

PUBLIC LAW CONFERENCE

Public Law and the Future of Constitutional Democracy

University of Cape Town

1 – 4 July 2026



Wednesday 1 July 2026

15:00 – 16:30 – Registration and Welcome Refreshments

17:00 – 18:30 – Opening Keynote Plenary

Chair with Opening Remarks: Justice Steven Majiedt (Constitutional Court of South Africa)

Welcome: Prof Mohamed Paleker (Dean of the Faculty of Law, University of Cape Town)

Prof Mosa Moshabela (Vice-Chancellor, University of Cape Town)

Keynote Address: Chief Justice Mandisa Maya (Constitutional Court of South Africa) *Judicial Leadership in a Constitutional Democracy*

Vote of thanks: Justice Albie Sachs (Constitutional Court of South Africa)

Thursday 2 July 2026

9:00 - 10:30 – Parallel Panels

The Judicial Role Today	Administrative Justice	Contemporary Issues in Constitutional Democracy
Justice Sheilah Martin (Supreme Court of Canada) and Chief Justice Glenn Joyal (Manitoba Court of King's Bench) <i>The Modern Judicial Role and the Paradox of Judicial Independence</i>	Prof Geo Quinot (Stellenbosch University) <i>An indigenous reimagining of administrative justice to craft fit-for-purpose democratic governance in Africa</i> Dr Narelle Bedford (Bond University, Australia) <i>Responsive Justice: Why Tribunals Must Matter for the Future of Public Law</i>	Dr Aurelie M Spinola and Dr Kalpana Sivabalah (Middlesex University, Mauritius) <i>Evaluating the Robustness of Constitutional Mechanisms in Combatting Contemporary Populism: A Comparative Analysis of the UK and French Constitutions</i>

Justice Colin C J Feasby (Court of King's Bench of Alberta, Canada) <i>Judicial Reasons and Democracy in the Age of Misinformation and AI</i>	A/Prof Hanna Wilberg (University of Auckland) <i>The legal effect of administrative tribunal decisions: promoting access to justice, the rule of law and socio-economic rights</i>	Dr Nick Friedman (University of Cambridge) <i>Constitutional Democracy at Scale</i>
Prof Preston Jordan Lim (Queen's University Canada) <i>Judicial Diplomacy</i>		Dr Onthatile Olerile Moeti (University of Botswana/Moeti & Partners) <i>Founding a Constitutional Democracy Within a Customary Law Framework: Perspectives from Botswana</i>

10:30 – 11:00 – Coffee Break

11:00 – 12:30 – Parallel Panels

Roundtable on Dyzenhaus, <i>The War Against Law</i>	Public, Criminal Law and Detention	Judicial Appointments and Administration
<p>Moderator: Prof Geneviève Cartier (University of Sherbrooke)</p> <p>Discussants:</p> <p>Prof David Dyzenhaus (University of Toronto)</p> <p>Prof Hugh Corder (University of Cape Town)</p> <p>Judge President/Prof Dennis Davis (University of Cape Town; Competition Appeal Court of South Africa)</p> <p>Mr Dan Mafora (University of Cape Town)</p>	<p>A/Prof Gerard J Kennedy (University of Alberta) <i>The Criminal Law Exception to Public Law Alliances</i></p> <p>Prof Charles Tyler (University of California) <i>Discriminatory Legalism and Selective Prosecution</i></p> <p>Dr Duncan Wallace (University of Melbourne) <i>An Australian Fiction of Detention and Punishment</i></p>	<p>Mx Dimakatso Nchodu, Ms Alison Tilley, Ms Genevieve Maujean and Mr Mbekezeli Benjamin (Judges Matter, Democratic Governance and Rights Unit, South Africa) <i>Enhancing Judicial Appointment Transparency: Monitoring the Judicial Service Commission through a Score Card Approach</i></p> <p>Mr John H Jeffery (Independent, Cape Town) <i>Court Administration in South Africa – the Principles and the Practicalities</i></p> <p>Dr Benjamin Perryman (University of New Brunswick) <i>The Overlapping Powers Doctrine</i></p>

12:30 – 13:30 – Lunch

12:30 – 13:30 – Doctoral Panels

Conceptualising the State, State Action and State Power: Contemporary Challenges	Law and Change	Legislation, Interpretation and Legal Plurality
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<p>Ms Raisa N Cachalia (Stellenbosch University) <i>Distinguishing State Power under the South African Constitution: From Functional Classification to Institutional Identity</i></p> <p>Mr Nakul Nayak (LSE) <i>Between Citizen, Capital, and State: Law and Politics of Digital Public Infrastructures</i></p> <p>Mr James Monaghan (LSE) <i>Between the Minister and the law? The Civil Service and the Rwanda asylum plan in R (FDA) v Minister for the Cabinet Office [2024] EWHC 1729 (Admin), [2025] KB 269</i></p>	<p>Ms Ropafadzo Maphosa (University of Johannesburg) <i>Courts as Political Battlegrounds: Strategic Litigation and the Future of Constitutional Democracy in South Africa</i></p> <p>Mr Pascual Cortés (LSE) <i>'We would have remained the same': On the Chilean Carabineros' constitutional embeddedness</i></p> <p>Ms Arshia Sana (Jamia Millia Islamia University) <i>Legal Discrimination and Democratic Backsliding in India: Use, Misuse, Abuse of Law to Marginalise Minorities</i></p>	<p>Ms Ariella C Gordon (University of Cambridge) <i>Disguised Legislation</i></p> <p>Mr Konstantinos Sioufas (LSE) <i>The Impact of Constitutionalism on Statutory Interpretation</i></p> <p>Mr James Gaetani (Australian National University) <i>Recognition in the age of statutes: Statute law and legal plurality in Australia</i></p>
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13:30 – 15:00 – Keynote Plenary: Judicial Independence and Accountability

Chair: Prof Hugh Corder (University of Cape Town)

Chief Justice Mumba Malila SC (Supreme Court of Zambia)

Justice B V Nagarathna (Supreme Court of India)

Prof Paul Daly (University of Ottawa)

15:00 – 15:20 – Coffee Break

15:20 – 16:50 – Parallel Panels

Human Rights, Proportionality and Punishment	Transformation, Authoritarianism and Populism	Accountability Beyond Courts
<p>Prof Natasa Mavronicola (University of Birmingham) and Dr Mattia Pinto (University of York) <i>Rethinking the penal accountability paradigm for serious human rights violations</i></p> <p>Mr Daniel Adjin Odonkor and Dr Nicola Palmer (University of Cape Town) <i>Navigating Criminalisation in African Human Rights Law</i></p> <p>Dr Bruce Chen (Deakin Law School) <i>Proportionality Testing under the South African Bill of</i></p>	<p>Prof Olaf Zenker (Martin Luther University, Germany) <i>Reclaiming Transformative Constitutionalism: Postliberal Affordances between Southern-Decolonial Critique and Northern Authoritarianism</i></p> <p>Mr Denin O Omondi (Moi University, Kenya) <i>Populism, Nationalism, and Fundamentalism: Reassessing Constitutionalism Thirty Years After South Africa's 1996 Constitution</i></p>	<p>Dr Molefhi M Phorego (Stellenbosch University) <i>Presidential Commissions of Inquiry as a Mechanism to Effect Constitutional Review: Perspectives from Botswana and Comparable Jurisdictions</i></p> <p>Prof Dean R Knight (Victoria University of Wellington) <i>Conceptualising an integrity or fourth branch of government in Aotearoa New Zealand: promoting probity in governance</i></p>

<i>Rights and Australian Human Rights Acts: Strange Bedfellows?</i>	Dr Justice Alfred Mavedzenge (Democratic Governance and Rights Unit, University of Cape Town) <i>Competitive Authoritarianism and the subversion of judicial autonomy in Africa</i>	<i>and safeguarding constitutional democracy</i> Ms Monica de Souza Louw (University of Cape Town) <i>Promoting accountability and going 'back to basics' in South African traditional governance</i>
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16:50 – 17:30 – Transfer to Dinner venue

17:30 – 22:00 – Gala Dinner at the Norval Foundation Art Gallery

Dinner speaker: Judge President/Prof Dennis Davis (University of Cape Town; Competition Appeal Court of South Africa) *Building constitutional jurisprudence from nothing: 30 years of the Constitutional Court*

Dress: Smart casual

Friday 3 July 2026

9:00 – 10:30 – Parallel Panels

Control of Discretionary Power	Constitutional Challenge and Change in Africa	Equality: Wealth, Education, Identity
<p>Prof Genevieve Cartier (University of Sherbrooke) <i>Discretion, Prerogative Power and Constitutional Democracy</i></p> <p>Dr Edward Clark (Te Herenga Waka Victoria University of Wellington) <i>Increasing Demands for Executive Justification in New Zealand Judicial Review</i></p> <p>Dr Isabeau Steytler (Stellenbosch University) <i>The procedural fairness gap in the review of non-administrative actions in South Africa</i></p>	<p>A/Prof Leah Alexis Ndimurwimo (Port Elizabeth, South Africa/University of Arizona) <i>Confronting the Myth of Constitutional Democracy in East Africa: Reality or Fiction?</i></p> <p>Dr Musa Kika (Institute for Human Rights and Development in Africa, Gambia) <i>Jurisprudence of Coups: Trends in Constitutional Adjudication of Coups in Africa</i></p> <p>Dr Muiyiwa Adigun (University of Ibadan, Nigeria) <i>Unconstitutional Change of Government in Africa: Constitutionalism, Populism and Agamben's State of Exception Theory</i></p>	<p>A/Prof Jason Brickhill (University of Cape Town/Johannesburg Bar) <i>The Constitutional Imperative to Regulate Extreme Wealth</i></p> <p>Dr Lisa Draga (University of the Western Cape) <i>Language in education: Access to education versus recognition of diversity</i></p> <p>Dr Jewel D Amoah (University of Toronto) <i>GRACE's Journey: gender, race, age and culture and their influence on public law constructions of equality in Canada, the Commonwealth Caribbean and South Africa</i></p>

10:30 – 11:00 – Coffee Break

11:00 – 12:30 – Keynote Plenary: Reconceiving Public International Law

Chair: Dr Nicola Palmer (University of Cape Town)

Justice Richard Goldstone (Constitutional Court of South Africa)

Prof Antony Anghie (National University of Singapore)

Ms Tafadzwa Pasipanodya (Partner and Chair, Africa Practice, Foley Hoag LLP, Washington DC)

Emeritus Prof John Dugard SC (Leiden University/University of the Witwatersrand)

12:30 – 13:30 – Lunch

12:30 – 13:30 – Doctoral Panels

Law, Society and Equality	Accountability, Relief and Public Law	Testing Democratic Resilience
Mr Patrick Pikisayi Maweto (University of Venda) <i>Law as a catalyst for social cohesion: A constitutional perspective in post-apartheid South Africa</i>	Mr Nathaniel Reilly (University of Oxford) <i>The Effects of Officials' Liability on Good Governance: A Game-Theoretic Approach</i>	Ms Lisa de Waal (Stellenbosch University) <i>South Africa's International Law Participation: A Measure of the Health of a Constitutional Democracy?</i>
Mr Balu G Nair (University of Melbourne; National Law School of India University) <i>Affirmative duty to protect: A broad accountability mechanism or a narrow duty on the Indian State?</i>	Mr Benjamin Christy (University of Auckland) <i>A New [Zealand] Parliamentary Sovereignty: Can sovereign parliaments be liable for human rights violations?</i>	Ms Lisa Mariß Leibniz (University Hannover) <i>Right-Wing Extremism and Democratic Erosion: A Comparative Analysis of Institutional Resilience in Germany and South Africa</i>
Ms Sinethemba Memela (University of New South Wales) <i>The Interpretation of Constitutional Labour Rights and material inequality in South Africa</i>	Dr Anne Bombay (KU Leuven) <i>Courts and the Vacant Seat of the Legislator: Judicial Remedies for Unlawful Legislative Inaction in Constitutional Democracies</i>	Mr Douglas McDonald-Norman (University of Technology Sydney; UNSW) <i>The Canary: Tribunals and Democracy in India</i>

13:30 – 15:00 – Parallel Panels

Distribution of Power within Constitutional Systems	Unwritten Norms	Speech, Protest and Struggle
Mr Dan Mafora (University of Cape Town) <i>Executive Authority under the Constitution: Doctrine in Search of a Theory</i>	Hon Justice Adedotun Onibokun (Nigerian High Court/Redeemer's University) <i>Identifying and Upholding the Unwritten Norms, Values and</i>	Ms Celia G Winnett (Sixth Floor Selborne Wentworth Chambers, Australia) <i>Anonymous Political Speech in a Constitutional Democracy</i>

<p>Prof John Golden (University of Texas at Austin) <i>Madison's Separation-of-Powers Oversight? Correcting for the Legislature's Long-Term Disadvantage</i></p> <p>Dr Andreas Karsten (CUQ Ulster University, Doha) <i>From Riots to Responsibility, the Role of "Sanctuary Cities" in a World of Increasing "Sanctuary" Risks and Perpetual Violence: A New Democratic Frontier</i></p>	<p><i>Cultures that Sustain Democracy in Nigeria</i></p> <p>A/Prof Marcelo B Rodriguez Ferrere (University of Auckland) <i>The weaponisation of comity in New Zealand</i></p> <p>Dr Antonios Kouroutakis (IE University, Madrid) <i>The Unwritten Guardrails: Rotation of Power as a Foundational Norm of Constitutional Democracy</i></p>	<p>Dr Tanveer R Jeewa (Stellenbosch University) <i>The History of Mass Unlawful Occupation</i></p> <p>Prof Mlungisi Ernest Tenza (University of KwaZulu-Natal) <i>An investigation into the justifiability of the use of struggle songs, slogans and apartheid symbols as modes of expression and heritage in a democratic South Africa</i></p>
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15:00 – 15:20 – Coffee Break

15:20 – 16:50 – Parallel Panels

The Public-Private Interface	The Judicial Branch and Judicial Process	Electoral Processes and Electoral Integrity
<p>Prof Janina L Boughey (University of New South Wales) <i>Government Outsourcing of Expertise: Lawfulness and Legitimacy</i></p> <p>Dr Meghan Finn (University of Johannesburg) <i>Revisiting the remedial repertoire in South Africa's horizontal constitutionalism</i></p> <p>Ms Claire Rankin and Ms Margeaux Wassenaar (Legal Resources Centre, South Africa; Webber Wentzel, South Africa) <i>Crossing the divide: the diminishing returns of retaining siloed public, private and commercial legal sectors in judicial reasoning</i></p>	<p>Judge Benjamin Zipser (Federal Circuit and Family Court of Australia) <i>The role of the judicial branch of government in the Australian constitutional democracy</i></p> <p>Prof Ntombizozuko Dyani-Mhango (University of Pretoria) <i>The doctrine of stare decisis and judicial accountability in the South African Constitutional Court</i></p> <p>Dr Sanya Samtani (University of Cape Town) <i>When 'force' and 'will' require 'mere judgment': Engaging the Constitutional Court through Presidential and Parliamentary Referrals</i></p>	<p>Dr Robert J Craig (University of Bristol) <i>In defence of First Past The Post</i></p> <p>Prof Abdou Khadre Diop (Université Cheikh Hamidou Kane) <i>Majoritarian Abuse and the Constitutional Protection of Political Parties in Francophone Africa: Lessons from the Senegalese Experience</i></p> <p>Ms Ritwika Sharma (Jindal Global Law School) <i>Delimitation of Electoral Constituencies in India – Constitutional Expectations, Political Realities</i></p>

17:00 – 18:30 – Keynote Plenary: 30 Years of South African Constitutionalism

Chair: Dr Nomfundo Ramalekana (University of Cape Town)

Prof Joel Modiri (University of Pretoria)

Mr Dan Mafora (University of Cape Town)

Prof Cathi Albertyn (University of the Witwatersrand)

Ms Prelisha Singh (Webber Wentzel Attorneys)

Saturday 4 July 2026

9:00 – 10:30 – Keynote Plenary: Comparative Influences in National Jurisdictions

Chair: Chief Justice Satiu Simativa Perese (Supreme Court of Samoa)

Lord Justice Rabinder Singh (English Court of Appeal)

Prof Charles Fombad (University of Pretoria)

Prof Jason Varuhas (University of Melbourne)

10:30 – 11:00 – Coffee Break

11:00 – 12:30 – Parallel Panels

The Interface between International Law and Constitutional Law	Privacy, Surveillance and Technological Power	Legislation and Legislatures
Dr Fiona Roughley (Banco Chambers, Australia) <i>International Law and Constitutional Democracy: Interconnection, Independence and Immunity</i>	Dr Róisín Á Costello (Trinity College Dublin) <i>A Republican Theory of Privacy: securing intellectual freedom and the right to walk tall in the modern state</i>	Dr Robert Greally (University of Bristol/New York University) <i>The Least Examined Branch: A Genealogy of Legislative Assemblies in Public Law</i>
Dr Gus Waschefort (4-5 Gray's Inn Square Chambers) <i>A Practitioner's Perspective on the Domestication of Customary International Law: A comparison of English and South African Constitutional Principles as Safeguard for the Separation of Powers</i>	Dr Lukman Adebisi Abdulrauf (University of Ilorin, Nigeria) <i>Rethinking Constitutionalism in the Digital Era: Big Tech, Platform Power and the Future of Democracy in Africa</i>	Ms Marion Sandilands (University of Ottawa/Conway Litigation) <i>Corroding the Rule of Law through Law-Making: Examples from Canada</i>
Dr Matilda Gillis (Corpus Christi College, Cambridge) <i>Plausible Deniability, Genocide and Public Law: Rethinking the Relationship Between Constitutional Democracy and Norms of Jus Cogens</i>	Dr Mugambi Laibuta (Kenya School of Law) <i>Technology, Surveillance, and the Erosion of Constitutionalism in Kenya</i>	Mr MP Fourie-Viljoen (Constitutional Court of South Africa) <i>Invalidation of Legislation on Public Participation Grounds: Constitutional Tensions and Remedies</i>

12:30 – 13:30 – Lunch

13:30 – 15:00 – Closing Plenary Keynote: Public Law and the Future of Constitutional Democracy

Chair: Prof Cora Hoexter (University of the Witwatersrand)

Justice Sheilah L Martin (Supreme Court of Canada)

Deputy Chief Justice Dunstan Mlambo (Constitutional Court of South Africa)

Prof Sir Jeffrey Jowell KC (Blackstone Chambers)

Closing remarks: Prof Hugh Corder and Prof Jason Varuhas

Please note the programme may be subject to change

