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### ABBREVIATED CURRICULUM VITAE

Professor Murray is a South African, educated at the Universities of Stellenbosch and Michigan. She works primarily on constitution-making processes, constitutional design and drafting. She is Professor Emeritus at the University of Cape Town and a Visiting Fellow at Kellogg College, University of Oxford.

In 1994 she was elected by the South African Constitutional Assembly to serve on the seven-member Panel of Experts established to advise it. In that capacity she was also a member of the smaller ‘technical refinement team’ responsible for the language of the South African Constitution. Subsequently, she served on the bodies established to prepare draft constitutions in Kenya in 2009 - 2010 (as a member of the Committee of Experts) and in Fiji in 2012 (as a member of the Constitution Commission). From 2014 – 16 and 2017 – 24 she was a fulltime member of the UN, DPPA Mediation Support Unit, Standby Team.

Since 1994, she has combined academic and practical work on matters relating to constitutionalism, the rule of law, human rights, gender, and democratic transitions with a focus on constitutional design (including the design of political systems, multilevel systems of government, electoral systems, fiscal federalism, and inclusion) and the design of constitution-making and review processes. Among other things, in 2014 she spent 6 months working with the Yemen Constitution Drafting Commission, and more recently, mainly through work with the UN, she has supported and advised politicians, constitution makers, civil society activists and UN officials in Armenia, Sudan, South Sudan, Tuvalu, Somalia, Chile, Libya, Papua New Guinea (on the Bougainville issue), Guinea Bissau, The Gambia, Myanmar, Libya and the Caribbean, among other places. From 2014 to 2023 she taught annually in the Central European University summer school in the course on Constitution Building in Africa

Between 1995 and 2004, she was Director of the Law, Race and Gender Research Unit (LRG) at the University of Cape Town. Between March 2016 and February 2017, she was Director of the Bingham Centre for the Rule of Law in London.

Her work has included academic research, reports for government and other institutions, ‘briefing documents’, and training and advice for constitution makers, politicians and civil society engaged in political change, on issues including building democracy, constitutionalism and the rule of law, traditional leadership, women and gender, and matters of constitutional design (electoral systems, executive power, legislatures, rights, the judiciary, federalism and multilevel government, and fiscal federalism).

## CHRISTINA MURRAY: CURRICULUM VITAE

### CURRENT ADDRESS

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### QUALIFICATIONS

BA LLB (Stellenbosch) LLM (Michigan); Post Graduate Award for Comparative Central Banking (Warwick).

### POSITIONS

- 2017 – 2024 Senior Adviser, Mediation Support Standby Team in the Mediation Support Unit, Department of Political and Peace-making Affairs, United Nations.
- 2016 – 2017 Director, Bingham Centre for the Rule of Law, London.
- 2014 – 2016 Senior Adviser, Mediation Support Standby Team in the Mediation Support Unit, Department of Political and Peace-making Affairs, United Nations.
- 2012 Member of the Fiji Constitution Commission.
- 2008 – 2010 Member of the Kenyan Committee of Experts appointed to prepare the Constitution of Kenya (adopted in 2010).
- 2007 - 2014 President, African Network of Constitutional Lawyers.
- 2007 - 2014 Vice President, International Association of Constitutional Law.
- 2001 - 2009 Alternate member of the South African Judicial Service Commission.
- 1994 – 1996 Member of the Panel of Experts elected by the South African Constitutional Assembly to advise the Constitutional Assembly.

### UNIVERSITY POSITIONS

#### *Current*

2024 - Visiting Fellow, Kellogg College, University of Oxford

#### *University of Cape Town: from 1988*

- 2017 – Professor Emeritus
- 2003 – June 2008 Head of the Department of Public Law
- 2000 – 2002, 2008 Deputy Dean, Law Faculty
- 1994 – 2017 Personal Chair: Professor of Constitutional and Human Rights Law
- 1995 – 2004 Director, Law, Race and Gender Research Unit
- 1992 – 1994 Member of University of Cape Town Council

#### *Some other University and research related positions*

- 2017 - 2000 Member of the External Board of the Political Settlements Research Programme, Edinburgh University.
- 2015 - Member of the advisory board for the Global Centre for Pluralism, Ottawa, programme on Accounting for Change in Diverse Societies.
- 2013 – 2023 Annually: Faculty for CEU, Budapest, summer school course on Constitution Building in Africa.
- July 2013 ‘African Constitutional Law’ course for the 2013 Summer Seminar in Global Constitutional Law, Beijing, China
- 2011 – 2012 Jennings Randolph Senior Fellow, US Institute for Peace, Washington DC
- July 2011 Professor, Duke University Hong Kong Summer School
- 2008 – 2009 Visiting Fellow, Program in Law and Public Affairs (LAPA), Woodrow Wilson School, Princeton University
- 2008, 10, 12, 16, 18 Senior Fellow, Faculty of Law, University of Melbourne, Australia.
- August 2004 Residency at Rockefeller Foundation Study and Conference Centre, Bellagio.

## SELECTED PUBLICATIONS

### Books

- *Farlam and Hathaway Contract* 3rd edition (co-authored with G F Lubbe) (Juta: 1988).
- *No Place to Rest: Forced Removals and the Law in South Africa* (ed with C O'Regan) (Oxford University Press SA: 1990).
- *A Charter for Social Justice: A Contribution to the South African Bill of Rights Debate* (with H Corder et al) (University of Cape Town: 1992).
- *Gender and the New South African Legal Order* (ed) (Juta: 1994).
- *Lay Assessors in South Africa's Magistrates' Courts* Issues on Law, Race and Gender 6, Law, Race and Gender Research Unit, University of Cape Town (co-authored with J Seekings) (1998).
- *Building Representative Democracy: South Africa's Legislatures and the Constitution* (co-authored with L Nijzink) (Parliamentary Support Programme: Cape Town 2002).
- *Advancing Women's Rights: The first decade of democracy* (ed with Michelle O'Sullivan) (Juta: 2005).
- *Fostering Constitutionalism in Africa* (ed with Charles Fombad) (Pretoria University Law Press: 2010).
- *South Africa International Encyclopaedia of Laws – Constitution* (with Coel Kirkby) Editor and contributor; 2014 Kluwer Law International; <https://ielaws.com/encyclopaedias/iel-constitutional-law> (pp 1 - 327).

### Some chapters in books

- 'Constitutionalising Equality and Diversity for the Nation' in *Between Unity and Diversity: Essays on Nation Building in post-apartheid South Africa* ed G Maharaj (Cape Town: Idasa David Philip, 1999) 283 – 291.
- 'NCOP: Stepchild of the Bundesrat' *50 Jahre Herrenchieser Verfassungskonvent 'Zur Struktur des deutschen Föderalismus'* (herausgegeben vom Bundesrat 1999) 262 - 278.
- 'Negotiating beyond deadlock: from the Constitutional Assembly to the Court' in *The Post-Apartheid Constitutions: Perspectives on the New South Africa's Basic Law* ed by Penelope Andrews and Stephen Ellmann (Wits University Press 2001) pp 103 - 127.
- 'Building Unity through Transformation: Intergovernmental Fiscal Relations in South Africa' in *Intergovernmental Fiscal Relations in Fragmented Societies* Eds Richard Bird and Thomas Stauffer, Institut du Fédéralisme (Fribourg) and Helbing & Lichtenhahn (Bâle) 2001 pp 505 - 536.
- 'The constitutional context of intergovernmental relations in South Africa' in *Intergovernmental relations in South Africa: The Challenges of Cooperative Government* ed Norman Levy and Chris Tapscott (IDASA and School of Government UWC) 2001 pp 66 -83.
- 'Designing Parliament for Co-operative Federalism: South Africa's National Council of Provinces' in *Reforming Parliamentary Democracy* eds F Leslie Seidle and David C Doherty (McGill-Queen's University Press, Montreal & Kingston, 2003) pp 202 - 222.
- 'Quasi-Federalism in South Africa: Democracy, Good Governance, and the Management of Conflict' with Richard Simeon. In Bruce Berman, Dickson Eyoh, and Will Kymlicka, Eds., *Ethnicity and Democratic Development in Africa*. (Oxford: James Currey, 2004).
- "'No nation can be free when one half of it is enslaved": Equality for Women in South Africa' ed Beverley Baines and Ruth Rubio-Marin *The Gender of Constitutional Jurisprudence* (Cambridge University Press, 2004) 230 – 255 (with Saras Jagwanth).
- 'Equality and Democracy' in Richard Calland and Paul Graham (ed) *Democracy in the time of Mbeki* (2005) 189 – 210 (with Anashri Pillay).
- 'South Africa' in *Legislative, Executive and Judicial Governance in Federal Countries* ed C Saunders and K Le Roy (McGill-Queens University Press 2006) 258 – 288.
- 'Traditional Leaders' (with Tom Bennett) in *Constitutional Law of South Africa* eds Woolman & Roux (2006) pp 26-I – 26-67.

- ‘Provincial Executives’ (with Okyereberea Ompofo-Anti) *Constitutional Law of South Africa* eds Woolman & Roux (2007) pp 20-1 – 20-34.
- ‘South Africa’ (with S Nakhjavani) in *International Relations in Federal Countries* ed H Michelmann (McGill-Queens University Press 2009) pp 212 - 239.
- ‘Tagging the Bill, gagging the provinces: The Communal Land Rights Act in Parliament’ (with R Stacey) *Land, Power & Custom: Controversies Generated by South Africa’s Communal Land Rights Act* ed Aninka Claassens and Ben Cousins 2008 pp 72 - 91.
- ‘Local government in South Africa’ in *Cooperation versus Competition: German Federalism in need of Reform – A comparative perspective* eds Ralf Thomas, Raoul Blindenbacher, Ulrich Karpen (Nomos, Baden-Baden 2007) pp 215 – 225.
- ‘Learning to Lose, Learning to Win: Government and Opposition in South Africa’s Transition to Democracy’ (with Richard Simeon and Antoinette Handley) ed J Wong et al *Political Transitions in Dominant Party Systems: Learning to Lose* (Routledge 2008).
- ‘National Executive’ (with Richard Stacey) *Constitutional Law of South Africa* eds Woolman & Roux (2008).
- ‘Recognition without empowerment: Minorities in a Democratic South Africa’ (with R Simeon) in Choudhry, Sujit (ed) *Constitutional Design for Divided Societies: Integration or Accommodation?* (Oxford University Press 2008) pp 409 – 437 (reprinted from *International Journal of Constitutional Law* 2007).
- ‘Elusive Autonomy in Sub-Saharan Africa’ (with Coel Kirkby) Marc Weller and Katherine Nobbs (eds) *Asymmetrical Autonomy and the Settlement of Ethnic Conflicts* (University of Pennsylvania Press, Philadelphia 2010) pp 97 – 120.
- ‘South Africa: Promises Unmet, Multilevel Government in South Africa’ (with Richard Simeon) in Rekha Saxena (ed) *Varieties of Federal Governance* (Foundation Books, Cambridge University Press: 2011) p 232.
- ‘Systems of government’ (with Denis Baranger) in *Handbook on Constitutional Law* ed Mark Tushnet, Cheryl Saunders and Thomas Fleiner (Routledge 2012).
- ‘The rule of law in the SADC region: 1981 – 2011’ in Lidija R. Basta Fleiner and Tanasije Marinković (eds) *Key Developments in Constitutionalism and Constitutional Law* (The Hague, The Netherlands, Eleven International Publishing 2014) pp 93 – 110.
- ‘Form of Government’ in *South Africa International Encyclopaedia of Laws – Constitution*; (ed Christina Murray and Coel Kirkby); 2014 Kluwer Law International; <https://ielaws.com/encyclopaedias/iel-constitutional-law> pp 69 -107.
- ‘Constitution-Making in Anglophone Africa: We the People?’ (with Coel Kirkby) in *Growing Democracy in Africa: Elections, Accountable Governance, and Political Economy* ed Muna Ndulo and Mamoudou Gazibo (Cambridge Scholars Publishing, Newcastle upon Tyne: 2016) 86 – 113.
- ‘Power-sharing in Kenya: Between the Devil and the Deep Blue Sea’ (with Nic Cheeseman) in *Power-sharing: Empirical and Normative Challenges* ed Allison McCulloch and John McGarry (Routledge, London: 2017) 36 – 62.
- ‘International agencies, constitution-making and gender’ (with Cindy Wittke) in *Gender and Constitutions* ed Helen Irving (Edward Elgar, Sydney: 2017) 107 – 131.
- *National Dialogues and Constitution-Making*, National Dialogue Handbook Background Paper No. 2. Berlin: Berghof Foundation February 2017. Online at: [www.berghof-foundation.org/publications/national-dialogue-handbook](http://www.berghof-foundation.org/publications/national-dialogue-handbook).
- ‘Presidential Term Limits and the International Community’ (with Eric Alston and Micha Wiebusch) in Alexander Baturo and Robert Elgie (eds) *Politics of Presidential Term Limits*, 2019, Oxford University Press.
- ‘Security sector reform and democratic transition in parallel: the South African Case’ (with Richard Stacey) in Zoltan Barany, Sumit Bisarya, Sujit Choudhry, and Richard Stacey (eds)

*Security Sector Reform and Constitutional Transitions*, 2019, Oxford University Press, 163 - 190.

- ‘Political Elites and the People: Kenya’s Decade-Long Constitution-Making Process’ in Gabriel Negretto (ed) *Redrafting Constitutions in Democratic Regimes* (2020, Cambridge University Press) 190 - 216.
- ‘Making and re-making Kenya’s Constitution’ in Tom Ginsburg and Sumit Bisarya (eds) *Constitution Makers on Constitution Making* (2022, Cambridge University Press) 37-76.

### **Selected Articles and Notes**

- ‘The Status of the ANC and Swapo in international humanitarian law’ (1983) 100 *South African Law Journal* 402.
- ‘Rape in Marriage – Conjugal Right or Criminal Wrong’ with F Kaganas 1983 *Acta Juridica* 125-143, reprinted in *Family Law* (Juta, 1983).
- ‘The 1977 Geneva Protocols and Conflict in Southern Africa’ (1984) 33 *International and Comparative Law Quarterly* 462-470.
- ‘Women and Nightwork’ (1984) 5 *Industrial Law Journal* 47-60.
- ‘Mozambican Refugees: South Africa’s Responsibility’ (1986) 2 *South African Journal on Human Rights* 154.
- ‘Prisoner of War Status for ANC Soldiers?’ (1987) 14 *Journal of Southern African Studies* (Oxford) 140, reprinted in *The International Library of Terrorism* (Dartmouth 1993).
- ‘The Death Penalty in the Cape Provincial Division: 1986-1988’ (1989) 5 *South African Journal on Human Rights* 154 (with J Sloth-Nielsen and J C Tredoux).
- ‘Law Reform and the Family: The New South African Rape-in-Marriage Legislation’ (with F Kaganas) (1991) 18 *Journal of Law and Society* (Oxford) 287-302.
- ‘Law, Women and the Family: The Question of Polygyny in a New South Africa’ (with F Kaganas) 1991 *Acta Juridica* 116, reprinted in *African Customary Law* (Juta, 1991).
- ‘A Bill of Rights for a New South Africa’ (1991) 3 *Revue Africaine de Droit International et Compare* 589.
- ‘The Contest between Culture and Equality in South Africa’s Interim Constitution’ (with F Kaganas) (1994) *Journal of Law and Society* (Oxford) 409.
- ‘Interrogating Justice: Research on race and gender bias in South African courts’ (1995) 1 *International Journal of Discrimination and the Law* (Oxford) 29-38.
- ‘One Law for One Nation: South Africa’s New Constitution’ (comment) (1997) 8 *Public Law* (Australia) 10 - 14.
- ‘From Paper to Practice: The National Council of Provinces after its first year’ (with R Simeon) (1999) 14 *SA Public Law* 96 - 141.
- ‘South Africa’s financial constitution: Towards better delivery?’ (2000) 15 *SA Public Law* 477 - 504 (with R Simeon).
- ‘Provincial Constitutions in South Africa: The (non)Example of the Western Cape’ (2001) Neue Folge Band 49 *Jahrbuch des öffentlichen Rechts* 481 – 512.
- ‘Multi-level Government in South Africa: A Progress Report’ (2001) 31 *Publius: the Journal of Federalism* 65-92 (with R Simeon).
- ‘Ten Years of Transformation: How has gender equality in South Africa fared?’ (2002) 14 *Canadian Journal of Women and the Law* 255 - 299 (with Saras Jagwanth).
- ‘South Africa’s Troubled Royalty: Traditional Leaders after Democracy’ Law and Policy Paper 23 (The Federation Press in association with the Centre for International and Public Law, Faculty of Law, the Australian National University) 2004.
- ‘Brooms Sweeping Oceans? Women’s rights in South Africa’s first decade of democracy’ 2005 *Acta Juridica* 1 (with Michelle O’Sullivan)
- ‘“Tagging” bills in Parliament: Section 75 or section 76?’ (2006) 123 *South African Law Journal* 232 – 263 (with Richard Simeon).
- ‘The human rights commission et al: What is the role of South Africa’s Chapter 9 institutions?’ (2006) 2 *Potchefstroom Electronic Law Journal* 1-26

- ‘Subnational Constitution-Making in Southern Sudan’ (2006) 37 *Rutgers Law Journal* 1203 – 1234 (with Catherine Maywald) [http://www.rutgerslawjournal.com/37\\_4/Murray.pdf](http://www.rutgerslawjournal.com/37_4/Murray.pdf)
- ‘Suspension and dissolution of municipal councils under section 139 of the Constitution’ (with Yoni Hoffman Wanderer) 2007 *TSAR* 141 – 14.
- ‘The NCOP and provincial intervention in local government’ (with Yoni Hoffman Wanderer) 2007 *Stellenbosch LR* 7.
- ‘Recognition without empowerment: Minorities in a Democratic South Africa’ (with R Simeon) 2007 *International Journal of Constitutional Law (I.CON)* doi: 10.1093/icon/mom025. <http://icon.oxfordjournals.org/cgi/reprint/mom025?ijkey=KQ6pnEvfN9IIC7a&keytype=ref>
- ‘Reforming Multilevel Government in South Africa’ (with R Simeon) (2010) 43(3) *Canadian Journal of African Studies* 536 – 571.
- ‘Constituency Development Funds: Are they constitutional?’ *International Budget Partnership Budget Brief* 12, Year 04, No 12, 2011, <https://www.internationalbudget.org/publications/brief12/>.
- Christina Murray and Joachim Wehner ‘How new laws balance budgetary powers’ *Nairobi Law Monthly* January 2012 pp 38 – 43.
- ‘Designing Systems of Multi-Level Government – Two Recent Experiments with Cooperative Government’ (2012) 1 *Anayasa Hukuku Dergisi/Constitutional Law Review* (Turkey) 253 (special issue on constitutional renewal).
- ‘Kenya’s 2010 Constitution’ (2013) 61 *Neue Folge Band Jahrbuch des öffentlichen Rechts* 747 - 788.
- ‘Yemen’s National Dialogue Conference’ *Anayasa Hukuku Dergisi/Constitutional Law Review* (Turkey) 2013.
- ‘National Dialogues in 2013’ (2014) *Constitution Building: A Global Review 2013* (International Idea) pp 11 – 15. Online at: <https://www.idea.int/sites/default/files/publications/constitution-building-a-global-review-2013.pdf>.
- ‘Constitutional Design in Africa: Is Mix and Match OK?’ (2016) 15 *Ethnopolitics* pp 528 – 532 DOI: 10.1080/17449057.2016.1144417 published online 26 February 2016.
- ‘Constitutions: Frameworks for Pluralism?’ (2018, Global Centre for Pluralism, Ottawa) [https://www.pluralism.ca/wp-content/uploads/2019/01/ChristinaMurray\\_Constitutions\\_EN.pdf](https://www.pluralism.ca/wp-content/uploads/2019/01/ChristinaMurray_Constitutions_EN.pdf).
- ‘Presidential term limits and the African Union’ (with Micha Wiebusch) (2019) 63(S1) *Journal of African Law* 131-160. doi:10.1017/S0021855319000056.
- ‘Global standards on judicial independence and removal: Grappling with vetting and fresh appointment’ (with Jan van Zyl Smit) forthcoming 2024 *Comparative Constitutional Studies*.

### **Selected Reports and contributions to other publications**

- *NCOP Needs Assessment* for the NCOP and EU Parliamentary Support Programme assisted by G Lenape and R Raimate (1998)
- *Speeding Transformation - the oversight role of the NCOP* Report for NDI and the South African National Council of Provinces with Don Bezrui, Lisa Ferrell and Julie Hughes (2000)
- *Report on Powers and Privileges of Parliament* for the Speaker of the South African National Assembly with Fred Soltau (1999)
- *Feasibility of Fuel Tax Levy in the Western Cape: Report for the Western Cape Treasury* Chapter on Compliance of a Provincial Fuel Tax with the Constitution with Tracy Gutuza and Karla Saller (June 2003).
- *NCOP Second Term 1999 - 2004: A review* with Yoni Hoffman Wanderer & Karla Saller (2004).
- *Feasibility of Tourism Tax Levy in the Western Cape: Report for the Western Cape Treasury* Chapter on Compliance of a Tax with the Constitution with Johan de Waal (2006).
- *Review of annual reports of State Institutions Supporting Democracy in South Africa* with Donald Maphiri (Afrec), Yoni Hoffman-Wanderer et al (2006)
- *Aspects of State Liability: Memo for the National Treasury* lead researcher with Paul Benjamin, Helen Scott and Stephen Wagener (2007) 150 pp.

- Report on intergovernmental fiscal arrangements for South African Financial and Fiscal Commission and the Western Cape Provincial Government (February 2009).
- Berghof Foundation and the United Nations Department of Political and Peacebuilding Affairs, *Constitutions and Peace Processes: A Primer* (Berlin: Berghof Foundation, 2020).
- United Nations Development Programme, *Protecting Human Rights in Constitutions* (New York: UNDP, 2023).
- *Shaping the Post-Conflict Landscape? The Role of Constitutions in Natural Resource Governance* with Kimana Zulueta-Fülscher (2024 Stockholm: International IDEA) [Shaping the Post-Conflict Landscape? The Role of Constitutions in Natural Resource Governance | International IDEA](#)