effects of land-use changes will be distributed between individuals, between the individuals and the community at large, and finally, between present and future generations? As Alterman underlines [2, p.3] laws for regulating land-use share this universal dilemma: “How to deal with the shifts in land values inevitably caused by land use regulation?”. While providing an answer to this question it is fundamental to bear in mind that the mitigation of the discretionary nature of land-use planning, it is not only an imperative for justice or fairness, but also a means of ensuring effectiveness and efficiency in implementing land policies.

Finally, however improved the legal framework may be, it is clear that it does not provide for itself real effectiveness: “No, the new legal framework it’s not enough”. On-going training of technicians and political decision makers involved in the planning process is critical, in the same way that it is important to produce periodically technical guidelines of good practices, and not only legal rules.
All condominium buildings require maintenance as they age. Good maintenance is a rational choice as it helps to retain the value of a building and makes it more enjoyable to live in. Poor maintenance or neglect can lead to serious damage and safety hazards. It may also trigger municipalities, in their attempt to prevent neighbourhood blight, to pursue planning enforcement or building rectification work orders against the homeowners association or even against all lot owners. This paper explores and compares building maintenance law and governance requirements in three jurisdictions: Israel, Serbia and the state of Victoria (Australia).

It canvasses the requirements (or not) for forward planning and the role (if any) played by maintenance plans and sinking funds to ensure that common areas, facades and roofs are kept in good condition. Such asset management includes planning for major capital items for repair and replacement, estimating the cost of the repair and replacement of those items or components, and the expected life of those items or components once repaired or replaced. This area of law touches on the realm of community living and the obligations placed on all unit owners, from the time they become registered proprietors, to maintain, repair and plan ahead for the common areas in the condominium development.

Specifically, this paper compares the laws and governance in a particular area of property law in three distinct jurisdictions, and examines the way in which apartment owners vote, organize, and decide on short term and long term maintenance, refurbishment, and upgrades. It is important and timely to do so as condominium living is on the rise as city populations in most countries are increasing and housing is in high demand. Quality of life for condominium communities, as well as for neighbourhoods is at stake here, as is the value of the property in question, and the neighbourhood more generally.
Mass migrations, which the mankind has been encountering in recent years, indicated that legal regulation is anachronistic and not in line with current trends. Applicable national rules, international law, and supranational law of the European Union do not offer answers to many questions. The absence of relevant legal rules causes legal uncertainty not only for migrants, but also for citizens in transitory and destination countries. Confusion has additionally been increased by contradictions existing between property rights and universal human rights.

Property rights have been having a long tradition and an important social role. They have been introduced so that the distribution of material goods within the specific territory could be governed and to prevent conflicts between people. They have an exceptional importance for civilization because human societies dispose with limited resources which are insufficient to meet the needs of all society members. Property law rules provide conditions under which available goods could be appropriated, used, and disposed of. Authorities resolve disputes which arise between individuals and order sanctions for unauthorized use of someone else’s goods. In order to guarantee legal security, a state guarantees inviolability of ownership right and other property rights (*ius excludendi tertii*).

Universal human rights are the product of modern age. They have been introduced in order to establish balance between public interests of social community, represented by a state, on one hand, and legitimate private interests of each human being (an individual), regardless of his citizenship, nationality, religion, race, social and gender affiliation, on the other hand. They present a framework within which an individual can fulfill his autonomy within any territory and *via a vis* any society, i.e. state and which can be limited by authorities only exceptionally and temporarily in special circumstances and under conditions enshrined in the highest international documents and constitutional provisions.

Property rights and universal human rights have for long been considered as two coexistent categories. Afterwards, efforts were, more or less successfully, made to harmonize them, by adopting different documents on national, international and supranational level. Nevertheless, recently some changes have been occurring, evidently leading to the supremacy (predominance) of human rights over civil, including thereby also subjective property rights. The process has been known as constitutionalization of private law, which implies (direct or indirect) application of human rights guaranteed by constitutions in civil law disputes.

A conflict of two different rights on the same good ought to be solved by respecting diverse interests. Otherwise, legal insecurity of individuals will be growing, followed by an increased risk from wider scales conflicts which may endanger stability of many societies. This especially pertains to the questions concerning meeting of fundamental existential needs, such as the right to water.

The right to water appears in two forms: as *civil subjective right*, placing thereby its holder in a privileged position compared to other members of the social community, and as *universal human right*, which, logically, excludes discrimination and a possibility of creating a privileged position. In the first case, an entitlement to use water sources has been enjoyed only by *somebody* (a specific member of a concrete social community), whereas in other, by *everybody* (meaning any human being, regardless of the fact if he belongs to the same society or not).

In practice, a concurrence or even a conflict between civil (property) subjective and universal human right are conceivable. For instance, an owner of immovable property could require exclusion of third person in a need of water from accessing his water source. For those reasons, the relations between civil subjective and universal human rights needs to be clarified more in detail.
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INFLUENCE OF MIGRATIONS ON URBAN SPRAWL

Migrations are one of the factors that are contributing to urban sprawl in Europe. In search for better job opportunities people are moving from rural areas into cities within the same country, within the Europe, or immigrating from other parts of the world which has a result in increasing need for housing space. Wars and consequences of climate change are also contributing to migrations. According to the Eurostat, natural change in the EU population form 2016 to 2017 was neutral, but population growth was 1.5 million due to net migration. Most of migrants settle in bigger cities. Pursuant to UN World urbanisation prospects 73% of the European population lives in urban areas and by 2050 that number can reach 80% causing huge housing demand associated with various problems.

Serbia has faced the consequences of migrations from rural areas and also migrations due to wars in the nineties of the twentieth century. The number of refugees that moved mostly to northern and central part of Serbia during and after wars was almost one million. Urban plans were not adjusted to sudden increase of the number of new constructions and procedure for obtaining building permit was considerably long. Most of immigrants settled around bigger cities building illegal houses usually on agricultural land. Growth of cities due to migrations within the country also contributed to increasing demand for housing space and increase of illegal constructions. Solution for legal and other problems was trying to be found in the process of legalisation in the following years (six acts on legalisation were enacted until today). Dealing with issue of illegal constructions is quite delicate. On one hand, it is necessary to make appropriate decisions preventing people from becoming homeless, as that illegal house is for most families the only dwelling that they have. On the other hand it is necessary to preserve agricultural land around the cities and to prevent investors from obtaining economic benefits by violating the law.
Coastal property owners often want to build in exactly the most pleasant, fragile, and dangerous places, such that coastal development often yields the most tenacious of conflicts between public interests and private property rights. Indeed, in the U.S. context, those conflicts implicate timeless debates over the state’s authorities and prerogatives to regulate privately owned shoreland (the police power), the public’s interest in coastal resources (the public trust doctrine), and private property owners’ rights to use and to exclude others from their shorelands (referred to collectively here as the private property doctrine). This article first reviews the historical origins, the contemporary contours, and the ongoing debates surrounding these doctrines separately in American law, focusing especially on role played by ancient Roman and English common law in the formation of the American public trust doctrine. It then analyzes how courts and legislatures have reconciled these doctrines pragmatically through their application in coastal settings, including the coastal shorelands of the Laurentian Great Lakes. We find that while all three doctrines trace their roots to English common law and even ancient Roman law, all three are in fact distinctly American doctrines, first fully articulated and then developed over time in the context of unique American institutions, values, and conflicts. Moreover, despite case law and commentary rhetoric that can be dogmatically extreme, efforts to reconcile them in practice generally strike a pragmatic balance, recognizing simultaneously the private rights inherent in shoreland property ownership along with the public interest in common access to and use of submerged lands and the foreshore, within reason. The article concludes with some speculation on how the interplay between these doctrines will likely evolve in the foreseeable future given ongoing pressure to develop in near-shore coastal settings and given global climate change.
Expropriation (also titled: eminent Domain, compulsory purchase) involves a conflict of interests between property rights and public needs. One of the prerequisites for taking land by the authorities from a private owner is the public purpose of the expropriation. In my present study I explore what happens to the declared public purposes in Israel after the property is transferred from private ownership to the authorities, when the purposes are not implemented. I inquire how the courts in Israel relate to this situation.

While scanning rulings of the courts in Israel concerning expropriation, I observed a particular phenomenon: very often, the municipal authorities expropriate land, but do not use it for any public purpose, sometimes for a very long time, sometimes ever.

The background of this phenomenon is historical and stems from a law that allowed the authorities to take up to 40% of any land for certain purposes without compensation. The practice that was adopted by the local authorities was to take the allowed uncompensated part from every lot whenever a development scheme was submitted for approval, even without a specific immediate need. Thus, the municipalities created land banks with no connection between the declared public purposes and their implementation.

In 2010, the Israeli expropriation law was amended following a prominent ruling of the supreme court. The reformed law demanded that the duration of time allowed from the date of expropriation until the execution of the public purpose be limited. The amended law allows 8 years from the time of expropriation to the time of implementation (with options for extension). If the authority fails to start implementing the public purpose, the land could be returned to the owner. Since the law was amended in 2010 and it does not apply retroactively, we shall see only in 2018 if indeed there will be court rulings returning land.

Meanwhile, in the interim, decisions were given by the courts regarding ongoing as well as new cases. One might expect that the principles of the amendment and the spirit of it will affect these decisions. My study scans court rulings after the said reform, examining whether the changes in the law to be applied eventually, have been expressed in the decisions of the courts.

The study shows that in most of these cases, the courts did not enforce any limitation of time and did not return expropriated land to its former owners even when the purpose of the expropriation had apparently been abandoned. The most common reason given by the court was: the balance of interests.

The 2010 amendment is quite revolutionary for the local authorities. It is still to be seen whether the reform will change their conduct and how strict will the courts be with violations of the time limit.

The literature on regulatory planning has long addressed the dual needs to provide flexibility to respond to changing conditions, on one hand, and legal certainty about development outcomes on the other (Mandelker, 1971). Recent works have highlighted the need for flexibility in planning, given that planners face complexity and uncertainty about the future (de Roo and Silva, 2010). How do planning bodies respond to these needs in practice?

Scholars have evaluated various planning systems in light of their inherent levels of flexibility or certainty (Booth, 1996; Janin Rivolin, 2008). Yet planning systems display a range of degrees of flexibility. Some (such as the UK system) allow a relatively high level of discretion by planning authorities, while other systems may be on the other extreme, based on rigid statutory plans that may not be amended for a prespecified number of years. The literature indicates that many planning systems fall somewhere in the middle of this range and that discretionary systems may include less discretionary practices, and vice-versa.

There are relatively few empirical studies dealing with specific tools which affect flexibility and certainty over time. Within that context, our research focus is on the regulatory function of plans and planning decisions. Amendments to plans, or related tools that planning law permits, can be distinguished into two categories. These that increase development rights and thus land values, and those that seek to roll back previously granted development rights. The latter may then encounter the “compensation wall” in different degrees and manner, or might simply be politically unpopular. Alterman (2010) undertook a comprehensive cross-national study of the legal dimension of compensation rights for regulatory takings.

In this study, we will look at the full range of plan amendments and the legal, financial or policy-political constraints that they encounter in practice. We ask: How and to what degree is the need for flexibility accommodated? This question is addressed from a cross-national perspective in selected jurisdictions.

At the present stage of the research, we present a conceptual framework for analysing plan amendments and related tools and practices through the lens of the flexibility-certainty dichotomy. We also report on preliminary empirical findings.
Over the past twenty years, in developed urban areas all over the world, there is an increasingly visible trend of reaffirmation of open public spaces, from the aspect of creating, designing, and adding new content to it. Conditions of open spaces are important indicators of the state of the social environment.

New Belgrade, an urban municipality in the City of Belgrade that is positioned between Danube and Sava, was formed in the focal point of socialism during SFR Yugoslavia (1945-1991). Since the early 1990s and the beginning of the Yugoslavian crisis, in Serbia, as well as in Belgrade, there has been a slight but continuous degradation of existing open public spaces. During this harsh period, city administration itself had to focus its activities and goals on maintenance of elemental traffic and technical infrastructure and maintenance of the system as a condition of survival. It is also important to single out that the effects of development and systematic improvement of open public space justifies the investment of social communities, where, except main target which is improving public space and contact zones, there is also an improvement in the relationship between the local communities and local authorities.

This paper focus on transformations of the New Belgrade communal space inside of mega blocks identifying the process of their maintenance regarding the changes in Law and legislations. It presents an analysis of the existing conditions and identifies problems of maintaining of communal spaces as well as the opinion of their citizens about the current state. Then, the policy and regulations will be introduced in the domain of maintaining of communal spaces, from sixties until the present time. Identified problems are indicative for further consideration of strategies for urban-architectural planning and maintaining existing communal spaces of mega blocks in New Belgrade, as well as in Serbia.

The methods that were used in analysis include the method of direct surveying of inhabitants of mega blocks as well as method of comparative analysis of the communal spaces and legislations. Final results are expected in the formation of strategic steps in order to improve maintenance of the communal spaces for the case study area.
publishing such decisions in case that, in accordance with their assessment, they represent an expanded significance in the field of protection of constitutionality.

The analysis of these decisions (i.e., the decisions made on the constitutional complaints of asylum seekers that have been published in the Official Gazette and, thus, made available to the general public) is of great importance in the part of application of legal attitudes of the European Court of Human Rights. With respect to this, the analysis shall be focused on the questions of whether, to what extent and in what context does the Constitutional Court plead the attitudes of the European Court of Human Rights in deciding on the filed constitutional complaints of asylum seekers.

The significance of the aforementioned analysis relies on the constitutional position of the Constitutional Court, its role in the field of human rights protection as well as the legal effect of its decisions. The Constitutional Court, in fact, has the exclusivity in giving the final say in what the real content of abstract constitutional norms is, in this case, the norms that guarantee human rights. By choosing the content of these norms in a way that respects the attitudes of European Court, to a certain extent, the Constitutional Court makes the deflection from a possible negative decision of the European Court, taking into consideration the fact that within the process of decision making on constitutional complaints, it represents the last instance in the internal system of the protection of rights.

On the other hand, the Constitutional Court makes an impact on other government authorities within the internal legal system, before which the protection of the rights at primary level has been exercised. By taking clear positions in the field of human right protection and by making them visible through the publications of decisions that expose them, the Constitutional Court provides clear guidance on how to understand and protect constitutional rights at primary level. In this way, the Constitutional Court, practically, makes the deflection from filing constitutional complaints themselves.

The influence of the Constitutional Court is becoming particularly visible in relation to its authority to, by deciding on constitutional complaint, annul a court decision (the one that violates a constitutional right) and return the case for retrial, to be conducted in accordance with the understandings set forth in the constitutional decision. Practice shows that the Constitutional Court has used such power specifically in the field of protection of the rights of asylum seekers. In this regard, the objective of the analysis of chosen decisions of the Constitutional Court shall represent an attempt to measure the real impact of this institution in the field of protection of asylum seekers rights in the Republic of Serbia.
the population and settlement changes have had on planning approaches to flood risk reduction. Among the cases, the new housing development in rural areas, on one hand, and functional abandonment and renewal of private urban spaces, on the other, are examined in particular. These cases illustrate the roots and challenges for (frequently) fragmented approach to flood risk management in Czechia.

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NARRATING PLANNING CHALLENGES FOR FLOOD RISK MANAGEMENT RESULTING FROM URBAN-RURAL MIGRATION: THE CZECH CASE

Following the political transition in early 1990s, current Czechia has rapidly encountered social and economic processes that have evolved gradually in western democratic countries. Among these processes, urban-rural migration, suburbanization, urban shrinkage, inner city redevelopment and others have fundamentally changed the territorial organization of society and - along with ongoing institutional change - raised new challenges for the land management. In this paper, we discuss the specific impacts that the urban-rural migration and related processes have had on changing flood vulnerabilities in Czechia. After then, we continue to provide the case narratives for implications that
In order to reduce the vulnerability of societies to floods, close cooperation of stakeholders as well as innovative solutions are needed. Even though efforts are underway in Europe in recent years, flood risk management still faces considerable challenges. Partly, an adverse development took place due to failed flood risk management strategies that have led to an increasing exposure of assets and people. The shift in the flood risk management discourse, away from the engineering standard of technical protection schemes towards a broader integrated management, which includes land use management and other actions targeting incentives not to develop high-risk areas and consequently encourages the implementation of non-structural measures as a key topic in policy discussions. Subsequently, spatial planning and land use management are increasingly interlinked with the ongoing flood risk debate. However, the coordination and integration of land use planning in flood risk management policies needs far more attention. In Austria, the legal basis for flood protection is complex because of both the federal organisation with various involved administrative bodies as well as a sophisticated legal basis. Many relevant regulations exist for flood protection that are not fully coherent and consistent. Challenges but also opportunities arise with the implementation of new and adaptation of existing regulations and policy guidelines which is closely linked to European initiatives concerning flood management. The aim of the paper is to uncover the question if the Austrian legislation is capable of responding to these challenges. The results show, that the split up competencies among administrative levels and sectoral authorities lead to a complex set of legal regulations and varying interpretations and implementation in the single provinces. The Austrian legislation therefore limits the overcoming of challenges because of its diversification as well as varying responsibilities. A lack of coordination between management and planning domains additionally poses a barrier. Incentives for private flood protection hardly exist. Regulations for the building development are present, however, differ strongly between provinces. Therefore, the formation of an overarching flood protection-relevant law at the level of the federal government as the legal basis would help to resolve the competency split-up. A basic framework is given, however, a need for action towards a better integrated and comprehensive management approach is evident, in order to create a sturdier flood risk management on the individual as well as the state level.
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ASSESSMENT OF LAND BETTERMENTS: A CONTRIBUTION TO MORE LOCAL-SIGNIFICANT DEVELOPMENT OBLIGATIONS

This article presents the goals, methodology, results and discussion of a model to assess land betterments accrued from plans, and to monitor their evolution along time. It can be settled as the background for the definition, design and implementation of policies and development obligations based on the concept of land value capture.

Firstly is pursued a bibliographic review of different planning policies (both on theoretical and on practical grounds) in order to assess the economic value of development obligations, particularly centered on assessment procedures adopted on the Spanish “Planos Generales de Ordenación urbana”, the Dutch “Development Contribution Plans (Exploitatieplan)”, the “planning obligations” in the United Kingdom, “Contribuciones de Valorización” in Latin American countries, the “CEPACs” in Brasil, the “linkage fees” in the United States of America, the French “Plafond légal de densité”, and the Brazilian “Municipal Charge on Building Rights”, among others.

It is then, proposed a methodology to assess land values based on official updated feasible data concerning market transactions. The betterments introduced by plans or planning decisions are approached through comparison of these assessed land values with legally-bound land values for certain locations and uses within a specific municipality, according to enforced and anticipated plans and projects. This study is applied, as a case study, to the Detail Plan of Avenida Papa João XXIII, in Fátima (Portugal). This proposal is complemented with the development of an urban management information system that enables monitoring and keeping up with the evolution of land and betterment values that accrue from planning decisions, thus it can support the design and implementation of more effective and efficient value capture developer obligations. This urban management information system resorts to indicators founded on feasible official and comparable data, so that their principles and assumptions can be extended and applied to other municipalities.

A discussion is pursued on how mastery of betterment assessment methodologies and management information systems can influence the definition, design and implementation of (negotiable and non-negotiable) development obligations based on the concept of value capture that best matches local urban development realities. Thus they support the clarification of the origins of municipal funds, triggers population’s awareness and support to this kind of instruments, reducing social and political friction that has so often turned up when value capture instruments are pointed out, and encouraging population’s involvement in participatory and collaborative planning and management schemes that stress local characteristics and contexts.

These planning principles, processes and tools reinforce the financial capacity of municipalities, and support more effective and efficient land policies that better promote population welfare.
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CITIES AND CITIZENS SEETH: PILOTING THE OIL AND GAS PIPELINE PERMITTING PATHWAY

With America’s growth in the natural gas industry hitting hard in Ohio and elsewhere in the United States, landowners and local jurisdictions face increasing pressure on their ability to control or influence decision-making regarding how their land is used. I’ve written previously about the efforts of local governments to have a voice in the oil and gas permitting decisions effecting their jurisdictions.[1] One tension there lies between the role of local governments in representing the stated or best interests of the communities and constituents they represent versus the state’s interest in retaining decision-making control over permitting so as to present a user-friendly system of oil and gas regulation. I’ve also written about the role of landowners whose land is added to oil and gas drilling units by government order against their wishes.[2] Tension there lies between the dissenting landowners’ interests in controlling the use or disposition of their property versus the correlative interests of surrounding landowners and the oil and gas producers who need the dissenters’ land to form a legally sized drilling unit. Both of these previous articles deal, in part, with the erosion of decision-making control that is felt by landowners and by local governments associated with the rise of natural gas production. As states work to create easy access to their economies, landowners and local governments struggle to retain control over the planning and property rights that should belong to them.

Recently, pertaining to this same struggle, Ohio has experienced efforts by oil and gas-related companies to site and build new pipelines across the state. Predictably, landowners believe their property right to determine how their land is used should allow them to bar pipeline companies from accessing their land – for surveying the land, for testing its geology, and for building a pipeline. Landowners are learning, however, that this is not the case. Ohio and federal law treat pipelines as public utilities, provided the pipeline company receives a Certificate of Necessity and Convenience from the Federal Energy Regulatory Commission. This Certificate allows the pipeline companies to exercise a right of eminent domain – that is, the right to condemn properties for their use. The very idea that a pipeline company could condemn and use their land is anathema to Americans’ idea of property rights. Yet, it is the law. Groups of landowners have protested the pipelines accessing their land. They have asked courts to issue injunctions barring the companies from entering their properties for surveying. They have not, however, used the administrative procedural process that is available to them, nor have their local jurisdictions been able to intervene on their behalf.

This paper will analyze Ohio and federal law related to pipeline siting and permitting, focusing on finding effective roles that local governments and planning efforts could play in managing the property rights concerns of landowners.

Coastal lands throughout the world are the settings for protracted conflicts between public and private control of access to the shoreline. Shoreline tends to be very attractive and brings together conflicting interests among various actors. On the one hand, landowners refer to private property rules to make shoreline exclusive spaces with strongly restricted access to the public. On the other hand, due to public pressure or due to coastal resources in need for environmental protection, public bodies are increasingly using planning systems for mitigating shoreline privatization mechanisms. While there are some large scale exclusive gated communities built along the Iranian shoreline of the Caspian Sea, the northern part of Lake Geneva in Switzerland display other examples that are apparently different but which basically follows to the same rationale. Each case has its own history of dealing with public-private conflicts over access to the shoreline. This contribution aims to use legal geography (Blomley 2015; Delaney 2014) as a key concept for making explicit the discourses and practices under which spaces that are open to the public are (somehow) privatized. Legal geography will be mobilized as well to sustain and structure a comparative analysis of the opportunities and constraints that the two planning systems are facing. Findings, supported by qualitative content analysis of laws and regulations, planning documents, property ownerships and local observations, would expand the current categories of privatizing forms of coastal lands and could shed light on land management mechanisms for coastal communities dealing with such conflicting issues.
By the beginning of the 1960s, a massive inner migration started from Eastern and South-eastern Anatolian settlements to metropolitan centers in Turkey. There were different reasons behind this immigration – pull effect of urban prosperity and push effect of rural poverty.

Immigration started by 1960s and continued during following years in an accelerating pace brought social and spatial problems alongside. The main social problem was the adaptation of immigrants to urban life, whereas the spatial problem showed itself as a new form of housing provision: Gecekondu, squatter housing.

The increase in urban population was so massive that provision of affordable housing was unable to hold the acceleration of population increase. Thus, immigrants have to have created their own spatial environment in the periphery of the city by the knowledge and daily routines they derived from their hometowns. Gecekondu was an unorganized and uncontrolled way of housing provision in order to meet emerging accommodation needs of immigrants. There were two forms of housing provision of the period; houses built on public lands and building activities on unplanned areas by title-sharing method. Both were illegal housing provision activities, however, the system was unable to offer accessible housing for migrants and so the central government legalized these houses by announcing Building Amnesty Laws in different years. Yet, the general spatial environment created by immigrants stayed same with inadequate infrastructure and unhealthy urban environment.

By 2000s, redevelopment of gecekondu areas became the major issue of the urban agenda. In most of the Turkish cities, especially where urban rent is high, the redevelopment activities were carried by the private sector. Alongside, TOK, as the central governmental agency for housing provision, became the main actor. Despite the problems of the urban environment in gecekondu areas, the redevelopment process especially through TOK was not always easy and welcomed due to site-specific economic, social or cultural reasons.

The aim of the study is to understand the impacts of immigration on urban environment and to discuss how to redevelop the urban environment created by immigrants. The main focus of this study is to depict the massive immigration process during 1960s-1980s in Turkey and its spatial impacts on the urban environment by examining gecekondu phenomenon. Firstly, impacts on immigration will be examined deeply. Then, the formation of gecekondu areas, the reasons of illegal housing provision, the legalization process through legislative arrangements will be studied. Then, recent discussions on redevelopment projects of TOKI will be exemplified.
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RELOCATION IN HAZARD PRONE AREAS IN AUSTRIA

Relocation poses a severe state intervention in people's property and way of living. It is in Austria a rarely used measure due to its manifold procedural challenges and political dimension. Nevertheless, relocating people in hazard prone areas, to ensure their safety and reduce vulnerability, represents a feasible adaptation strategy to shifting hazard frequencies and hazard areas in connection with a changing climate. Relocation as a strategic and preventive measure itself does not exist as an independent planning instrument. This lead until now predominantly to an implementation within large scale projects for flood protection along the Danube river as an additional risk reduction measure. Responsible state authorities in the field of natural hazard management can offer the possibility for relocation on a voluntary basis within their field of responsibilities.

In my PHD research I investigated several relocation projects all over Austria to identify firstly the formal and informal procedures within the administration body and secondly the role of spatial planning itself in making relocation possible. Starting by analysing the legal framework and capacities, the challenges and constraints in legal issues became obvious. The following investigation of the informal real-life solutions to organise such projects, is based on qualitative interviews with relevant stakeholders in the administrative body and did help to evaluate the actual implementation strategies.

The findings of the research show, that although there is no individual procedure for resettlement, the legal framework is sufficient to carry out such measures on a voluntary basis. The main challenges can be found in the institutional coordination and cooperation in a governance based understanding and that there is a crucial lack of strategical and long-term perspective in identifying possible future areas for potential relocation. The presentation therefore aims to provide a comprehensive analysis of relocation processes focusing on the side of public authorities and the institutional framework. The research can serve as an initial examination of the challenges that occur in organising voluntary resettlement programs, implementing long term planning perspectives and provide experiences based on actual case-studies.
Australian property law has steadily evolved to facilitate the recognition of new or previously unrecognised property rights. As the scope of the law has widened, modern property rights have become increasingly complex. One of the most famous Australian cases, Mabo v State of Queensland (1992) 175 CLR 1 resulted in the acknowledgement of a whole class of property rights that were not previously recognised - native title. More recently, the Australian High Court decision Commonwealth of Australia v. Yarmirr (2001) 208 CLR 1; 184 ALR 113 furthered our understanding of property rights to include the notion of “sea country”. This evolution of property rights has had fundamental implications when addressing compensation for the impairment or acquisition of land by government. We argue that as our understanding of property rights advances, the ambit of compensation is catapulted into unchartered waters. This paper highlights the difficulty of containing property rights to a particular set of descriptors and the effect this has on compensation claims. Further, this paper argues that the methodology of processing compensation claims exposes a disconnect between the public and the NSW government. Finally, through an exploration of specific examples of compensation for interference with private property by government, this paper concludes that there is a need for a workable consensus on good, bad, and fair compensation.
Each of the three wars that affected these areas during the 20th century brought a turning point in the historical, social and spatial development of Banat.

After the First World War, life in the new parliamentary monarchy was difficult, among other things, due to the cultural difference and the political tradition of the so-called native and those who moved from various parts of the new state. The inhabitants of the new villages, established mainly at the large estates of former feudal lords, were volunteers of war. These new settlements, created by instructions issued in 1920, represented the means of the state for the realization of national goals.

After the Second World War, the Communist Party of Yugoslavia, which became the decisive force, changed the whole value system, and thus the general understanding of the village, life and work in rural settlements. By the Law on Agricultural Reform and Colonization adopted in 1945, following the tendencies of other systems, Banat's national structure was changed. During the settlement, the principle of transplantation was applied: all the inhabitants of a village move together to the new terrain, mainly in the former German villages, with the explanation that they will socialize more quickly.

The 1990s in Banat are characterized by new migrations, i.e. the arrival of refugees from other republics of the disintegrating Yugoslavia. According to researchers, immigration throughout Vojvodina in this period was approximately the same as after the Second World War, however, the population was settled mainly in cities. Due to the increase in the number of inhabitants in several Banat villages, micro parts of the settlement for refugees were built, most often outside the central zone.

The aim of the paper is to indicate how much these migrations have changed the ethnic, religious and spatial structure of the given area, as well as to make parallels between different systems of government and their mechanisms for controlling the heterogeneous population and rural development.
This paper explores the importance, the requirements, the methods and the effects of public/citizen participation in urban development based on property rights analysis. More specifically, the paper examines the Bulgarian experience with the preparation of Integrated Plans for Urban Regeneration and Development (IPGVR) of the largest cities of the country, their implementation thus far and follow-ups. Whereas public participation has been subject of many studies, it has been insufficiently analyzed from the point of view of property rights theory, although the connection to this theory is obvious. In this research, property rights analysis proves to be instrumental to understand the actual role of the public, as well as that of the local authorities in the processes of urban development, the nature and the sources of the problems associated with citizen participation.

Studying the preparation and the implementation of the IPGVR is a useful approach, because it is relatively easy to distinguish between the interests and the roles of the main participants in the processes: specific groups of citizens, the general public and the local administration. By applying property rights analysis, that is, by examining the mechanisms of the transfer of management rights from citizens to the local authorities, the exercise of these entitlements and the actions of the citizens to protect their interests, the paper draws conclusions concerning the existing problems with public participation – both principle and specific for the Bulgarian practice and suggests approaches to deal with these problems.
The basic idea of building so-called flood-resilient cities is to enable them to absorb the negative consequences of flooding – both physically and institutionally – in other words, allowing cities to be flooded while sustaining minimal damage (Begum et al. 2007; Petrow et al. 2006). Cities are not meant to be inundated. Making them resilient requires physical adjustments, such as using streets for retention or as discharge flumes, creating evacuation routes, and installing calamity polders or even floating homes (Pierdolla 2008). Institutional adjustments – such as robust and efficient financial recovery and insurance schemes - are also necessary.

However, flood protection of cities as well as post-disaster emergency relief in general is usually considered to be a governmental task (Barraqué 2014). The European Commission established the Solidarity Fund to support affected countries. But how is this recovery money used? How does it prevent flood risks? As damage statistics tell us, fast reconstruction has often not led to more adaptive and resilient cities or areas. Flood victims are often regarded as mere recipients of financial flood recovery schemes, but not as key stakeholders in preventing damage during the next event. In this context, flood recovery schemes and their contribution to flood prevention are not highlighted, but they directly complement the other efforts aimed to prevent flood damage.

Our intention is to change the understanding of financial flood recovery schemes in terms of their solidarity versus efficiency and to prove their risk prevention potential (when properly applied) and to analyse the potential of their application at the municipal/city level. In the paper we also discuss into what extent should be the role of the central government reduced in favor of city representatives, which bear the responsibility for spatial planning, and individuals, who are encouraged to consider self-protection strategies. The deductive argumentation directly refers to the theoretical concept of crowding-out effect that explains how increased central government activity negatively affects the involvement of other actors in a particular sector of an economy. The broader theoretical concept is embedded in the theory of risk regulation and self regulation.
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LOCALISM: BETWEEN INCLUSION AND EXCLUSION

Globally, people are on the move; they move from one neighborhood to another, from the cities to the suburbs, from the suburbs to the country, from the country to the city, and from city to city. They move between regions and countries and continents. Their motivations are as varied as their moves. Some are forced to move, others are eager. Some seek jobs and better living environments, others return home to live with family, and still others are running for their lives. Some people, despite all of the moving around them, choose to stay and remain in places where they grew up or spent a substantial amount of time. In places where housing supply is limited, conflicts may arise between the locals and aspiring newcomers.

While localism is often perceived as problematic, it is closely associated with positive values, like community, solidarity, social cohesion, rootedness, a sense of place, stability and homeownership, and continuity and growth. In cases of conflict and competition over limited resources, it is necessary to determine who can enjoy a desirable location’s social, cultural and economic benefits — should they be limited to only those who are already locals or extended to include newcomers?

When local and national governments prioritize one group over the others— through subsidies, land allocations, housing placements and other policies —there can be negative effects. For example, a national or local preference for newcomers who may have higher social-economic status (which is often related to their race, religion and origins), will likely push marginalized locals further down the social scale. However, prioritizing locals may amount to undesired, even unlawful, exclusion.

In order to answer these questions, it is necessary to take a variety of variables into account. These variables can include the unique social and historical context leading to migration, the identities and motivations of the immigrants, the nature of the space (inner city areas, small suburbs, rural countryside etc.), the housing arrangements at stake (private houses, cooperatives and condominiums), the unique identity of both locals and newcomer, the social and cultural understanding of what constitutes the concepts of locals and communities, and the various mechanisms of government action.

This paper presents the complex matrix of values and variables that need to be addressed in order to find the most just and efficient mode of governmental action in various cases. These actions may range from enabling market-driven solutions to significant public planning and subsidies. In order to illustrate how our theoretical thinking can be translated into real-life policy choices and then into a set of suitable legal rules, the paper will investigate the Israeli law regarding localism and priorities in land allocation. Because 93% of Israel’s lands are publicly held, Israel is a unique test case for our theory. Thus, we would like to present a critical analysis of decision no. 1507 (16.1.2017) of the Israel Lands Council, which aims at enacting a partial prioritization of locals over newcomers. This analysis would demonstrate the unique role that our localities play in maintaining the balance between inclusion and exclusion.
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PROTECTING OREGON’S ESTUARIES

Estuaries are an invaluable part of a coastal ecosystem where plant and animal species indigenous to fresh and salt waters mix. Since 1971, the United States government has encouraged states to study and protect coastal resources. Oregon is one of those states and has almost 600 kilometers of coast, an area with only about 6% of the state’s population. Oregon also has a statewide planning program, which establishes binding policies, called “goals,” for local governments (cities and counties) to carry out. The constellation of available federal funds, a state and local desire to protect coastal resources, and a mechanism to do so resulted in a complex, though effective, program to assure that estuaries, shorelands, beaches and dunes and ocean resources were subject to state policy making, planning and regulation.

In addition to these policies, the goal contains a number of specific directions for land use, including avoidance of dredging, filling and fill material disposal in estuaries if other alternatives are available, requiring impact analyses in local plans and permitting, planning and permit coordination with applicable federal, state and local public agencies, avoidance of duplicate regulation and the like.

The Oregon story may be helpful to others facing similar planning and regulatory complexities.
Notwithstanding denials by a fervent minority, the evidence of climate change, and the human role in that change, is evident and the diminishing alternatives to avoid the most serious consequences of that change have moved the world to action, most recently in the promulgation of the Paris Climate Accords. However, the current administration in the United States is withdrawing from those accords and is unlikely to undertake action in the foreseeable future to deal with the challenge.

As a result, a number of American state and local governments have undertaken to meet the challenge of climate change through proprietary and regulatory actions to reduce global warming consistent with the actions taken by the rest of the world.

Oregon is one of those states. Although it contains a bit less than 3% of the area of the United States and a bit more than 1% of its population, Oregon has joined with other “left coast” states to examine and deal with those actions within its borders that add to global warming. Our paper divides Oregon’s legal responses into two categories: property and planning law, and necessarily examines the impact of these responses on notions of property rights under current law.

Regarding property law, the twin impacts of drought and flooding in different circumstances in various areas in the state call for a new process to allocate water rights and to deal with property boundary changes caused by accretion, reliction and avulsion, and protection of public property interests in and under river, lake, and coastal areas. Indeed, following a survey of influential writers on the jurisprudence of property law, we believe the very foundations of that jurisprudence must be reexamined due to the necessities of the current crisis.

Regarding planning law, we trace Oregon’s legislative response to the crisis and the need to revise the state’s iconic planning program to do so. We posit three necessary strategies for those revisions: mitigation, adaption and carbon sequestration against each of the state’s nineteen land use planning goals (which are binding on local plans and land use regulations) and suggest how those goals should be revised to meet expectations under the Paris Accords.

Finally, the authors suggest that these state and local approaches may bring the United States much closer to meeting its obligations to the world community.
Two decades of deregulation and privatization have changed the spatial planning of public services provision (e.g. care, education) in the Netherlands. Generally, a supply-driven, planning approach has been replaced for a demand-based, market approach. However, focusing on the opposition between traditional ‘integrated planning for the public good’ on the one side, and neo-liberal ‘hidden hand’-optimization of spatial distribution of services on the other, eclipses the central role of the sectoral policies (care, education policy, etc.). Not the opposition between state and market determines the spatial outcome, but the interplay between three elements: public sectoral policies, private real estate strategies and public planning. This paper focuses on this interplay, highlighting the importance of sectoral policies as ‘third’ element, that conditions both real estate decisions and planning possibilities.

The paper proposes a conceptual framework to analyze this interplay, and gives a descriptive analysis of it for two types of public service buildings: nursing homes and primary schools. These two types of building differ on a crucial dimension, that is in the way they are being funded. In the course of market-oriented reforms in the Netherlands, the system of funding nursing homes has changed to a demand-oriented system: there is a budget per client, out of which the care provider has to finance its own accommodations. From now on, the service provider carries all the financial risk associated with accommodation. In contrast, primary schools are being funded in the ‘traditional’, supply-oriented way: the (local) government provides the school buildings. On the basis on more than 60 expert-interviews with the most relevant actors (real estate owners, care organizations, school boards, regulators and municipalities), and 8 case studies, the paper describes for the two sectors the changing interplay between sectorial policies, real estate strategies (regarding location, building setup, use of the building, and ownership form), and spatial planning. It concludes that sectorial policy reforms changes the conditions for spatial planning of public services in two ways: not only by inducing more market-oriented real estate strategies, but also by practically leaving out spatial dimensions. It terminates the traditional cooperation of sectoral policies and spatial planning in their joint effort to spatially plan public services.

In providing a conceptual framework for analysis, the paper aims to support further analyses of other sectors, and in other countries.
In the context of housing rights violations transitional justice is often pursued in cases where individuals and communities have been forced from their homes and have suffered additional abuses while displaced during or after conflicts and transitions. Yet little attention has been paid to addressing the wide range of past injustices and housing rights violations by transitional justice measures within democratic ethnic land regimes—especially those which did not go through a major ‘transition’.

Taking ongoing historical and structural discriminatory spatial land system in Israel, I draw on insights from housing rights violations that resulted in severe housing crisis of the Palestinian–Arab localities. I propose applying transitional justice approach on democratic societies which share historical legacy of housing rights violations against their citizens. The argument is applicable on a wide range of states and political systems that have similar land regimes, spatial policy and legal systems but are committed to constitutional rights.
The emergence of the Balkan Route in 2015 and its development in 2016 has temporarily shifted the geographical axis of the refugee-related migrations, complementing the existing maritime routes in the Mediterranean with new overland itineraries. This shift has caught unprepared not only the main ‘transit countries’ and ‘arrival countries’ but also the EU institutions and the local governments that until that moment had a system of control (and reception) in place which was almost exclusively focused on the Mediterranean borders. Even the city of Trieste, in the northeastern part of Italy, was involved in this emergency and soon became one of the nodal points of the host system that Italian government and FVG region had put in place to deal with this humanitarian crisis. Analyzing migratory flows from a geographical point of view, this article aims to present the local current situation within the contemporary migratory issues, in particular: the widespread model of hospitality tested in Trieste with refugees and asylum seekers, the migration movements entering and leaving the territory of Trieste and the Friuli Venezia Giulia region, the formation of a ‘semi-fluid community’ of Afghan and Pakistani diaspora, the different approaches to immigration policy implemented by local institutions, the social impact on local communities.
Instruments of land policy help spatial planners rearrange property rights in order to suit them to the designated land use. In other words, they make land available. There are different instruments of land policy available in planning practice in different countries such as voluntary land purchase, tradable development rights, pre-emption, long term leaseholds and others. One of the most intervening instruments is certainly compulsory purchase. Planners are hesitant in using it, because it is costly with long procedures and it bears risks of conflicts. Each instrument has its particular characteristics – differing in terms of efficiency, effectiveness, inherent notion of justice, or legitimacy.

Currently, a new instrument is piloted in the Netherlands that was previously not available in the Dutch land-use planning: urban land readjustment. This instrument is a public instrument that reallocates and redistributes rights in land without expropriating or buying it. Other countries use urban land readjustment for many decades – for example in Germany, Spain, Japan, and others. In the different countries the instrument is applied in slightly different forms.

One of the differing aspects is whether or not the instrument can be made mandatory for landowners within a readjustment area. The Dutch legislator decided to leave the instrument completely voluntary. This means no landowner can be forced to participate in a land readjustment process.

This paper discusses voluntary and mandatory urban land readjustment and discusses the consequences. It is discussed with reference to other countries (i.e. Germany, Austria) what the advantages and disadvantages are, if the instrument is mandatory, voluntary, or if there are mixed forms (i.e. quotas etc.). Furthermore, the paper highlights the role of urban land readjustment in a shifting planning discourse, in which facilitative land management and citizen empowerment are gaining importance.
MULTI-SITE LAND IMPROVEMENT SYNDICATES: AN ALTERNATIVE TO TRANSFERABLE DEVELOPMENT RIGHTS?

The control of urban sprawl is a key objective of growth management policies. Its achievement involves various measures, such as zoning, density bonuses, land acquisition, and the relocation of development rights. Relocating development rights implies the definition of a spatial perimeter for their transfer, and the payment of a compensation to landowners who lose or sell their rights. Switzerland knows a specific land readjustment tool called land improvement syndicate, which allows to operate such transfers, but only within a geographically restrained perimeter (Prélaz-Droux 2009, Weber et al. 2011, Viallon 2017). In several US counties, transferable development rights (TDR) have been used to relocate development rights on a large scale. The instrument’s implementation in Switzerland has often been modelled as a solution to facilitate the relocation of development rights (Süess and Gnünder 2005, Gnünder 2009, Menghini 2015), a central issue of Swiss land use policy. However, these contributions have not solved a core issue linked to the conception of Swiss property rights: acquiring development rights might, at a certain price, be ruled by a court as a material expropriation, as the (excessive) acquisition price could deprive the buying landowner from the financial benefits of his property (Moor 1992). In order to overcome this constraint, the article conceptualizes an “intermediary” instrument that, compared to TDR, only requires incremental legal changes to be implemented: the multi-site land improvement syndicate. In contrast to the existing land improvement syndicate, this instrument would allow the definition of geographically distinct perimeters for the transfer of development rights, and thus increase the scale of intervention. Considering the existing legal bases, this adaptation of the instrument’s modality would require minor changes. Further, and in opposition to TDR, the instrument would allow to finance the acquisition of development rights and bypass expropriation law, as the existing land improvement syndicate already does.
REAL ESTATE MARKET TRANSPARENCY – A TOOL TO SUPPORT LAND POLICY?

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The neo-classical market model promises a well-functioning market if market participants are best informed about all conditions of supply, demand and price setting issues. In this theory market transparency is of extraordinary importance for the outcome of the market. The highest standard of market transparency is - generally known – implemented in the stock market.

In contrast, the real estate market is a market dealing with a very specific product – land and built-up properties. Properties are very heterogeneous and information is rare - it often is called a "terra incognita", especially in view of non-professional stakeholders. The framework of a country’s property market should aim to support land policy, at national and regional level, however especially at local level. Many typical instruments and tools used to implement land policy are of intervening character according to the supply or demand of properties (e.g. planning restrictions, building obligations, price limits in social housing, expropriation etc.). Tools based on market transparency and their impact on land policy are rarely in mind although transparency is central for market functioning.

This paper will investigate real estate market transparency and its land policy issues in Germany. The paper especially investigates the influence of standard ground values on the land market and examines the question of dampening effects by analyzing the topic in the region of Hannover. Standard ground values are available across the country determined by the entrusted boards of expert valuers (Gutachterausschüsse für Grundstückswerte). They are an established instrument to create market transparency. Standard ground values are important orientation guides for real estate market participants, such as municipalities, developers, investors or private persons. E.g. German municipalities are obliged, by budgetary law, to sell building land not under the market value. Hereby, standard ground values are of strong importance to define selling prices, likewise they are used as orientation for private market participants. Therefore, standard ground values are connected to local land policy. Based on the results of this investigation, the paper derives some hypothesis about the influence of market transparency on the local land market.
The tension between flexibility and legal certainty lies in the heart of local land-use plans. On the one hand it shall provide legal certainty, on the other these plans need to offer discretion for changes in development (flexibility). These two features of the land-use plan seem to contrast with each other. In the Netherlands, land-use plans have long been considered too inflexible to deal with rapid changes and dynamics on the land market – in particular in inner-urban development projects (Buitelaar 2012).

Currently, the Dutch planning law is reformed. The new law on the Environments (Omgevingswet) promises more flexibility and also more simple plan procedures. This contribution aims at exploring the potentials and pitfalls of the new instrument of the Environmental Plan that shall replace the binding land use plan. Along four criteria of policy analysis (Salamon 2000) we discuss the effectiveness, efficiency, form of legitimacy and inherent notion of justice of the new plan compared to the existing one with a specific focus in on flexibility and legal certainty.

This comparison in presented along illustrative cases from the heart of Amsterdam, which is under enormous transition at the moment. Amsterdam is searching for planning instruments that can handle the increasing spatial demands on quite large conversion areas: the Marineer rein, Oostenburg, town hall and inner city campus (area of Oude Turfmarkt over BG terrain, Oudehuispoort to Oude Hoogstraat). How can binding land use plans and the new Environmental Plan cope with change and stability?
Stephanie Weir, Heriot-Watt University, United Kingdom

PROPERTY RIGHTS, FINANCIAL ENCLOSURE, AND UNCERTAINTY: THE CASE OF SCOTTISH COMMERCIAL FISHERIES

This paper reviews the extent to which certain policy tools have imparted new exclusionary rights on fisheries resources, as well as addressing the socio-economic implications of imparting these new rights on a previously state-managed resource. The investigation is set within Scotland, a country which not only has a particularly long dependence on the commercial fishing industry, but also a crucially complex relationship between the current framework of management and those workers affected by it, so much so that the issue of rights to marine resources became a key argument for the Leave campaign during the EU referendum run-up. This exploratory essay first introduces the framework of legislation and regulation which govern Scotland’s fisheries, looking at both EU and national governance regimes which have utilised the redistribution of rights in their systems of management. This allows for an understanding of the extent to which actual property rights are formed, including a breakdown in the legal definitions of rights of access and property rights, particularly in reference to fishing quotas, in which there appears to be great uncertainty and a high degree of informality. Secondly, the paper addresses the ways in which the current management tools, and the subsequent marketization of quota, have not only changed the distribution of resources but also led to changes in the social network of commercial fishers and the economic investment in the industry. The FQA system in Scotland has effectively shifted access to fisheries resources away from those unable to keep up with the level of investment currently witnessed which, despite the lack of legal title afforded by the system, is colossal. This sort of financial enclosure has also led to unforeseen consequences, such as the exploitation of the system by so-called ‘slipper skippers’, resulting in further exclusivity. The future of this fragile system is currently unknown, and although it has been deemed unlikely that a system with such high investment will change, there are mitigating factors like the Brexit negotiations or the potential for a second Scottish independence referendum, that could lead to mass losses of both rights and financial investment.
E-MOBILITY AND LOCAL PLANNING

E-Mobility is discussed as an option to mitigate climate change, to improve local air quality and to reduce the noise level in the cities. Therefore, the question can be raised, which planning instruments the municipalities can employ to promote e-mobility? And why they should do this?

The presentation will introduce the planning instruments that are available on local level in Germany. Climate protection plans, clean air plans, noise abatement plans, traffic regulation and land use planning will be discussed. Further, the presentation will identify the incentives for municipalities to promote e-mobility. Do instruments and incentives fit together? One example: the measures provided for in clean air plans need to be implemented by traffic regulation. Do the rationalities of traffic regulation (safety and flow of the traffic) dilute the goals of clear air planning?

The presentation will finish with an outlook on mobility planning as an instrument that offers a coherent approach to the coordination of mobility needs in cities.
Elizabeth Wyckaert, KULeuven, Belgium

MY NAME IS NOT A REFUGEE; INTEGRATION THROUGHOUT THE ROUTE FROM SHELTER TO HOUSING

The majority of Belgian citizens and politicians state that refugees should integrate into society as quickly as possible after their recognition by the Belgian government. In this contribution, integration is understood as the interaction between refugees and residents to rapidly acquire the Dutch language and, more importantly, develop (local) social networks. Housing is considered as an important tool to achieve this integration. There are, however, a few problems.

First of all, after being accommodated in a large-scale asylum centre while their request for recognition is assessed, refugees are expected to find proper housing on the regular housing market within a period of only two to three months. They are confronted with a lack of affordable housing and discrimination by landlords. Secondly, many refugees start looking for housing in cities, which can lead to segregated neighborhoods. As a consequence, a lot of cities develop a discouragement policy. The main cause of problems, such as landlord discrimination and the attraction to certain cities like Antwerp, seems to be the lack of integration at the time of transition from shelter to housing. Hence, more focus on integration during pre-recognition stage is necessary. Part of integration, local social networks may cause refugees to search and to effectively find (local) housing. Unfortunately, the current Belgian reception system is characterized by isolated large-scale reception centers. The typology (barracks), location and scale (capacity) of the large-scale asylum centres allows little or no individual integration of refugees with the surrounding community. Moreover, a part of the mission of these centres is the integration or acceptance of the centre itself by the community rather than the integration of its inhabitants. This contribution hypothesizes that the location as well as programmatic organization of accommodation define the potential of refugees to integrate in society, starting from primary shelter to final housing.

This contribution demonstrates through qualitative research how refugee sheltering can enhance the transition from shelter to housing. As a reaction to current conditions, some (policy) recommendations were made on the refugee reception model. Firstly, small-scale individual reception must be regarded as a standard. In order to organize this small-scale reception model, there can be invested in the realization of a geographical distribution plan in which asylum seekers are spread across suitable municipalities, selected according to the presence of adequate social (schools, sports clubs, youth associations), economic (shops) and mobility services. Subsequently, the number of asylum seekers to accommodate can be decided, based on the population of the municipality. Thereby sufficient integration support can be offered within local communes. Then it can be obliged for suitable municipalities to supply housing for recognized refugees willing to establish themselves locally but which can’t provide in their own housing. Hereby investments should focus on projects that offer temporary or permanent housing accommodation to refugees based on integration, e.g. co-housing types (Belgians/refugees) or buddy-projects. Today, due to the lack of governmental support, it is mainly initiatives by local ngo’s, non-profits and CGW’s that attempt to provide primary refugee housing.
Havatzelet Yahel, Ben Gurion University of the Negev, Israel

LAND PRIVATIZATION IN THE NEGEV: THE ROLE OF IMMIGRATION IN THE 19TH AND 20TH CENTURY

In the 1970’s, Bedouin from the Negev have submitted over 3,000 private ownership claims with respect to approximately 800,000 dunams of Negev lands (1 dunam = 1000 m²). This study will argue that these claims were a further step in a privatization process which began in the late Ottoman period and continue through the mandate rule over Palestine.

The study explores two major aspects of land privatization in the Negev. The first, focuses on the regimes policies as expressed in legislation and courts decisions. The second, emphasizes the traditional Bedouin perception toward land. Following previous writings we will argue that the Bedouin nomadic ethos regards land as shared resource for all tribe members. However, this ethos started to change especially during the twentieth century. We shall highlight the central contribution of the massive immigration from the Nile to the Negev in the process, as well as the new role that the Bedouin sheikhs took upon themselves.

When looking at these two aspects, we can indicate that the actual change in the control over lands was not done according to the formal land provisions. The discrepancy between actual individual Bedouin control and the legislation, which does not acknowledge Bedouin private ownership, was rolled over to the Israeli authorities. The study examines the problematic land market that was created in the Negev, while showing some of the solutions that were promoted over the years, so far with minimal success.
Planning has emerged through a series of “crises” and “responses” to them, the major population migrations and international refugee in- and outflows being one of these crises. Migrations of various causes, have not only been historically an integral part of the transformation of cities but also led to major reforms in state policies and to fundamental changes in the basic spatial planning system. In Greece, it is commonly accepted that the modern planning system introduced by the 1923 Planning Law, along with the first planned extensions of the large cities in order to accommodate the refugee rehabilitation programmes of the 1920s and 1930s, determined the characteristics of the contemporary Greek planning system. Generally speaking, it could be argued that four major crucial periods can be traced regarding the effects of modern population migrations on planning policy and the planning system: the refugee inflows from the Asia Minor and the Black Sea after the exchange of populations in the mid-war period of the 20th century; the internal rural-urban migration due to rapid urbanization in the 1950s and 1960s; the inflow of economic migrants from the former socialist countries of Eastern Europe after 1989; and the recent refugee inflows from countries in civil war zones of the Middle East since 2010.

This paper reviews the effects of the major migrations on the planning system in Greece over a century and based on a comparative analysis discusses their specific characteristics as well as their changing nature over time. For each period under discussion, the comparative analysis takes into consideration the socio-economic changes, the basic urban development and planning problems, the dominant public policies and the main institutional framework adopted. It will be argued that these effects reflect not only the specific characteristics of these migrations but also the characteristics of the dominant public policies and the historical context in which these policies operated. It will also be argued that, although there is a strong linkage between migrations and spatial planning, taking into consideration the previous periods it is still very early to assess the long term effects of the current refugee inflows both on urban development and planning.
Resilience is a concept introduced in spatial planning as a response to the commonly accepted multiple “crises” (environmental crisis, effects of climate change, effects of major geopolitical changes or economic crisis). The concept of resilience brought into the spatial planning agenda a bigger emphasis on the interrelationships between complex social and ecological systems as well as on processes of understanding, adapting and transforming urban development patterns that are related to multiple crises. Migrations, on the other hand, caused by various drivers are strongly related to these multiple crises functioning as social disturbances or upheavals which affect the socio-spatial structure of cities either as a gradual or more often a drastic transformative process, which also needs to be incorporated in the planning framework. Since 2015 the migration problem became more acute due to the refugee crisis, which was mainly a consequence of the war in Syria. These conditions accentuated the debate on the distinction between legal and illegal migrations.

In Greece, after 2010 and the outbreak of the economic crisis, resilience entered the spatial planning agenda of the two larger cities, Athens and Thessaloniki, which have been the main places of the crucial socio-economic upheavals that followed economic crisis and the longstanding recession. Resilience became the core of recently formed spatial planning strategies in both cities as their central municipalities were selected in 2014 to join the 100 Resilient Cities (100RC) network of the Rockefeller Foundation. In 2017 the two municipalities issued their long-term Resilience Strategies based on specified priorities, which cover new as well as older planning and urban development issues, one of which is the issue of migration.

Based on a comparative analysis of the 2030 Resilient Strategies of Athens and Thessaloniki, the present paper traces the way migrations are incorporated into these strategies both as internal spatial processes as well as non-local drivers that affect the local socio-spatial system. The main questions addressed is how far do these plans and strategies contribute to a transformation of the dominant modes of planning policies and practices strengthening the institutional capacity and ability of the cities to cope with external pressures such as geopolitical and environmental factors. It also investigates the potential for these strategies and their tools and methodologies to reframe the conventional and more rigid spatial planning in Greece away from certainties, addressing resilience thinking in the legal framework and considering transformations, such as those brought by migrations, as normal, dynamic processes stressing the importance of change in the way cities operate.
Access to High Speed Internet Service across the United States has become a policy priority for federal officials and especially state and local governments. To achieve this priority significant funds have been expended and substantial local planning has occurred to increase deployment and satisfaction with high-speed internet service. The logic of these attempts has been focused on the hypothesis that a lack of deployment in underserved areas is the primary factor preventing High Speed Internet use and that increased access can be achieved by local planning and regulation. We explore the impact of local land use regulations, local planning approaches and other factors on the penetration and deployment of Broadband Speed Internet. We test our hypotheses by developing a model of High Speed Internet availability and uptake using FTC data and match it with local land use regulations and plans from the Western United States. Our findings suggest that these regulations and local plans have an impact on service availability and consumer satisfaction but that that satisfaction is conditioned by the availability of multiple provider options in the local community.
Tomasz Piotr Zaborowski, University of Warsaw, Faculty of Geography and Regional Studies, Poland

LEGAL SYSTEMS OF DEVELOPMENT LAND DESIGNATION MANAGEMENT AS TOOLS OF CONTROLLING MIGRATIONS OF PEOPLE AND INVESTMENT CAPITAL IN GERMANY, POLAND AND SPAIN

The main drivers of migrations seem to be improving one’s life quality and business opportunities. In both cases it involves a bigger demand on real-estates that are necessary to accommodate new people and businesses. Migrations of people and businesses are always accompanied by shifts of investment capital and trigger land development. Housing and various business developments, jointly regarded as settlement activities, concentrate or deconcentrate, depending on the scale of observation.

An effective spatial planning policy requires to manage settlement growth to concentrate it in areas carefully selected in the planning process. An inevitable pre-requisite of the latter is controlling of the quantity of developable land aimed at a general limiting of land supply to foster growth in selected areas. The prime goal of this research is to compare and evaluate legal systems of management of development land designation on regional and local levels that are in force in three European countries: Germany, Spain and Poland.

After the system changes in 1989 Poland relaxed the system of managing urban growth that led to a vast oversupply of developable land. Kowalewski et al. (2014) estimated that within the areas covered by binding local plans there is land available to settle 62 million people, whereas considering the total land designated for housing in outline land-use frameworks this number amounts for 167-229 million. This oversupply of developable land makes it impossible to reasonably manage growth processes and assure a decent quality of urban patterns (Havel, 2014). In 2015 some important law amendments of the planning framework were passed to stop this trend. However, some key reasons of the detrimental phenomenon still exist.

Western European countries may serve as a role model, how to establish planning frameworks that enable to actively manage settlement growth processes. Among them Germany and Spain have effective legal provisions that strictly distinguish the land envisaged for urban development from the land deprived of urban development possibility (Germany: Innenbereich and Aussenbereich, Spain: suelo urbano / urbanizable and suelo no urbanizable). Thanks to these legal instruments, in these countries it is possible to effectively manage migration of people and investment capital and thus to foster growth of areas selected by planning. The outcome of conducted comparative institutional analysis of the three legal frameworks, some recommendations to the further evolution of the Polish planning framework will be formulated.
This paper will analyze some complex challenges of the European "migrant/refugee crisis" in the southern parts of Europe (with its reflection in Serbia) with various forms of contemporary migrations (asylum seekers and refugees from the Middle East, the Balkans, intra-national migrations), and with hints for possible directions on integrating migrant policies in the spatial and urban planning, especially by regulation of the arrival locations in the city. The arrival locations in the urban areas are often characterized by large impacts of various migration flows, above-average fluctuations in immigration and emigration population, a high level of social, ethnic, and cultural diversity. The adverse effects of irregular migration and spontaneous settlement of newcomers are often reflected in ethnic, religious, ideological and political ghettoisation of the city, growing security risks, crime, violence, poverty, extreme psycho-social pressures, political radicalism, social inequalities and tensions, and sometimes with social rejection or stigmatization of migrants. The urban redevelopment should include opportunities for housing and the support of specific social groups, along with adjusting the current social, legal, institutional, urban and cultural pattern. Changing the institutional framework for the reception of migrant pressures, including the common referent framework for planning, management, control, and customizing various forms of arrival locations in cities involve a complex mechanism for harmonisation of current regulatory patterns at the national and supranational level, in accordance with the European long-term strategic scenarios, migrant quotas, as well as overcoming of the legal gap in the employment of millions illegal migrants - persons without citizenship. In the process of local inclusion and/or integration of migrants a variety factors are important, especially their different system of values, habits, behaviors and cultural patterns as compared to the local environment in which they are moving. The process of inclusion in a different environment is more complex due to the indirect influence of the environment from which migrants come, a number of psycho-social pressures, and their specific profiles (e.g. young and educated population, poor families, young single men, etc.).

The paper includes an overview of the major challenges of contemporary migration and a review of the main impacts of formal and informal forms of migrant locations on social, spatial, and urban development, based on some experiences from Serbia. Preliminary guidelines for the transformation of the reference framework for the planning, management and implementation of various solutions of the planned and spontaneous forms of accommodating migrants in the arrival locations of cities will be suggested. Special attention will be on the newer tools relevant for planning and re/integration of the spontaneous forms of migrant allocation, as well as organized collective accommodation, planning asylum, etc. Spontaneous forms of migrant accommodation constitute specific types of urban slums which are characterized by numerous problems and significant impacts on the cities. The building a reference framework for planning and implementing better solutions for the arrival locations in the city includes various types of innovations.
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