

Heinz Klug

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### Education

University of Wisconsin-Madison, Law School, S.J.D. December 1997.  
University of California, Hastings College of the Law, J.D. (cum laude) May 1989.  
University of Natal (Durban) B.A. Honors in Comparative African Government and Administration, 1978. B.A. 1977.

### Honors and Professional Affiliations

Elected, Faculty Graduation Speaker, University of Wisconsin Law School, 2016  
Awarded Doctor Honoris Causa, Hasselt University 2013  
Advocate of the High Court of South Africa, admitted August 1995.  
Admitted to the California Bar, December 1989.  
Editor in Chief, Hastings International and Comparative Law Review 1988-89.  
Scholarship Award (For Journal Contribution) 1989.  
Thurston Society (Top 10% of Class) 1989.  
American Jurisprudence Awards 1986-1989: Legal Writing and Research; International Law; International Human Rights; Editor-in-chief, Hastings International and Comparative Law Review.  
Class Speaker (elected), Commencement 1989.  
Member of the Law and Society Association since 1995.  
Member of the American Bar Association since 1996.

### Professional Service

Member, Board of Trustees, Law and Society Association (Class of 2022).  
Co-Chair, Program Committee, Law and Society Annual Meeting, Washington DC, May 30 – June 2, 2019.  
Member, Program Committee, Law and Society Association Annual Meeting, Toronto, Canada, June 7-10, 2018.  
Faculty and Keynote Speaker, Transnational Law Summer Institute 2017, The Dickson Poon School of Law, Kings College London and University of New South Wales Law School, Sydney, Australia, December 3-8, 2017.  
Co-Leader (with Helen Kinsella) Faculty Development Seminar, Human Rights and Refugees: Understanding the Global Refugee/Displaced Persons Crisis through History, Politics, Law and Literature, Center for the Humanities, University of Wisconsin-Madison, Fall 2016.  
Co-Chair, Program Committee, Law and Society and Center for Law and Society, Conference on Dynamism, Liminality, and Reality? Policy, Research and the Law in an

Afropolitan Era, University of Cape Town, December 9-11, 2016.  
Faculty, Transnational Law Summer Institute 2016, The Dickson Poon School of Law, Kings College London, June 21-30, 2016.  
Co-Chair, 2016 Program Committee, Law and Society Association Annual Meeting, New Orleans, June 2-5, 2016.  
Member, 50<sup>th</sup> Anniversary Committee, Law and Society Association, 2013-2014  
Member, International Activities Committee, Law and Society Association, 2007-2009; 2013-2014.  
Co-Chair, International Activities Committee, Law and Society Association, 2009-2012.  
Faculty, Early Career Workshop, Law and Society Association, Denver, CO, May 26-27, 2009.  
Section Chair, Legal and Constitutional Reform, African Studies Association 52<sup>nd</sup> Annual Meeting, November 19-22, 2009.  
Faculty, Law and Society Summer Institute, University of the Witwatersrand, Johannesburg, South Africa, July 17-21, 2006.  
Faculty, Law and Society Association Graduate Workshop, Baltimore, July 4-5, 2006.  
Member, Board of Trustees, Law and Society Association (Class of 2003).  
Faculty, Law and Society Summer Institute, University of California, Berkeley, July 16-20, 2003.  
Member of the Program Committee for the Law and Society Association Joint Annual meeting with the Research Committee on the Sociology of Law, Budapest, July 2001, 2000-2001.  
Faculty, Law and Society Association Graduate Workshop, 2001.  
Steering committee member, Consortium on Globalization and Law (Conglass) 1996-97.

### Editorial Boards

Member, Editorial Board of Constitutional Systems of the World (Hart) book series.  
Member, Editorial Board of Constitutional Court Review, Johannesburg, South Africa.  
Member, Editorial Board of VRU - World Comparative Law, Hamburg, Germany.  
Member, Editorial Board, Constitutional Studies, University of Wisconsin-Madison.

### Research Awards and Grants

Sheldon B. Lubar Distinguished Research Chair in Law, UW Law School, 2020-2021.  
Graduate School Research Competition, Lawyers, Nationalist Movements and Post-Colonial Constitutionalism, UW, 2018-19.  
Graduate School Research Competition, Lawyers, Nationalist Movements and the Rule of Law, UW, 2017-18.  
Mellon Foundation Area and International Studies Research Award, Human Rights Research Program, 2013-2015 (co-PI and on behalf of Global Legal Studies).  
National Science Foundation, Legal Rights to Social Resources, 2005-2007.  
H.I. Romnes Faculty Fellowship, University of Wisconsin-Madison, 2005.  
Graduate School Research Competition, Access to Social Resources, UW, 2004-05.  
Graduate School Research Competition, Access to Medicines, UW, 2002-03.  
University of Wisconsin Sea Grant, Governing Aquatic Resources, 2000-01.

Smongeski Fellowship, UW Law School, Fall 1999.

Teaching and University Appointments

Evjue-Bascom Professor of Law, University of Wisconsin-Madison, since August 2007.

Visiting Professor, University School of Law, University of the Witwatersrand, Johannesburg, South Africa, 2017-2021

Associate Dean for Faculty Development and Research, UW Law School, 7/2009-8/2014

Professor, Law School, University of Wisconsin-Madison, August 2004.

Courses: Constitutional Law, Property, Renewable Natural Resources, Human Rights and Humanitarian Law, International and transnational law, Comparative Constitution-Building and Torts

Senior Honorary Research Associate in the School of Law, University of the Witwatersrand, Johannesburg, South Africa, January 1, 2005-2017

Associate Professor, Law School, University of Wisconsin-Madison, 2001-2004.

Honorary Research Associate in the School of Law, University of the Witwatersrand, Johannesburg, South Africa, January 1, 1999 to December 31, 2004.

Assistant Professor, Law School, University of Wisconsin-Madison, 1996-2001.

Visiting Professor, UW-Giessen exchange, course on Democracy and the Law in the United States, Justus-Liebig-University, Giessen, Federal Republic of Germany, June 2000.

Coordinator, LLM by Course-work Program, School of Law, University of the Witwatersrand, Johannesburg, July 1995- July 1996.

Senior Lecturer, School of Law, University of the Witwatersrand, Johannesburg, July 1995-July 1996.

Coordinator of the research circle and seminar on the Globalization of law, Global Studies Program and Law School, University of Wisconsin, Madison, 1994-5.

Lecturer, School of Law, University of the Witwatersrand, Johannesburg, 1991-1995 (on leave July 1993 to July 1995).

Courses taught: Constitutional Law; Public International Law; Property Law; Environmental Law; Human Rights Law; Post-Apartheid Law; Introduction to South African Law.

Visiting Professor, School of Law, University of Florida, Gainesville, March 21 to April

8, 1994, short course on South African Land Law.

### Professional Experience

Director, Global Legal Studies Center, University of Wisconsin, 2004-2016.

Faculty, Young African Leadership Initiative, Robert H. Smith Center for the Constitution at James Madison's Montpelier, Virginia, 2014, 2015, 2016, 2018.

Faculty, Young African Leadership Initiative, University of Wisconsin, 2016, 2017, 2019.

Participant, International Network on Constitutional Development (INCOD).

Temporary Advisor, World Health Organization, Ford Foundation and WHO Expert Consultation on TRIPS/Paragraph 6, Ford Foundation, New York, March 25, 2004.

Temporary Advisor, World Health Organization, Presentations on the implementation of the Doha Declaration on the TRIPS Agreement and the protection of public health and Implementation of Paragraph 6 of the Doha Declaration, Consultative Meeting on TRIPS and Public Health, 8-11 December 2003, Amman, Jordan.

Temporary Advisor, World Health Organization, Meetings on the implementation of the Doha Declaration on the TRIPS Agreement and the protection of public health: Rockefeller Foundation, New York, June 10, 2002; and Mosterory Island, Stavanger, Norway, July 20-23, 2002.

Researcher, Reinventing Social Emancipation: a research project directed by Boaventura de Sousa Santos at the Centro de Estudos Sociais of the School of Economics, University of Coimbra, Portugal, funded by the MacArthur Foundation. January 1999 – December 2001.

Investigator, UW Sea Grant Institute, developing a research agenda on the conceptual relationship between different property regimes and the management of natural resources – in particular marine resources, June 1997 -- August 1998.

Appointed by Minister of Water Affairs and Forestry to the Drafting Committee for Water Law Review Process, South Africa, December 1996.

Appointed by Minister of Water Affairs and Forestry to Policy and Strategy Committee for Water Law Review Process, South Africa, December 1996.

Appointed by the Minister of Land Affairs to the panel of assessors in the Land Claims Court, Pretoria, 28 November 1995.

Lead South African Researcher, Project on the Promotion of Democratic Participation,

Gauteng Legislature and the International Development Research Centre, as part of the South Africa/Canada Programme on Governance, September 1995 to June 1996.

Occasional Consultant for Derek Hanekom, Minister of Land Affairs, South Africa, and the Land and Agriculture Policy Centre. Briefs prepared on: "Jurisdiction over State Land" July 1994; "International Comparative Analysis of Legislative Regulation of Foreign Land Ownership" March, 1995; and "Submission to the Constitutional Assembly on Issues Related to Land Rights" August 1995.

Team member, World Bank mission to South Africa on Land Reform and Rural Restructuring, Johannesburg, September 27 -- October 16, 1993. Research Coordinator, Legal Issues, World Bank Rural Restructuring Programme, Johannesburg, July -- October, 1993.

Secretariat member, African National Congress Land Commission, 1990-1992. Full-time staff member 1990-1991.

Election Observer, Guatemala, International Observer Delegation to the November 11 elections, African National Congress representative, November 9-14, 1990.

Researcher for Zola Skweyiya, Chair, Department of Legal and Constitutional Affairs, African National Congress of South Africa, October 1989 to April 1994.

Researcher, Center for Constitutional Rights, New York, January -- April 1990, Investigation into human rights violations by Renamo and U.S. supporters, Mozambique, June 1990 and October 1990.

Law Clerk to Leonard Boudin, Rabinowitz, Boudin, Standard, Krinsky and Lieberman, New York, June -- August 1988.

Law clerk and paralegal to David McLean, Steven Kazan, A Law Corporation, Oakland, California, September 1985 -- November 1987.

Consulting Editor, Africa South: The News Magazine of Southern Africa, Harare, Zimbabwe, November -- December 1989.

Managing Director, Solidarity News Service, Gaborone, Botswana, June 1979 -- May 1985.

President, South African Students' Press Union, April 1978 -- June 1979.

## Publications

### Books

1. *The New Legal Realism: Studying Law Globally, Volume II* (co-editor with Sally Engle Merry), Cambridge University Press (2016), Introduction (with Merry).
2. *Comparative Constitutional Law: A Contextual Approach*, with Helen Irving and Stephen Ross, Lexis/Nexis Law School Publishing, New Providence, New Jersey (2014) (804 pages).
3. *The Constitution of South Africa: A Contextual Analysis*, Hart Publishing, Oxford UK, Portland, Oregon (2010) (319 pages).
4. Introduction (with Stephen Ellmann and Penelope Andrews), For Martin Chanock: *Essays on Law and Society* (eds, Stephen Ellmann, Heinz Klug and Penelope Andrews), *Law in Context Special Issue Vol 28(2)*, Annandale NSW: The Federation Press (2010).
5. *Constituting Democracy: Law, Globalism and South Africa's Political Reconstruction*, Cambridge University Press (2000) (270 pages).
6. *The New Constitutional and Administrative Law: Volume One, Constitutional Law*, with Iain Currie, Johan De Waal, Karthy Govender and Pierre de Vos, Juta, South Africa, 2001 (Chapters 1 & 2). Adapted and reprinted as "The Constitution of the Republic of South Africa: An Overview," in *The Constitution of the Republic of South Africa, Act 108 of 1996, updated 2004* (Juta's Statutes Editors, eds.), Juta: South Africa (2004) pp. ix-xv.

### Scholarly Articles and Publications

#### A) Law reviews and refereed journals

1. Transformative Constitutions and the Role of Integrity Institutions in Tempering Power: The Case of Resistance to State Capture in Post-Apartheid South Africa, 67(3) *Buffalo Law Review* 701-742 (2019).
2. Decolonisation, compensation and constitutionalism: land, wealth and the sustainability of constitutionalism in post-apartheid South Africa, 34(3) *South African Journal on Human Rights* 469-491 (2018)
3. Constitution in the World: The External Dimensions of South Africa's Post-Apartheid Constitution, 57(3) *Virginia Journal of International Law* 657-678 (2018).
4. Judicial Training and the Role of Judges in a Constitutional Democracy, 1(1) *South African Judicial Education Journal* 11-24 (2018).
5. Institutional integrity and the promise of constitutionalism: Justice Moseneke,

juridical authority and the separation of powers, *Acta Juridica* 2017, republished in *A Warrior for Justice: Essays in Honour of Dikgang Moseneke* (ed. Penelope Andrews, Dennis Davis and Tabeth Masengu) Claremont, SA: Juta (2017) pp. 3-28.

6. Property's Role in the Fundamental Political Structure of Nations: The Southern African Experience, 6 *The Brigham Kanner Property Conference Journal* 145-177 (August 2017).
7. Challenging Constitutionalism in Post-Apartheid South Africa, 2 *Constitutional Studies* 41-58 (2016)
8. Accountability and the role of Independent Constitutional Institutions in South Africa's Post-Apartheid Constitutions, 60(1) *New York Law School Law Review* 153-180 (2015/2016)
9. Access to Medicines and the Transformation of the South African State: Exploring the Interactions of Legal and Policy Changes in Health, Intellectual Property, Trade, and Competition Law in the Context of South Africa's HIV/AIDS Pandemic, 37 *Law and Social Inquiry* 297-329 (2012)
10. Finding the Constitutional Court's Place in South Africa's Democracy: The Interaction of Principle and Institutional Pragmatism in the Court's Decision Making, 3 *Constitutional Court Review* 1-32 (2010)
11. Constitutional Rights, Democracy and Inequality in South Africa, 9(1) *International Review of Constitutionalism* 135-164 (2009)
12. South Africa's Constitutional Court: Enabling Democracy and Promoting Law in the Transition from Apartheid, 3(2) *Journal of Comparative Law* 174 (2008)
13. Law, Politics, and Access to Essential Medicines in Developing Countries, 36(2) *Politics and Society* 207 (2008).
14. Constitution-Making, Democracy and the "Civilizing" of Unreconcilable Conflict: What Might we Learn from the South African Miracle? 25(2) *Wisconsin International Law Journal* 269 (2007).
15. The Rule of Law, War, or Terror, 2003(2) *Wisconsin Law Review* 365 (2003)
16. The Dignity Clause of the Montana Constitution: May Foreign Jurisprudence Lead the Way to an Expanded Interpretation? 64 *Montana Law Review* 133 (2003)
17. Postcolonial Collages: Distributions of Power and Constitutional Models, 18(1) *International Sociology* 114 (2003)
18. Five Years On: How Relevant is the Constitution to the New South Africa? 26(4)

Vermont Law Review 803 (2002)

19. Straining the Law: Conflicting Legal Premises and the Governance of Aquatic Resources, in 15 *Society and Natural Resources* 693 (2002)
20. Access to Health Care: Judging Implementation in the Context of AIDS: Treatment Action Campaign v Minister of Health TPD 21182/2001 (unreported) in 18 *South African Journal on Human Rights* 114 (2002).
21. Co-operative Government in South Africa's Post-Apartheid Constitutions: Embracing the German Model? 33 *Verfassung und Recht in Ubersee* 432 (2000).
22. Model and Anti-Model: The United States Constitution and the "Rise of World Constitutionalism," 2000 *Wisconsin Law Review* 597 (2000).
23. Law Under and After Apartheid: Abel's Sociolegal Analysis, 25 *Law and Social Inquiry* 657 (2000).
24. Contextual Citizenship, 7(2) *Indiana Journal of Global Legal Studies* 567 (2000).
25. Amnesty, Amnesia and Remembrance: International Obligations and the Need to Prevent the Repetition of Gross Violations of Human Rights, 92 *ASIL Proc.* 316 (1998).
26. Water Law Reform under the New Constitution, 1(5) *The Human Rights and Constitutional Law Journal of South Africa* 5 (1997).
27. Introducing the Devil: An institutional analysis of the power of constitutional review, 13(2) *South African Journal on Human Rights* 185 (1997).
28. Striking Down Death: *S v Makwanyane*, 12 *South African Journal on Human Rights* 61 (1996).
29. Participating in the Design: Constitution-making in South Africa, 3(1) *Review of Constitutional Studies* 18 (1996), *Alberta Law Review and Centre for Constitutional Studies*, University of Alberta, Canada.
30. Defining the Property Rights of Others: Political power, indigenous tenure and the construction of customary land law, 35 *Journal of Legal Pluralism* 119 (1995).
31. South Africa's New Constitution: The Challenges of Diversity and Identity, *Verfassung und Recht in Ubersee*, Vol. 28(4) (1995).
32. Guaranteeing Free and Fair Elections, in 8 *South African Journal on Human Rights* 263 (1992).



33. Rethinking Affirmative Action in a Democratic South Africa, in 7 South African Journal on Human Rights 317 (1991).
34. Self-Determination and the Struggle Against Apartheid, in 8 Wisconsin International Law Journal 251 (1990).
35. The South African Judicial Order and the Future: A Comparative Analysis of the South African Judicial System and Judicial Transitions in Zimbabwe, Mozambique and Nicaragua, 12 Hastings International and Comparative Law Review 173, (1988).

B) Book Chapters and Mimeographs

1. Constituting the State in post-colonial Africa: 50 years of constitution-making towards an African constitutionalism, in Modern Constitutions (ed. Rogers M. Smith and Richard R. Beeman) Pennsylvania University Press (2020).
2. Constitution-Making and Social Transformation, in Comparative Constitution-Making (ed David Landau and Hannah Lerner) Elgar (2019) pp. 47-68.
3. 'Reception, context and identity: a theory of cross-national jurisprudence, in Comparative Constitutional Theory (ed. Gary Jacobsohn and Miguel Schor) Northampton, MA: Edward Elgar (2018) pp. 269-291.
4. State Capture or Institutional Resilience, in Constitutional Democracy in Crisis? (ed. Mark Graber, Mark Tushnet and Sandy Levinson) Oxford University Press (2018) pp. 295-311.
5. Corruption, the Rule of Law and the Role of Independent Institutions, in Constitutional Triumphs, Constitutional Disappointments: A Critical Assessment of the 1996 South African Constitution's Local and International Influence (ed. Rosalind Dixon and Theunis Roux) Cambridge University Press (2018) pp. 108-140.
6. Public Participation and the Death Penalty in South Africa's Constitution-Making Process, in Public Participation in African Constitutionalism (ed. Tania Abbiate, Markus Bockenforde & Veronica Federico), Oxford, UK & New York: Routledge (2018) pp. 258-270.
7. The Canadian Charter, South Africa and the paths of constitutional influence, in Canada in the World: Comparative Perspectives on the Canadian Constitution (ed. Richard Albert & David R. Cameron) Cambridge University Press, 2017, pp. 397-417.
8. Towards a Sociology of Constitutional Transformation: understanding South Africa's post-apartheid order, in Sociological Constitutionalism (ed. Paul Blokker & Chris Thornhill) 2017, Cambridge University Press, pp. 67-94.

9. In the Shadow of Zimbabwe: Public Interest, Land Reform and the Transfer of Property to Third Parties in South Africa, in *Rethinking Expropriation Law : Public Interest in Expropriation* (B. Hoops, E.J. Marais, H. Mostert, Björn Hoops, Ernst Marais, Hanri Mostert, Jacques Sluysmans, Leon Verstappen, eds), Eleven international publishing and Juta Publications, 2016, pp 149-178.
  
10. Human Rights, in *The Handbook of Law and Society* (eds. Austin Sarat and Patricia Ewick) Wiley Blackwell, 2015, pp. 291-306.
  
11. The Constitution in Comparative Perspective, in *Oxford Handbook on the U.S. Constitution* (eds. Mark Tushnet, Sandy Levinson and Mark Graber) Oxford, 2015, pp. 943-965.
  
12. Constitutional Amendments, in *Annual Review of Law and Social Science*, Vol. 11, pp. 95-110 (2015).
  
13. Achieving Rights to Land, Water, and Health in Post-Apartheid South Africa, in *Closing the Rights Gap: From Human Rights to Social Transformation* (Haglund, L and R. Stryker, eds) University of California Press, 2015, pp. 199-217.
  
14. Constitutional Authority and Judicial Pragmatism: Politics and Law in the Evolution of South Africa's Constitutional Court, in *Consequential Constitutions: Judicial Roles in Global Perspective* (Kapiszewski, D, G. Silverstein and R A Kagan, eds), Cambridge University Press: Cambridge, 2013.
  
15. Access to Medicines and the Transformation of the South African State, in *Transnational Legal Ordering and State Change* (Gregory Shaffer ed.) Cambridge University Press, 2013 (revised and reprinted from 37 *Law and Social Inquiry* 297-329 (2012)).
  
16. Constitutionalism, Democracy and Denial in Post-Apartheid South Africa, in *Demokratie-Perspektiven: Festschrift für Brun-Otto Bryde zum 70. Geburtstag* (Bauerle, M., P. Dann and A. Wallrabenstein, eds.) Mohr Siebeck: Tübingen, Germany, 2013.
  
17. Pharmaceutical Production and Access to Essential Medicines in South Africa, in *Intellectual Property, Pharmaceuticals and Public Health: Access to Drugs in Developing Countries* (Kenneth Shadlen, Samira Guennif, Alenka Guzman, and N. Lalitha, eds) Edward Elgar Publishers: Cheltenham, Glos: UK (2012).
  
18. South Africa's Experience in Constitution-Building in Reconstituting the Constitution (Caroline Morris, Jonathan Boston and Petra Butler, eds) Heidelberg: Springer (2011).

19. Risking Health: HIV/ AIDS and the Problem of Access to Essential Medicines, in Disaster and the Politics of Intervention (Andrew Lakoff, ed., 2010) New York: Columbia University Press.
20. South Africa: South Africa's Constitutional Court: Enabling Democracy and Promoting Law in the Transition from Apartheid, in Constitutional Courts: A Comparative Study, JCL Studies in Comparative Law No. 1 (Andrew Harding and Peter Leyland eds., 2009), Wildy, Simmonds & Hill Publishing: London (reprinted from Journal of Comparative Law, 2008)
21. South Africa: From constitutional promise to social transformation in Constitutional Interpretation: A comparative and theoretical study (Jeff Goldsworthy ed.) Oxford University Press (2006).
22. Community, Property and Security in Rural South Africa: Emancipatory opportunities or marginalized survival strategies? in Another Production is Possible: Beyond the Capitalist Canon (Boaventura de Sousa Santos, ed.) Verso Press (2006). Translated into Portuguese in Produzir para Viver: os caminhos da produção não capitalista. Vol 2, Coleção Reinventar a Emancipação Social: Para Novos Manifestos (ed., Boaventura de Sousa Santos, ed., 2002). Rio de Janeiro, Brasil: Editora Record.
23. Transnational Human Rights, Annual Review of Law and Social Science, Vol.1, 2005.
24. Campaigning for Life: Building a new transnational solidarity in the face of HIV/AIDS and TRIPS in Law and Counter-Hegemonic Globalization: Toward a Subaltern Cosmopolitan Legality (Santos & Rodriguez, eds) Cambridge University Press (2005).
25. Access to Essential Medicines – Promoting human rights over free trade and IP claims, in International Public Goods and Transfer Technology under a Globalized Intellectual Property Regime (Mascus & Reichman eds) Cambridge University Press (2005).
26. Hybrid(ity) Rules: Creating Local Law in a Globalized World in Global Prescriptions: The Production, Exportation, and Importation of a New Legal Orthodoxy, (eds. Bryant Garth and Yves Dezalay, 2002) Ann Arbor: University of Michigan Press.
27. Local Advocacy, Global Engagement: The impact of land claims advocacy on the recognition of property rights in the South African Constitution, in Cause Lawyering and the State in a Global Era, (ed., Austin Sarat and Stuart Scheingold, 2001) Oxford University Press.
28. Participating in constitution-making: South African aspirations and realities, in The

- Post-Apartheid Constitutions: perspectives on South Africa's basic law, (eds Penelope Andrews and Stephen Ellmann, 2001) Witwatersrand University Press.
29. Constitutional Transformations: Universal Values and the Politics of Constitutional Understanding, in Fulbright Symposium: Beyond the Republic: Meeting the Global Challenges to Constitutionalism, Australia: Federation Press, 2001.
  30. How the Centre Holds: Managing claims for regional and ethnic autonomy in a democratic South Africa in *Autonomy and Ethnicity* (ed. Yash Ghai, 2000) Cambridge University Press.
  31. Negotiating New Legal Orders: Poland's Roundtable and South Africa's Negotiated Revolution, in *Negotiating Radical Change: Understanding and Extending the Lessons of the Polish Round Table Talks* (Mimeo), Center for Russian and East European Studies, University of Michigan, Ann Arbor, 2000.
  32. Public Participation in the Legislature of Gauteng Province, South Africa, with Rosemary Proctor and Lisa Young (April 1996), (Mimeo), published with sponsorship of the Canadian International Development Agency and the International Development Research Centre through the South Africa/Canada Programme on Governance, Johannesburg.
  33. Constitutional Law, Annual Survey of South African Law, 1995 Volume (1996).
  34. Recent South African Constitutional History, in *Constitutional Law of South Africa* (ed. Chaskalson et. al., 1996) Juta, Kenwyn, Cape Town.
  35. Historical Claims and the Right to Restitution, in *Agricultural Land Reform in South Africa: Policies, markets and mechanisms* (ed. J. van Zyl, J. Kirsten & H. P. Binswanger, 1996) pp. 390-412, Oxford University Press, Cape Town.
  36. Bedeviling Agrarian Reform: the impact of past, present and future legal frameworks, in *Agricultural Land Reform in South Africa: Policies, markets and mechanisms* (ed. J. van Zyl, J. Kirsten & H. P. Binswanger, 1996) pp. 161-198, Oxford University Press, Cape Town.
  37. Defining the Property Rights of Others: Political power, indigenous tenure and the construction of customary land law, Working Paper No. 23, Centre for Applied Legal Studies, University of the Witwatersrand, October 1995. Also as Working Paper No. 14, Center for AfroAmerican and African Studies, University of Michigan, January 1996.
  38. Constitutional Law, Annual Survey of South African Law, 1994 Volume (1995).
  39. Extending Democracy in South Africa: A Constitutional Framework for Associational Democracy and the Incorporation of Civil Society, in *Associational*

Democracy, (Ed. E. Wright, 1995) Verso Press, London.

40. Constitutional Law, Annual Survey of South African Law, 1993 Volume (1994).
41. Bedeviling Agrarian Reform: the impact of present and future legal frameworks, Proceedings of Conference on Land Reform, Land & Agriculture Policy Centre, Johannesburg, 1994.
42. Confronting Apartheid's Legacy, in The Making of the New Ethiopian Constitution, (Inter-Africa Group, New York, 1994).
43. Faces of Diversity in the Transition to Democracy in South Africa, Institute of International Studies, University of Minnesota, Working Paper No.3, Series 9 (November 1993).
44. Constitutional Law, Annual Survey of South African Law, 1992 Volume (1993).
45. Affirmative Action in a Non-racial Democratic South Africa: a preliminary examination, in Affirmative Action in a New South Africa: The Apartheid Legacy and Comparative International Experiences and Mechanisms of Enforcement (ed. Centre for Development Studies, 1992) 133-147.
46. Land Reform: Legal Support and Economic Regulation, with Helena Dolny, in South African Review 6: From 'Red Friday' to CODESA (ed. G. Moss & I. Obrey, 1992) 322-337.

### C) Book Reviews and Review Essays

1. Access to Justice and Human Security: Cultural Contradictions in Rural South Africa: Sindiso Mnisi Weeks (New York: Routledge, 2017) in 53(3) Law & Society Review 922-924 (2019).
2. The Presence of History in Post-Apartheid South Africa: John S. Saul and Patrick Bond, South Africa – The Present as History: From Mrs Ples to Mandela and Marikana (Woodbridge, James Currey, 2014) in 43(1) Journal of Southern African Studies 240-241 (2017).
3. Constitutional Identity and Change: Review Essay of Ran Hirschl, Constitutional Theocracy; Gary Jacobsohn, Constitutional Identity; and Mark Tushnet, Why the Constitution Matters, 47 Tulsa L. Rev. 41 (2012).
4. Transformation and Trouble: Crime, Justice, and Participation in Democratic South Africa, by Diana Gordon, 41(3) Law and Society Review 739 (2007).
5. The New Constitutional Order, by Mark Tushnet, 31(2) Journal of Law and Society 280 (2004).

6. The Right to Property in Commonwealth Constitutions, by Tom Allen, Cambridge U. P., 19 Wisconsin International Law Journal 289 (2001).
7. Dyzenhaus Truth, Reconciliation and the Apartheid Legal Order, 117(1) South African Law Journal 133 (2000).
8. The Soul of a Nation: Constitution-making in South Africa, by Hassen Ebrahim, Oxford U.P., 16 South African Journal on Human Rights 145-149 (2000).
9. The Scarcity of Water: Emerging Legal and Policy Responses (ed. Edward H. P. Brans, Ester J. de Haan, Andre Nollkaemper and Jan Rinzema), 92 American Journal of International Law 806 (1998).
10. Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order, by Yves Dezalay and Bryant Garth, Contemporary Sociology: A Journal of Reviews. (March 1998).
11. In a Time of Trouble: Law and Liberty in South Africa's State of Emergency by Stephen Ellmann, Contemporary Sociology: A Journal of Reviews. (September 1993).
12. Land Reform and the Future of Landownership in South Africa, 109 South African Law Journal 373-378, (May 1992).
13. Restatement of the Law Third, Restatement of the Foreign Relations Law of the United States, 12 Hastings International and Comparative Law Review 761, (1989).
14. International Law and its Sources: Liber Amicorum Maarten Bos, 12 Hastings International and Comparative Law review 763, 1989.

D) Encyclopedia entries, invited commentaries, essays and reviews

1. Constitutionalism, Comparative. In: James D. Wright (editor-in-chief), International Encyclopedia of the Social & Behavioral Sciences, 2nd edition, Vol 4. Oxford: Elsevier (2015) pp. 704–709.
2. Constitution, in “Encyclopedia of South Africa,” eds. Krista Johnson and Sean Jacobs, Lynne Rienner publishers (2011). pp. 74-77.
3. Segregation and desegregation, The New Oxford Companion to Law (Peter Cane and Joanne Conaghan eds.) Oxford University Press (2008).
4. Agrarian Reform, in “Encyclopedia of Law and Society: American and global perspectives,” ed. David Scott Clark, Sage publications (2007).
5. South Africa in “Legal Systems of the World: A Political, Social, and Cultural

Encyclopedia” Vol. IV pp.1483-1491 (ed. Herbert M. Kritzer, 2002) Vols I-IV, Santa Barbara, CA: ABC-CLIO.

6. Constitutionalism, Comparative in International Encyclopedia of the Social and Behavioral Sciences (eds. N. J. Smelser and Paul B. Baltes, 2001) Elsevier. pp. 2643-2648.

7. WTO Puts Public Health Before Patents - But . . . , Socio-Legal Newsletter, No. 35, November 2001, p.14.

8. From Floor to Ceiling?: South Africa, Brazil, and the impact of the HIV/AIDS crisis on the interpretation of TRIPS, Socio-Legal Newsletter, No. 34, July 2001, pp. 4-5.

9. Amnesty, Amnesia, and Remembrance: Obligations Past and Present Duties to Future Generations, in 4 Graven Images 123 (1998).

E) Articles for non-scholarly publications

1. Covid-19 Video Postcard on the government and legal response to the pandemic in South Africa. Posted as part of a global project for constitutionnet:  
<http://constitutionnet.org/state-of-emergency>

2. Participated in written forum “Reconstitutionalism” debating with two others the question of constitutional renewal, in Journal of the Democratic Revolution, Vol. 1(3) Summer 2006.

3. On the Road to a New Constitution, Democracy @ Large, Vol. 1(3) 2005.

4. Bounded Alternatives, in 27(1) Gargoyle 16, summer 2000.

5. Rebuilding South Africa's Civil Service, in 44 Die Suid-Afrikaan 25, May/June 1993.

6. Abortion: Morals, Politics and the Law, in 44(8) Wits Student 8, September 1992.

7. Negotiations and Popular Resistance in South Africa, in Colombia Hoy, Bogota, Colombia, September/October 1992

8. South Africa: Revolution in the Making? with Gay Seidman, Socialist Review, 84, Nov. 1985, 9-34. Reprinted in Patricia Case (ed), The Alternative Press Annual 1986, Temple University Press, 1987.

9. South African Solidarity File Published by the Botswana Orientation Centre, Gaborone, 1982.

## Selected Conference Papers and Invited Presentations

“Economic Constitutionalism in Southern Africa” Law and Society Association Annual Meeting, Virtual, May 29, 2020.

“Political Economy of Post-Colonial Constitutionalism” SASCA 2019, Stellenbosch Institute for Advanced Studies, Stellenbosch, South Africa, October 18-20, 2019.

Panelist, State of Constitutional Democracy: Directions, ICON-S Conference 2019, Public Law in Times of Change? Santiago, Chile, July 1-3, 2019.

“Wielding Law and Mass Mobilization to Save the Democratic State”, Panel on Law and Social Justice in Illiberal Times, Law and Society Association Annual Meeting, Washington D.C. May 30-June 2, 2019.

Panelist, Constitutional Identity, A Panel in Honor of Gary Jacobsohn, The Future of Liberal Democracy, University of Texas Law School, Austin, Texas, February 21-23, 2019.

“Constitutional Recognition of Minorities in Southern Africa”, Conference on Constitutional Minorities, University of Tokyo, Japan, December 17-18, 2018.

“Transformative Constitutions and the Role of Integrity Institutions in Tempering Power: The Case of Resistance to State Capture in Post-Apartheid South Africa”, Tempering Power, The Baldy Center’s 40<sup>th</sup> Anniversary Conference, University at Buffalo Law School, New York, November 10, 2018.

“Decolonization, compensation, and constitutionalism: Land, wealth and the sustainability of constitutionalism in post-apartheid South Africa”, 6<sup>th</sup> Annual Roundtable, Robert H Smith Center for the Constitution at James Madison’s Montpelier, Virginia, October 5-6, 2018.

“Wealth Tax” Soros Conference, University of Cape Town, September 29-30, 2018.

“Contextual Analysis and Sources of Congruence, Variance and Innovation in Modern Constitutions” Constitutionalism in Asian Contexts, Center for Asian Legal Studies, Faculty of Law, National University of Singapore, June 13-14, 2018.

“Constitutional Hopes and Imagined Alternatives: Contextualizing the Demand for Decolonization in Post-apartheid South Africa, Panel: Southern Africa’s Constitutional Moments: Constitution-Making for Decolonization to Liberation, Law and Society Association Annual Meeting, Toronto, June 6-10, 2018.

Panelist, The Transformative Promise of Constitutional Law: Between Scholarship & (Judicial) Activism, King’s Transnational Law Summit 2018: The New Human Condition – Creating Justice for Our Future, King’s College London, 10-13 April, 2018.



“The Constitutional Court and Democratic Justice in Post-Apartheid South Africa” Panel: The Power of Constitutional Courts in Africa, African Studies Association Annual Meeting, Chicago, November 16-18, 2017.

“Transformative Constitutionalism – from an African perspective” The Global South in Comparative Constitutional Law: Celebrating 50 Years of “Verfassung und Recht in Ubersee: Law and Politics in Africa, Asia and Latin America, Humbolt-Universität zu Berlin, July 13-15, 2017.

“Compensation, Reparations and the Need for a Wealth Tax” What is a just and equitable compensation for land reform? Seminar, University of Johannesburg, June 9, 2017.

“A Democratically Imposed Social Compact? Introducing a wealth tax in South Africa” Towards a New Constitutional Political Economy – Transition and Transformation, Workshop, Kramer Law School, University of Cape Town, May 20-21, 2017.

“Decolonization, Compensation and Constitutionalism: land, wealth and the sustainability of constitutionalism in post-apartheid South Africa” Colloquium: Conquest, Constitutionalism and Democratic Contestations, University of the Witwatersrand School of Law, May 18-19, 2017.

“In the Shadow of Grootboom” Law and Society and Center for Law and Society, joint meeting, University of Cape Town, December 9-11, 2016

“Land Reform, Restitution and the Question of Compensation” Rethinking Expropriation Law: Compensation for Expropriation, Cape Town, South Africa, 7-9 December 2016

“Institutional Integrity and the Promise of Constitutionalism” Symposium in honor of Deputy Chief Justice Dikgang Moseneke, University of Cape Town, December 6-7, 2016.

“Property’s Role in the Fundamental Political Structure of Nations: The Southern African Experience” 13<sup>th</sup> Annual Brigham-Kanner Property Rights Conference, William & Mary Law School, Peace Palace, The Hague, October 20-22, 2016.

“Constitution in the World: The external dimensions of South Africa’s post-apartheid Constitution” Conference on the External Dimensions of Constitutions, Lauterpacht Center for International Law, Cambridge University, September 15-17, 2016.

“State, Patronage and Extractive Industries in Southern Africa” Workshop on ‘Africa’ as a New Frontier?: Lawyers, Extractive Economies and Global Reconfigurations of Political Authority, Normative Order Cluster of Excellence, Goethe University Frankfurt/Main, Germany, June 20-21, 2016.

“Corruption, the Rule of Law and the Role of Independent Institutions” Conference on

the South African Constitution, University of New South Wales, Sydney, Australia, April 27-28, 2016.

“The Office of the Public Protector and Other Chapter 9 Institutions” South African Constitutional Justice: 20 Years of Theory and Practice, University of Notre Dame Law School, April 15, 2016.

“The Canadian Charter, South Africa and the Shaping of Constitutional Rights” Symposium, Canada in the World: Comparative Perspectives on the Canadian Constitution, Yale Law School, April 11-12, 2016.

“The Materiality of Rights” Human Rights Conference, University of Wisconsin Human Rights Program, November 6-8, 2015.

“Access to Essential Medicines in the Post-TRIPS Trade Regime: Is it possible to create a sustainable regional supply?” Roundtable on Clinical Trials and Access to Essential Medicines, University of Maryland Law School, Baltimore, October 29, 2015.

“An Integrity Branch? Constitutionalism, Institutions and State-Building in a Global Era” Third Annual Comparative Constitutional Law Roundtable at James Madison's Montpelier, Virginia, October 9-11, 2015.

“Separation of Powers, Accountability and the Role of Independent Constitutional Institutions in the Implementation of Social and Economic Rights” Law and Society Association Annual Meeting, Seattle, Washington, May 27-June 1, 2015.

“Accountability and the Role of Independent Constitutional Institutions in South Africa’s Post-Apartheid Constitutions” Workshop on 20 Years of South African Constitutionalism, New York Law School, November 13-16, 2014.

“Role of Constitutional Courts in Securing Democracy” Keynote address, International Workshop on “Establishing Constitutional Courts: Drivers of Democracy or Government of Judges?”, Franz von Liszt-Institute, Justus-Liebig-University, Giessen, October 24-26, 2014

“Public Protector and the Separation of Powers” University of the Witwatersrand Law School, May 20, 2014

“The Public Protector and the Separation of Powers” University of Pretoria, Law School, May 19, 2014

“In the Shadow of Zimbabwe: Transformational Constitutionalism and Constitutional Amendment in Post-Apartheid South Africa” Panel on Amending and Revising Constitutions: New Theory and Practice in Comparative Perspective, Law and Society Association Annual Meeting, Boston, Massachusetts, May 30-June 2, 2013.

“Constituting the State in post-colonial Africa: 50 years of constitution-making towards an African constitutionalism” Constitution Making, The Penn Program on Democracy, Citizenship & Constitutionalism, 2013 Annual Conference, University of Pennsylvania, Philadelphia May 3, 2013.

“Constitutional Authority and Judicial Pragmatism: Politics and Law in the Evolution of South Africa’s Constitutional Court” 2012 International Conference on Law & Society, June 7, 2012, Honolulu, Hawai’i.

“Expropriation, Evictions and Land Use Management in South Africa” International Conference on Zoning, Taking, and Protection of Property Rights in the Urban Developments: Chinese Problems and International Experiences, Constitutional and Administrative Law Center, Peking University, Beijing, People’s Republic of China, August 6-7, 2011.

“Pharmaceutical Production and Access to Essential Medicines in South Africa” on panel, The Challenge of Social Rights: Access to Medicines, Law and Society Annual Meeting, June 3, 2011, San Francisco, CA.

Achieving rights to land, water and health in post-apartheid South Africa, Conference on Rights and Their Translation into Practice: Toward a Synthetic Framework, Economic, Social, and Cultural Rights, Panel: Achieving Rights in Practice, Rogers College of Law, University of Arizona, Tucson, AZ, April 22-24, 2011.

“Sustainable Access to Essential Medicines: Are Global Partnership Likely to Provide Access?” University of Wisconsin Global Health Initiative, Wisconsin Institutes of Discovery, March 9, 2011.

“Legal Idealism and the Project of Denial,” panel on Law and the Post-Racial/Ethnic State, Law, Culture, Constitutionalism and Governance: Conference to Honour Martin Chanock, December 10-11, 2010, University of Cape Town and University of Stellenbosch.

“Finding its Place? Understanding the role of the Constitutional Court and its jurisprudence in our democracy,” Lead Essay presented at Constitutional Court Review Workshop, SAIFAC, Johannesburg, December 5, 2010.

“South Africa’s Experience in Constitution Building,” Keynote Speaker, Reforming Constitutions: lessons from Abroad, Reconstituting the Constitution, Legislative Council Chamber, Parliament, Wellington, New Zealand, September 2-3, 2010

“Black Leadership and the politics of law in Southern Africa,” Section on Minority Groups: Black Leadership in the Wake of the Obama Election, Association of American law Schools Annual Meeting, New Orleans, January 6-10, 2010.

“Access to Essential Medicines in Developing Countries,” Faculty Speaker Series,

Southwestern Law School, Los Angeles, October, 29, 2009.

“The Politics of Rights in Global Perspective,” Mini-Plenary—The Politics of Rights: Reconsidering Scheingold's Classic 1974 Work, Law and Society Association Annual Meeting, Denver, Colorado, May 28-31, 2009.

“Responding to Global Constraints and Opportunities: Law and Access to Medicines in Post-Apartheid South Africa,” Law and Society Association Annual Meeting, Denver, Colorado, May 28-31, 2009.

“Constitutional Authority and Judicial Pragmatism: Politics and Law in the Evolution of South Africa's Constitutional Court, Conference on The Dilemmas of Judicial Power, University of California, Berkeley, November 7-8, 2008.

“What role for constitutional law in a unipolar democracy?: the future of South Africa's 1996 ‘final’ Constitution,” Faculty Seminar, University of Wisconsin Law School, October 17, 2008.

“The Califragia case,” Conference in honor of Donald Kommers, Church-State relations in Comparative Perspective, University of Notre Dame, Indiana, September 22-23, 2008. “Responding to global opportunities and constraints,” University of Minnesota Law School, September 18, 2008.

“Political participation in a single-party dominated democracy,” Pescara Workshop: Constitutional Systems of the World, University of Pescara, Pescara, Italy, December 12, 2007.

“South African Constitutional Court,” as part of the “The Dilemmas of Judicial Power: Courts, Politics and Society,” Sawyer Seminar, University of California, Berkeley, California, October, 25, 2007.

“Access to Medicines in Developing Countries,” Successful Societies Program, Canadian Institute for Advanced Research, Inter-Continental Hotel, Toronto, Canada, October 12, 2007.

“Access to Medicines in Developing Countries,” Politics and Society mini-conference, CUNY Graduate Center, New York, August 9, 2007.

“Creating Opportunities or Bowing to Pressure? Implementing TRIPS in Post-Apartheid South Africa,” Law and Society Association Annual meeting, Berlin, Germany, July 24-29, 2007.

Participant, Constitution-making workshop, Princeton University, Princeton, New Jersey, May 18-19, 2007.

“Constitution-making, democracy and the “civilizing” of unreconcilable conflict: What might we learn from the South African miracle?” Comparative Constitutions Seminar,

Wisconsin Department of Justice, Madison, May 10, 2007.

“Socio-Economic Rights and judicial activism of the South African Constitutional Court,” Los Andes University, Bogota, Colombia, by video-conference, April 25, 2007.

“Building Constitutional Patriotism in South Africa,” Luncheon Keynote Address, The Rule of Law and Delivering Justice in Africa, Loyola University of Chicago, International Law Review 2007, February 16, 2007.

“A Transnational Perspective of the struggles for the legal recognition and implementation of socio-economic rights,” Midwest Law and Society Retreat, Madison, WI, September 16, 2006.

“Truth and Transition,” panel on Truth and Reconciliation, World Congress of the International Sociology Association, Durban, South Africa, July 26, 2006.

“Implementing TRIPS in developing countries,” panel on Transnational Transformations of the State, Law and Society Association Annual Meeting, Baltimore, July 8, 2006.

“Campaigning for Life: Building a new transnational solidarity in the face of HIV/AIDS and TRIPS” panel on Counter-Hegemonic Globalization, Law and Society Association Annual Meeting, Baltimore, July 7, 2006.

“Constructing Constitutional Patriotism in the New South Africa?” Constitutional Patriotism Workshop, Program in Law and Public Affairs, Princeton University, April 8-9, 2006.

“Rights to Social Resources,” Opening Plenary: Comparative Constitutionalism and Rights: Raising some questions, conference on Comparative Constitutionalism and Rights: Global Perspectives, University of KwaZulu-Natal, Durban South Africa, December 10-13, 2005.

“Reflections on Rights Enforcement: How far has South Africa come in a Decade?” Opening Plenary: Comparative Constitutionalism and Rights, University of Saskatchewan, Saskatoon, Canada, September 23-24, 2005.

“Beyond Transitional Justice,” panel on Transnational Justice, National Courts, Law and Society Association, Las Vegas, June 5, 2005.

“The Role of the Judiciary,” presentation at Expert Workshop: “Governance & Power after Conflict: Consequences of Governance Choices in Post-Conflict Constitutions,” organized by the International Peace Academy, Greentree Estates, Manhasset, New York, May 27-29, 2005.

“Access to Medicines,” Symposium on HIV/AIDS, University of Wisconsin-Green Bay and Saint Norbert’s College, Green Bay, April 16, 2005.

“Historical Evolution & Institutionalization of Economic and Social Rights in South Africa,”

Panel on Socio-Economic Rights, Human Rights Program, Center for International Studies, University of Chicago, April 5, 2005.

“Getting to Democracy: Transitional & other democracy enhancing mechanisms,” University of Southern California Law School Faculty Workshop, Los Angeles, February 11, 2005, and University of Illinois Law School Faculty Workshop, Champaign-Urbana, Illinois, March 15, 2005.

“Conflicting Principles as Democratic Building Blocks: Constitution-making in South Africa,” panel on Building a Democratic System, AALS Annual Meeting Workshop on Democratic Governance, San Francisco, January 6, 2005.

“HIV/AIDS and Access to Medicines,” Writing Aids Program, Institute for the Humanities, University of Wisconsin, October 29, 2004.

“From Conflicting Principles to Social Peace: Building constitutional orders in Southern Africa,” Annual Fall Conference of the International Law Students Association, Conference entitled: Challenges facing Developing Countries: Constitution Building, University of Colorado School of Law, Boulder, Colorado, October 21-23, 2004.

“Global Access to Essential Medicines: Regulatory options and legal closures,” American Bar Foundation, Chicago, September 22, 2004.

“Minimum Standards and Multiple Circumstances: the problem of contradictory legal regimes and multiple claims of right in a globalized world,” Center for Applied Legal Studies, University of the Witwatersrand, Johannesburg, South Africa, June 9, 2004.

“Form and Substance in the Constitutional Court’s Interpretative Project,” Faculty Seminar, University of the Witwatersrand Law School, Johannesburg, South Africa, May 9, 2004.

“Campaigning for Life: Trade, TRIPS and access to essential medicines,” conference entitled: Justice in the 21<sup>st</sup> Century, University of Coimbra, Portugal, May 29, 2003.  
“Access to Essential Medicines – Promoting human rights over free trade and IP claims,” Conference on International Public Goods and Transfer of Technology under a Globalized Intellectual Property Regime, Duke University School of Law, Durham, North Carolina, April 24-26, 2003.

“State Reconstruction in a Globalized World,” Sawyer Seminar: “The Cold War and the Fall and Rise of Empires,” International Center for Advanced Studies, New York University, November 30, 2001.

“Access to Medicine in the Context of South Africa’s HIV/AIDS Crisis,” African Studies

Program, Sandwich Seminar, University of Wisconsin-Madison, November 21, 2001.  
“Stumbling over TRIPS,” presented at Law and Society Association and Research Committee on Sociology of Law, Central European University, Budapest, July 7, 2001.  
“Hybrid(ity) Rules: Creating local law in a globalized world,” presented at the Law School, University of Toronto, May 24, 2001.

“Patents and Pandemics: Can South Africa survive legal harmonization?” presented at the Rutgers University (Camden) law faculty speakers series, Camden, February 12, 2001 and at the Legal Theory Seminar at the University of Toronto Law School, March 2, 2001.

“Constituting Democracy: Law, Globalization and the Reconstruction of South Africa,” presented at International Third World Legal Studies Association and Community Peace Program, School of Government, University of the Western Cape conference entitled, Into the 21<sup>st</sup> Century: Reconstruction and Reparations, Cape Town, January 4-6, 2001.  
“Community, Property and Security in Rural South Africa: Emancipatory opportunities or marginalized survival strategies?” presented at Symposium on “Reinventing Social Emancipation,” Coimbra, Portugal, 23-26 November, 2000.

“Co-operative Government in South Africa’s Constitution: Embracing the German Model?,” presented at the Annual Meeting of the Arbeitskrieses fur Uberseeische Verfassungsvergleichung, Wurzburg, Germany, June 18, 2000.

“Accidental Outcomes: The Contradictory Impact of Multiple Sources of Politics on the Definition of Global Rules,” presented at the Law and Society Association Annual Meeting, Miami Beach, May 26-29, 2000.

“From Legal Pluralism to Constitutionalism: Constituting Landed Communities in the Context of South African Land Reform,” presented at the Law and Society Association Annual Meeting, Miami Beach, May 26-29, 2000.

“Community Property Associations in South Africa,” presented at Land Law Reform Seminar, World Bank, Washington D.C., May 16-17, 2000.

“Constitution Building in South Africa,” presented at symposium entitled Africa Revealed: A Continent at the Crossroads, Harper College, May 3, 2000.

“Negotiating New Legal Orders: Poland’s Roundtable and South Africa’s negotiated revolution,” USIP Workshop, University of Michigan, Ann Arbor, February 17-19, 2000.

“Constituting Landed Communities: Implementation of the Community Property Associations Act in the Context of South African Land Reform,” presented at the Land Tenure Center, Brownbag Seminar Series: Trends in Law and Land Tenure, Fall, 1999, Madison, Wisconsin, December 2, 1999.

“Constitutional Transformations: Universal Values and the Politics of Constitutional

Understanding,” presented at the 1999 Fulbright Symposium: “Beyond the Republic: Meeting the Global Challenges to Constitutionalism,” Key Centre for Ethics, Law, Justice and Governance, Griffith University, Brisbane, Australia, September 29 - October 1, 1999.

“Constituting Community: Universalism and communal governance in the recreation of rural communities in South Africa,” presented at the International Institute for the Sociology of Law, workshop on “Changing Legal Cultures IV,” Onati, Spain, June 24-26, 1999.

“Local Advocacy, Global Engagement: The Impact of Land Claims Advocacy on the Recognition of Property Rights in the South African Constitution,” presented at the 1998 Annual Meeting of the Law and Society Association, panel on Cause Lawyering: Emancipatory Aspirations, Snowmass Village, Aspen, Colorado, June 4-7, 1998.

“Constitutionalizing International Human Rights in the South African Constitution,” presented at conference, “Bringing It Home: Building International Human Rights Law, Advocacy and Culture,” panel on Constitutionalizing International Human Rights: Comparative Models, CUNY Law School, International Third World Legal Studies Association and Lawyers Committee for Human Rights, New York, May 1-3, 1998.

“Amnesty, Amnesia and Remembrance: international obligations and the need to prevent the repetition of gross violations of human rights” submitted for publication in American Journal of International Law ASIL Proceedings. Presented at the Annual Meeting of The American Society of International Law, panel on Transitional Justice: Amnesties, Truth Commissions and Beyond, Washington D.C., April 1-4, 1998.

“Civilizing Nonnegotiable Conflicts: The Constitutional Court’s Contribution to the Institutionalization of Democracy in South Africa” presented at the International Conference, Democracy and the Rule of Law: Institutionalizing Citizenship Rights in New Democracies, McGill University, Montreal, Canada, March 18-21, 1998.

“The Public Trust Doctrine and Governance in the Exploitation and Management of Biotic Resources: what impact on the management of Lake Superior’s fisheries?” presented at the MacArthur Consortium’s Water Conflict Workshop, University of Minnesota, February 27-28, 1998.

“Federalism and Diversity: Ethnic claims and the “F”-word in South Africa,” presented at Symposium on Federalism and Diversity, Institute of Social Studies, The Hague, January 23-24, 1998.

“Bounded Alternatives: The reception of constitutional paradigms and the civilizing of unnegotiable conflicts in South Africa,” presented at American Bar Foundation Conference, New Challenges for the Rule of Law: Lawyers, Internationalization, and the Social Construction of Legal Rules, University of California, Santa Barbara, November 7-9, 1997.



“Land Reform in South Africa,” presented at a Colloquium on post-apartheid South Africa, University of Iowa, Iowa City, April 21, 1997.

“Globalizing Constitutionalism,” presented at Conglass III, Institute for Law and Society, New York University, New York, April 4-6, 1997.

"Declaring the Constitution Unconstitutional: Democracy and Judicial Review in Post-Apartheid South Africa," presented in The MacArthur Distinguished Lectures series, University of Minnesota, Minneapolis, November 20, 1996.

"Water law and the Constitution of the Republic of South Africa," presented at the South African Water Law Review National Consultative Conference, East London, South Africa, October 17, 1996.

"Caught in the Cross-fire: Contending Faiths in South Africa's new Constitutional Court," presented at the Law and Society Association Annual Meeting, Glasgow, July 1996.  
"Globalizing Constitutionalism: Imperialism, Harmonization or Hybridization?," presented at the Conglass Meeting, Glasgow, July 1996.

"Introducing the Devil: A Comparative Analysis of the Introduction of Judicial Review in South Africa and the United States," presented to Law School, University of Wisconsin-Madison, December 7, 1995, and Michigan Legal Theory Workshop, University of Michigan Law School, January 12, 1996.

"Defining the Property Rights of Others: Political Power, Indigenous Land Tenure, and the construction of customary land law in South Africa," Symposium on Law, Colonialism, and Property in Africa, Stanford University, California, May 19, 1995. Also presented at: Land Tenure Centre, University of Wisconsin-Madison, April 1995; University of Alberta, Canada, January 23, 1996; and, the Faculty Research Seminar on "Exploring the Dimensions of Life in the Industrial Age," Centre for AfroAmerican and African Studies, University of Michigan, Ann Arbor, January 16, 1996.

Panelist, "Thinking Locally, Acting Globally? Identity Politics, the Lawyerly Vocation, and the Challenge of International Life," Critical Race Theory, Postcolonial Studies, Law and Development: A Discussion, The Graduate Program, Harvard Law School, Boston, May 5, 1995.

"Land Redistribution and the Future of South Africa's New Constitution," Carter lecture, University of Florida, Gainesville, 5 April 1994.

"Land Redistribution and the Future of South Africa's New Constitution," panellist, 1994 Friedmann Conference, A New South Africa: On the Verge of Participatory Democracy, Columbia University Law School, New York, March 31, 1994.

"South Africa's New Constitution: the Challenges of Diversity and Identity,"

International Law Society, University of Chicago Law School, Chicago, 1 March 1994.  
"Confronting Apartheid's Legacy," presented at the symposium on "The Making of the New Ethiopian Constitution, Addis Ababa, Ethiopia, 17-21 May 1993.

"The Practical Application of Affirmative Action in a Post-Apartheid South Africa," presented at National Conference on Affirmative Action in a Post-Apartheid South Africa, H.R. Training, Indaba Conference Centre, Johannesburg, November 24, 1992.

"Affirmative Action," lecture, Practical Legal Training 1992, Institute for Legal Practice, The Association of Law Societies of the RSA, Pretoria, September 14, 1992.

"Democracy and Social Power: Legal and constitutional aspects of the democratic transition in South Africa," presented at "International Workshop on Democracy," Villa de Leyva, Columbia, July 10-12, 1992.

"Alternative legal services and legal education: the Wits rural clinic," presented together with Topsy Thethe at the Workshop on Transformative Legal Services, Philadelphia, June 23-26, 1992.

"Extending Democracy in South Africa," presented at Conference on Secondary Associations and Democracy, The Institute for Legal Studies and The Havens Centre for the Study of Social Change, Madison, January 24-25, 1992.

"The constitutional debate in South Africa: comparing the ANC and National Party proposals," seminar presentation, Boston University Law School, Boston, September 25, 1991.

"Reincorporation of the 'independent' bantustans," lecture, University of Potchefstroom, MBA Program, Potchefstroom, September 5, 1991.

"The present state of the constitutional debate and issues likely to require consideration in the immediate future", presented to, National Association of Democratic Lawyers (NADEL) Workshop on the Constitution, Johannesburg, August 3, 1991.

"Dismantling the National Security State", presented to Conference on Constitution Making in South Africa, Community Law Centre, University of the Western Cape, March 24-26, 1991.

"Interim Mechanisms" presented to ANC Constitutional Committee conference on interim mechanisms, Johannesburg, March 8, 1991.

"The People Shall Govern: Institutionalizing the democratic process," presented at Centre for Development Studies (CDS)/ANC Constitutional Department seminar on Electoral Systems, Stellenbosch, November 2-4, 1990.

"Legal regime governing reporting and publication in South Africa," lecture, Hastings

College of the Law, San Francisco, 1988.

Series of guest lectures on contemporary issues in South Africa, Peace and Conflict Studies Program, University of California, Berkeley, 1985-6.

Conferences, talks and other Professional Activities

Panelist on Chile's Political Crisis and Pinochet's Constitution, Latin American Studies Program and Global Legal Studies, University of Wisconsin, November 19, 2019.

Moderator, Plenary Roundtable, Transnational Constitutional Transformations: Courts as Political Agents, King's Transnational Law Summit, King's College London, 10-13 April 2018.

Commentator and participant, Comparative Constitutional Law: 5<sup>th</sup> Annual Roundtable, Robert H Smith Center for the Constitution at James Madison's Montpelier, Virginia, October 20-22, 2017.

Participant, Wisconsin Discussion Group on Constitutionalism, "Constitution-Making and Social Transformation, University of Wisconsin Law School, October 6-7, 2017.

Graduation Speaker, Faculties of Health Sciences and Law, Jamison Hall, University of Cape Town, May 5, 2017.

Chair, Panel on Land and Customary Law, Dean of Law Faculty conference to celebrate indigenous customary law at UCT and the research of Professors Chuma Himonga and Tom Bennett, University of Cape Town, 13 March 2017.

Participant, Wisconsin Discussion Group on Constitutionalism, University of Wisconsin Law School, September 30-October 1, 2016.

Presenter, "Are Essential Medicines a Right?" Panel on Right to Health, American Sociological Association Annual Meeting, Seattle, August 22, 2016.

Participant, Roundtable on Law, Politics and Corruption in South Africa, Law and Society Association Annual Meeting, New Orleans, June 2-5, 2016.

Presenter, CRN 28 Book Panel: Introducing New Books in Realist and Empirical Legal Methods, (for co-editor Sally Merry): Studying Law Globally: New Legal Realist Perspectives, Cambridge University Press (April 2016), Law and Society Association Annual Meeting, New Orleans, June 2-5, 2016.

Participant, Constitutional law Schmooze, University of Maryland Law School, March 4-5, 2016.

Discussant, Panel on Constitutional Review Systems in West African States: A

Laboratory of Innovative Approaches, African Studies Association, San Diego, California, November 20-22, 2015.

Presenter and Co-organizer, Constitutional Law Schmooze, University of Wisconsin Law School, November 13-14, 2015.

Panelist, American Association of International Law annual conference, Panel on Executive Unilateralism, April 10-12, 2015, Washington D.C

Chaired conversation with the Hon. Dikgang Moseneke, Deputy-Chief Justice of South Africa, Symposium, 20 Years of South African Constitutionalism: Comparative Perspectives, University of Stellenbosch, South Africa, March 13, 2015.

Discussant, Panel entitled: Equality, Law and Nelson Mandela, Law and Society Association Annual Meeting, Minneapolis, May 31, 2014

Discussant, Panel entitled: The (Not so common) Place of Law, Special 50<sup>th</sup> Anniversary Panel, Law and Society Annual Meeting, Minneapolis, May 30, 2014

Reader, Author Meets Readers Panel, Mark Massoud, Law's Fragile State, Law and Society Annual Meeting, Minneapolis, May, 30, 2014.

Keynote Presentation, Constitution-Making, Law School, University of California-Irvine, January 31, 2014 Keynote Speech, Poverty, Good Governance and the fulfillment of the Constitution, Good Governance Conference, Pretoria, October 21-22, 2013

Presentation, Public Interest, Land Reform and the Transfer of Property to Third Parties, Colloquium on Rethinking Public Interest in Expropriation Law, University of Groningen, Groningen, the Netherlands, 26-28 September 2013

Presentation, Constitutional Regionalism in South Africa, Conference on Asian Constitutionalism, National University of Singapore Law School, Singapore, June 28-30, 2013

Discussant, Panel on Courts that Monitor, Coax, Meddle and Shame, Law and Society Association Annual Meeting, Boston, Massachusetts, May 30-June 2, 2013.

Discussant, Panel on Economic, Social, and Cultural Rights: Emerging Possibilities for Social Transformation, Law and Society Association Annual Meeting, Boston, Massachusetts, May 30-June 2, 2013.

Discussant, Panel on Contemporary Problems of Social Rights: Health, Housing, Land, Law and Society Association Annual Meeting, Boston, Massachusetts, May 30-June 2, 2013.

Participated in "Maryland Discussion Group on Constitutionalism" on the "Comparative

Constitutional Law Cannon” University of Maryland Law School, Baltimore, February 24-25, 2012. Presented: “Grootboom at Home and Abroad: Adventures in the construction of a Global Constitutional Cannon”

Presentation, Promoting Democracy, Great Decisions, Manitowoc Public Library, Manitowoc, Wisconsin, February 13, 2012.

Participant “Constitutional Schmooze” on “Second Best Constitutionalism,” UW-Law, Madison, November 4-5, 2011. Presented “Second-Best Constitutionalism: The South African Constitutional Court’s socio-economic decisions?”

Panelist, Post-film discussion, “Nuremberg,” University of Wisconsin, February 11, 2011.

Participant, “Constitutional Schmooze” on Frozen Development?: Interpreting constitutional rights in comparative perspective, University of Wisconsin, 2011.

Chair, Law School Forum, Role of Organized Labor in a Democracy, Madison, April 30, 2011.

Chair, Law School Forum, Legal Analysis of Governor Walker’s Budget Bill, Madison, February 23, 2011.

Participant, Book Launch of “Constitution of South Africa, Cape Town, South Africa, December 9, 2010.

Participant, Book Launch of “Constitution of South Africa,” University of the Witwatersrand Law School, Johannesburg, South Africa, December 8, 2010

Participated in Conference on Comparative Constitutional Law, Georgetown Law Center, Washington D.C. on March 5, 2010.

Participated on a mini-plenary and present a paper at the Law and Society Association Annual Meeting in Chicago, May 27-31, 2010.

Presented “The Constitution of South Africa: A Contextual Analysis,” at the South African Reading Group, New York Law School, New York, September 22, 2010.

Presentation, Access to Medicines, Global Legal Studies Center outreach workshop, UW Law School, Madison, May 1, 2007.

Presentation, South Africa’s Democratic Transition and the HIV/AIDS Pandemic, Great Decisions, Fond du Lac Public Library, Fond du Lac, Wisconsin, March 6, 2007.

Presentation, South Africa’s Democratic Transition and the HIV/AIDS Pandemic, Great Decisions, Manitowoc Public Library, Manitowoc, Wisconsin, March 5, 2007.

Presentation, War Crimes and the International Criminal Court, Great Decisions, St Norbert's College, De Pere, Wisconsin, February 7, 2007.

Participant and facilitator, Inter-Regional Workshop on 'Dialogue for Constitutional Reform,' International Institute for Democracy and Electoral Assistance, UNDP and INCOD, Pretoria, December 8-10, 2005.

Co-organizer with Yash Ghai, workshops in Constitution-Building, under the auspices of the GLSI at UW-Madison and INCOD, UW Law School, October 2005.

Presentation, "Ten Years of Democracy in South Africa: Overcoming the Legacy of Apartheid," Edgewood College, October 24, 2004

Participant, Roundtable discussion on the Constitution-Making Process in Iraq, International Peace Academy, New York, October 18, 2004

Commentator and Rapporteur, Regional Dialogue on Intellectual Property Rights, Innovation and Sustainable Development in Eastern & Southern Africa, International Centre for Trade and Sustainable Development, UNCTAD and TIPS, 29 June - 1 July, 2004, Cape Town, South Africa.

Participant, Workshop on Constitution-Making, University of Hong Kong, May 27-29, 2004.

Participant, Seminar on Health Sector Transformation, Law and Treatment Access Unit, AIDS Law Project, Center for Applied Legal Studies, University of the Witwatersrand, Johannesburg, South Africa, February 10, 2004.

Access to Medicines, Panel on Progressive Lawyering, European Center Conference, Harvard Law School, April 12-14, 2003.

Co-organizer, with Greg Shaffer and the Wisconsin International Law Journal, of symposium on "Access to Medicines in the Developing World: International Facilitation or Hindrance?," Law School, University of Wisconsin, Madison, March 9-10, 2002.

Discussant, Toward an Emancipatory Globalization of Law, Law and Society Association and Research Committee on Sociology of Law, Central European University, Budapest, July 7, 2001.

Panelist, The Constitutional Court in a Democratic Transition, Thematic Session, Law and Society Association and Research Committee on Sociology of Law, Central European University, Budapest, July 5, 2001.

Participant, Workshop on "Alternative Truth-Telling," Robben Island Museum, South Africa, May 22-26, 2000.

Participant, Comparative Constitutional Law: Defining the Field, Georgetown University Law Center, Washington D.C., September 17, 1999.

Participant, Great Lakes Court Summit, sponsored by the Wisconsin Supreme Court, Madison, Wisconsin, September 24, 1998.

Chair/Discussant, Panel on International Law, Human Rights Standards and Realpolitik, at the 1998 Annual Meeting of the Law and Society Association, Snowmass Village, Aspen, Colorado, June 4-7, 1998.

Participant, Roundtable: Citizenship and Belonging in Transnational Spaces, at the 1998 Annual Meeting of the Law and Society Association, Snowmass Village, Aspen, Colorado, June 4-7, 1998.

Participant, Roundtable: Global Issues in Compensatory Justice, at the 1998 Annual Meeting of the Law and Society Association, Snowmass Village, Aspen, Colorado, June 4-7, 1998.

Panelist, Symposium on Constitution-Making in South Africa, Michigan Journal of Race & Law, University of Michigan Law School, Ann Arbor, March 21-22, 1997.

Consultant and researcher, Water Law Review Process, Department of Water Affairs and Forestry, Pretoria, on behalf of the Land and Agriculture Policy Centre, Johannesburg, March -October, 1996.

Panelist, Report back panel on Conglass, Law and Society Association Annual Meeting, Glasgow, July 1996.

Participant, Association of American Law Schools Workshop for New Law Teachers, Washington, D.C., July 1996.

Participant, Graduate Student Workshop, Law and Society Association, Toronto, May 1995.

Panelist, The Globalization of Law: Legal Imperialism, Harmonization, or Assimilation and Syncretion? Class and Identity: The Politics of Class and the Construction of Identity, A Working Conference Planned by the Crit Networks, American University's Washington College of Law and Georgetown University Law Centre, Washington D.C., March 10-12, 1995.

Discussion Leader, Constitutions and other legal transfers, Seminar on Law and Globalization, American Bar Foundation, Chicago, March 1, 1995.

Honorary Fellow, Institute for Legal Studies, Law School, University of Wisconsin-Madison, Madison, 1994-95.

"Engaging the World Bank: the African National Congress and NGOs in South Africa," presentation to the Non-Government Organizations Group, The Havens Center for the Study of Social Change, Madison, Wisconsin, 30 November 1993.

Guest Presenter, Democracy and Development Workshop, MacArthur Interdisciplinary Program on Peace and International Cooperation, Institute of International Studies, University of Minnesota, November 18-19, 1993.

"Bedeviling Agrarian Reform: the impact of present and future legal frameworks," presented at the Conference on Land Redistribution Options, Johannesburg 12-15 October, 1993.

Participant, Conference entitled "Towards a non-racial, non-sexist Judiciary in South Africa," Constitutional Committee of the ANC and the Community Law Centre, University of the Western Cape, March 26-28, 1993.

Participant, Anti-Trust, Monopolies and Mergers Workshop, ANC Department of Economic Planning, Johannesburg, December 4-6, 1992.

Participant, Agricultural Marketing and Pricing Policy Workshop, ANC Department of Economic Planning, Johannesburg, November 6-7, 1992.

Participant, United Nations Development Programme/World Bank Workshop, Experience with Agricultural Policy: Lessons for South Africa, Mbabane, Swaziland, November 2-4, 1992.

Participant, Conference on "De facto Racial Discrimination in a Future South Africa," Centre for Human Rights Studies, University of Pretoria, October 21-23, 1992.

Participant, National Elections Strategy Workshop, African National Congress, Johannesburg, September 25-27, 1992. Resource Person: Commission on Constitutional and legal issues.

Participant, Seminar on Constitutional Litigation, Legal Resources Centre, Johannesburg, August 7, 1992.

Participant, Conference on "Structures of Government for a United Democratic South Africa," the Community Law Centre, University of the Western Cape, ANC Constitutional Committee, Centre for Development Studies, University of the Western Cape, Cape Town, March 26-28, 1992.

Panelist, Conference on "A Land Tax for the New South Africa," Centre for Human Rights Studies, University of Pretoria, Pretoria, March 20, 1992.

Participant, ANC Policy Guidelines Workshop, Johannesburg, March 14-15, 1992.



Participant, Land and Property Rights Conference, Centre for Applied Legal Studies, Johannesburg, February 27-28, 1992.

Participant, National Conference on Affirmative Action, University of the Western Cape, ANC Constitutional Committee and Community Law Centre, Port Elizabeth, October 10-12, 1991.

Participant, International Conference on Property Taxation and its Interaction with Land Policy, Lincoln Institute of Land Policy, Cambridge, Massachusetts, September 22-26, 1991.

Participant, Round table presentation, Land Reform and Land Taxation in the Future South Africa, co-sponsored by the Lincoln Institute of Land Policy and the Harvard International Program in Taxation, Kennedy School of Government, Cambridge, Massachusetts, September 25, 1991.

Participant, Land Claims Workshop, ANC Land Commission, Johannesburg, September 6, 1991.

Visiting Scholar, Land Tenure Centre, University of Wisconsin, Madison, December 1991 to February 1992, September 1991.

Delegate, ANC National Conference, Land Commission delegation, Durban, July 2-6, 1991. Presented the ANC Land Manifesto to the Commission on Land.

Participant, National Workshop of the ANC Land Commission, Johannesburg, May 31 - June 2, 1991. Member of the drafting committee.

Participant, Conference on a Bill of Rights for a Democratic South Africa, organized by the Constitutional Committee of the ANC and the Centre for Socio-Legal Studies, University of Natal, Durban, Salt Rock, Natal, May 10-12, 1991. Rapporteur, Commission on Land and the Bill of Rights.

Participant, ANC/SWAPO Constitutional Conference on Interim Arrangements, member of ANC delegation, Windhoek, Namibia, February 23-24, 1991

Participant, ANC/CALS/Lawyers for Human Rights Conference on a Constitutional Court for a Future South Africa, Magaliesberg, February 1-3, 1991. Rapporteur, commission on the structure of the Constitutional Court.

Participant, Centre for Development Studies (CDS)/ANC Constitutional Department seminar on Electoral Systems, Stellenbosch, November 2-4, 1990.

Participant and member of the ANC Delegation to the MDM/Swedish legation Seminar entitled, "Economy, Democracy and Welfare," Johannesburg, October 25-26, 1990.