PUBLIC LAW CONFERENCE

Public Law and the Future of Constitutional Democracy

University of Cape Town

1 – 4 July 2026

Wednesday 1 July 2026

14:30 – 16:30 – Registration at Wilfred and Jules Kramer Building, Middle Campus, UCT

17:00 – 18:30 – Opening Keynote Plenary

Venue: Lecture Theatre 1, Wilfred and Jules Kramer Building

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) (online)

Judicial Leadership in a Constitutional Democracy

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

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

18:30 – 20:00 – Welcome Reception in the Pius Langa Quad

Thursday 2 July 2026

9:00 - 10:30 – Session 1 Parallel Panels

The Judicial Role Today	Administrative Justice	Contemporary Issues in Constitutional Democracy
Venue: Lecture Theatre 1	Venue: Lecture Theatre 2	Venue: Lecture Theatre 3

Chair: Dr Sanya Samtani (University of Cape Town)	Chair: Mr Mitchell de Beer (University of Cape Town & Cape Bar)	Chair: Prof John Golden (The University of Texas, School of Law)
Judge Benjamin Zipser (Federal Circuit and Family Court of Australia) The role of the judicial branch of government in the Australian constitutional democracy Justice Colin C J Feasby (Court of King's Bench of Alberta, Canada) *Judicial Reasons and Democracy in the Age of Misinformation and AI* Prof Preston Jordan Lim (Queen's University Canada) *Judicial Diplomacy*	Prof Geo Quinot (Stellenbosch University) *An indigenous reimagination of administrative justice to craft fit-for-purpose democratic governance in Africa* Dr Narelle Bedford (Bond University, Australia) *Responsive Justice: Why Tribunals Must Matter for the Future of Public Law* A/Prof Hanna Wilberg (University of Auckland) *The legal effect of administrative tribunal decisions: promoting access to justice, the rule of law and socio-economic rights*	Dr Aurelie M Spinola and Dr Kalpana Sivabalah (Middlesex University, Mauritius) *Evaluating Constitutional Resilience to Contemporary Populism: The Role of Constitutional Mechanisms in the United Kingdom and the French Fifth Republic.* Dr Nick Friedman (University of Cambridge) *Constitutional Democracy at Scale* Ms Nurina Ally and Ms Tatiana Kazim (University of Cape Town) *Apology as a Public Law Remedy: Securing Accountability for Breaches of Public Law Duties in South Africa*

10:30 – 11:00 – Coffee Break

11:00 – 12:30 – Session 2 Parallel Panels

Roundtable on Dyzenhaus, *The War Against Law* Venue: Lecture Theatre 1	Public, Criminal Law and Detention Venue: Lecture Theatre 2	Judicial Appointments and Administration Venue: Lecture Theatre 3
Moderator: Prof Geneviève Cartier (University of Sherbrooke)	Chair: A/Prof Jameela Omar (University of Cape Town)	Chair: Justice Adedotun Adedamola Grace Onibokun (High Court, Osun State, Nigeria)
Discussants: Prof David Dyzenhaus (University of Toronto) Prof Hugh Corder (University of Cape Town) Judge President/Prof Dennis Davis (University of Cape Town; Competition Appeal Court of South Africa)	A/Prof Gerard J Kennedy (University of Alberta) *An Exception that Proves the Rule: Criminal Law and the Administrative-Legislative Paradox* Prof Charles Tyler (University of California) *Discriminatory Legalism and Selective Prosecution*	Mr John H Jeffery (Independent, Cape Town) *Court Administration in South Africa – the Principles and the Practicalities* Mx Dimakatso Nchodu, Ms Alison Tilley, Ms Genevieve Maujean and Mr Mbekezeli Benjamin (Judges Matter, Democratic Governance and Rights Unit, South Africa)

Mr Dan Mafora (University of Cape Town)	Dr Duncan Wallace (University of Melbourne) *An Australian Fiction of Detention and Punishment*	*Enhancing Judicial Appointment Transparency: Monitoring the Judicial Service Commission through a Score Card Approach* Dr Benjamin Perryman (University of New Brunswick) *The Overlapping Powers Doctrine*

12:30 – 13:30 – Lunch in the Pius Langa Quad

12:45 – 13:30 – Doctoral Panel A

Conceptualising the State, State Action and State Power: Contemporary Challenges Venue: Lecture Theatre 1 Chair: Prof Geo Quinot (Stellenbosch University)	Law and Change Venue: Lecture Theatre 2 Chair: Dr Jason Brickhill (Johannesburg Bar & University of Cape Town)	Legislation, Interpretation and Legal Plurality Venue: Lecture Theatre 3 Chair: Dr Megan Finn (University of Johannesburg)
Ms Raisa N Cachalia (Stellenbosch University) *Distinguishing State Power under the South African Constitution: From Functional Classification to Institutional Identity* Mr Nakul Nayak (LSE) *Between Citizen, Capital, and State: Law and Politics of Digital Public Infrastructures* Mr James Monaghan (LSE) *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*	Ms Ropafadzo Maphosa (University of Johannesburg) *Courts as Political Battlegrounds: Strategic Litigation and the Future of Constitutional Democracy in South Africa* Mr Pascual Cortés (LSE) *'We would have remained the same': On the Chilean Carabineros' constitutional embeddedness* Ms Arshia Sana (O P Jindal Global University) *Legal Discrimination and Democratic Backsliding in India: Use, Misuse, Abuse of Law to Marginalise Minorities*	Ms Ariella C Gordon (University of Cambridge) *The Dialogue around Disguised Legislation in the United Kingdom and Australia* Mr Konstantinos Sioufas (LSE) *The Impact of Constitutionalism on Statutory Interpretation* Mr James Gaetani (Australian National University) *Recognition in the age of statutes: Statute law and legal plurality in Australia*

13:30 – 15:00 – Keynote Plenary: Judicial Independence and Accountability

Venue: Lecture Theatre 1

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)

Prof Ben Sihanya (University of Nairobi)

15:00 – 15:20 – Coffee Break

15:20 – 16:50 – Parallel Panels – Session 3

Human Rights, Proportionality and Punishment Venue: Lecture Theatre 1 Chair: Ms Carol Selepe (Law Society of South Africa)	Transformation, Authoritarianism and Populism Venue: Lecture Theatre 2 Chair: Justice Seena Yacoob (High Court of South Africa)	Accountability Beyond Courts Venue: Lecture Theatre 3 Chair: Mr Mashudu Kutama (Law Society of South Africa)
Prof Natasa Mavronicola (University of Birmingham) and Dr Mattia Pinto (University of York) *Rethinking the penal accountability paradigm for serious human rights violations* Mr Daniel Adjin Odonkor and Dr Nicola Palmer (University of Cape Town) *Navigating Criminalisation in African Human Rights Law* Dr Bruce Chen (Deakin Law School) *Proportionality Testing under the South African Bill of Rights and Australian Human Rights Acts: Strange Bedfellows?*	Prof Olaf Zenker (Martin Luther University, Germany) *Reclaiming Transformative Constitutionalism: Postliberal Affordances between Southern-Decolonial Critique and Northern Authoritarianism* Mr Denin O Omondi (Moi University, Kenya) *Populism, Nationalism, and Fundamentalism: Reassessing Constitutionalism Thirty Years After South Africa's 1996 Constitution* Dr Justice Alfred Mavedzenge (Democratic Governance and Rights Unit, University of Cape Town) *Competitive Authoritarianism and the subversion of judicial autonomy in Africa*	Dr Molefhi M Phorego (Nelson Mandela University) *Presidential Commissions of Inquiry as a Mechanism to Effect Constitutional Review: Perspectives from Botswana and Comparable Jurisdictions* Prof Dean R Knight (Victoria University of Wellington) *Conceptualising an integrity or fourth branch of government in Aotearoa New Zealand: promoting probity in governance and safeguarding constitutional democracy* Ms Monica de Souza-Louw (University of Cape Town) *Promoting accountability and going 'back to basics' in South African traditional governance*

16:50 – 17:30 – Transfer to Dinner venue from Kramer Law Building

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 – Session 4

Control of Discretionary Power Venue: Lecture Theatre 1 Chair: Prof David Dyzenhaus (University of Toronto)	Constitutional Challenge and Change in Africa Venue: Lecture Theatre 2 Chair: Mr Frankl Weber (Law Society of South Africa)	Equality: Wealth, Education, Identity Venue: Lecture Theatre 3 Chair: Ms Zenobia Du Toit (Miller du Toit Cloete Inc)
Prof Genevieve Cartier (University of Sherbrooke) *Discretion, Prerogative Power and Constitutional Democracy* Dr Edward Clark (Te Herenga Waka | Victoria University of Wellington) *The Shared Burden of Justification and the Separation of Powers: A Dynamic Equilibrium?* Dr Isabeau Steytler (Stellenbosch University) *The procedural fairness gap in the review of non-administrative actions in South Africa*	Dr Musa Kika (Institute for Human Rights and Development in Africa, Gambia) *Jurisprudence of Coups: Trends in Constitutional Adjudication of Coups in Africa* A/Prof Jameelah Omar (University of Cape Town) *The discriminatory component of consent: an analysis of sexual assault in South Africa* Dr Ibrahim Harun (University of the Western Cape) *From Balance to Domination: Executive Power and Democratic Accountability in Post-2010 Kenya*	A/Prof Jason Brickhill (University of Cape Town/Johannesburg Bar) *The Constitutional Imperative to Regulate Extreme Wealth* Dr Lisa Draga (University of the Western Cape) *Language in education: Access to education versus recognition of diversity* Ms Jessica Waldman (University of Cape Town) *A denial of common humanity? Unsolved murders, impunity and the right to a dignified death investigation*

10:30 – 11:00 – Coffee Break

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

Venue: Lecture Theatre 1

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) (online)

12:30 – 13:30 – Lunch in the Pius Langa Quad

12:45 – 13:30 – Doctoral Panel B

Law, Society and Equality Venue: Lecture Theatre 1 Chair: Prof Nico Steytler (University of the Western Cape)	Accountability, Relief and Public Law Venue: Lecture Theatre 2 Chair: Mr John Jeffery (Independent, South Africa)	Testing Democratic Resilience Venue: Lecture Theatre 3 Chair: Mr Jonathan Mort (Jonathan Mort Inc)
Ms Sinethemba Memela (University of New South Wales) *The Interpretation of Constitutional Labour Rights and material inequality in South Africa* Mr Douglas McDonald-Norman (University of Technology Sydney; UNSW) *The Canary: Tribunals and Democracy in India*	Mr Nathaniel Reilly (University of Oxford) *Damaging Good Governance: A Game-Theoretic Perspective* Mr Benjamin Christy (University of Auckland) *A New [Zealand] Parliamentary Sovereignty: Can sovereign parliaments be liable for human rights violations?* Dra Anne Bombay (KU Leuven) *Courts and the Vacant Seat of the Legislator: Judicial Remedies for Unlawful Legislative Inaction in Constitutional Democracies*	Ms Lisa de Waal (Stellenbosch University) *Accountability in South Africa's International Law Participation: Measuring the Health of its Constitutional Democracy* Ms Lisa Mariß Leibniz (University Hannover) *Right-Wing Extremism and Democratic Erosion: A Comparative Analysis of Institutional Resilience in Germany and South Africa*

13:30 – 15:00 – Parallel Panels – Session 5

Distribution of Power within Constitutional Systems Venue: Lecture Theatre 1 Chair: Justice Colin Feasby (Court of King's Bench of Alberta)	Unwritten Norms Venue: Lecture Theatre 2 Chair: Justice Steven Majiedt (Constitutional Court, South Africa)	Speech, Protest and Struggle Venue: Lecture Theatre 3 Chair: Prof Bradley Slade (Stellenbosch University)
Mr Dan Mafora (University of Cape Town) *Executive Authority under the Constitution: Doctrine in Search of a Theory* Prof John Golden (University of Texas at Austin) *Madison's Separation-of-Powers Oversight? Correcting for the Legislature's Long-Term Disadvantage*	Hon Justice Adedotun Onibokun (Nigerian High Court/Redeemer's University) *Identifying and Upholding the Unwritten Norms, Values and Cultures that Sustain Democracy in Nigeria* A/Prof Marcelo B Rodriguez Ferrere (University of Auckland) *The weaponisation of comity in New Zealand*	Ms Celia G Winnett (Sixth Floor Selborne Wentworth Chambers, Australia) *Anonymous Political Speech in a Constitutional Democracy* Dr Tanveer R Jeewa (Stellenbosch University) *The History of Mass Unlawful Occupation* Prof Mlungisi Ernest Tenza (University of KwaZulu-Natal)

Dr Andreas Karsten (CUQ Ulster University, Doha) *From Riots to Responsibility, the Role of "Sanctuary Cities" in a World of Increasing "Sanctuary" Risks and Perpetual Violence: A New Democratic Frontier*	Dr Shreeya Smith (Western Sydney University) *Democracy under the Constitution: how democratic participation and accountability inform our understanding of the power of the Commonwealth in Australia*	*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*

15:00 – 15:20 – Coffee Break

15:20 – 16:50 – Parallel Panels – Session 6

The Public-Private Interface Venue: Lecture Theatre 1 Chair: Ms Pippa Reyburn (ENS Attorneys)	The Judicial Branch and Judicial Process Venue: Lecture Theatre 2 Chair: Prof Jason Varuhas (University of Melbourne)	The Efficacy of Constitutional Democracies Venue: Lecture Theatre 3 Chair: Prof Henk Botha (Stellenbosch University)
Prof Janina L Boughey (University of New South Wales) *Outsourcing and administrative law accountability: the role of public sector Ombudsmen* Dr Meghan Finn (University of Johannesburg) *Revisiting the remedial repertoire in South Africa's horizontal constitutionalism* Ms Claire Rankin and Ms Margeaux Wassenaar (Legal Resources Centre, South Africa; Webber Wentzel, South Africa) *Crossing the divide: the diminishing returns of retaining siloed public, private and commercial legal sectors in judicial reasoning*	Justice Sheilah Martin (Supreme Court of Canada) and Chief Justice Glenn Joyal (Manitoba Court of King's Bench) The Modern Judicial Role and the Paradox of Judicial Independence (online) Prof Ntombizozuko Dyani-Mhango (University of Pretoria) *The doctrine of stare decisis and judicial accountability in the South African Constitutional Court* Dr Sanya Samtani (University of Cape Town) and Prof Jonathan Klaaren (University of the Witwatersrand) *When 'force' and 'will' require 'mere judgment': Engaging the Constitutional Court through Presidential and Parliamentary Referrals*	Dr Robert J Craig (University of Bristol) *In defence of First Past The Post* Ms Ritwika Sharma (Jindal Global Law School) *Delimitation of Electoral Constituencies in India – Constitutional Expectations, Political Realities* Adv Benjamin Cronin (University of Cape Town) *State Capture from within: The technocratic threat to the rule of law*

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

Venue: Lecture Theatre 1

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

Venue: Lecture Theatre 1

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

Lord Justice Rabinder Singh (English Court of Appeal)

Prof Charles Fombad (University of Pretoria) (online)

Prof Jason Varuhas (University of Melbourne)

10:30 – 11:00 – Coffee Break

11:00 – 12:30 – Parallel Panels – Session 7

The Interface between International Law and Constitutional Law Venue: Lecture Theatre 1 Chair: Dr Nicola Palmer (University of Cape Town)	Privacy, Surveillance and Technological Power Venue: Lecture Theatre 2 Chair: Dr Felicity Kalunga (University of Zambia)	Legislation and Legislatures Venue: Lecture Theatre 3 Chair: Mr Paul Hoffman SC (Accountability Now)
Dr Fiona Roughley (Banco Chambers, Australia) *International Law and Constitutional Democracy: Interconnection, Independence and Immunity* Dr Gus Waschefort (4-5 Gray's Inn Square Chambers) *A Practitioner's Perspective on the Domestication of Customary International Law: A comparison of English and South African Constitutional*	Dr Róisín Á Costello (Trinity College Dublin) *A Republican Theory of Privacy: securing intellectual freedom and the right to walk tall in the modern state* Dr Lukman Adebisi Abdulrauf (University of Ilorin, Nigeria) *Rethinking Constitutionalism in the Digital Era: Big Tech, Platform Power and the Future of Democracy in Africa*	Dr Robert Greally (University of Bristol/New York University) *The Least Examined Branch: A Genealogy of Legislative Assemblies in Public Law* Ms Marion Sandilands (University of Ottawa/Conway Litigation) *Corroding the Rule of Law through Law-Making: Examples from Canada* Mr MP Fourie-Viljoen (Constitutional Court of South

Principles as Safeguard for the Separation of Powers	Mr Yuri Behari-Leak (University of Cape Town) Justice Needs a Human Face: Artificial Intelligence, Social Justice, and Access to Courts in South Africa	Africa) *Invalidation of Legislation on Public Participation Grounds: Constitutional Tensions and Remedies*

12:30 – 13:30 – Lunch

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

Venue: Lecture Theatre 1

Chair: Prof Cora Hoexter (University of the Witwatersrand)

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

Prof Geneviève Cartier (University of Sherbrooke)

Lord Justice Rabinder Singh (English Court of Appeal)

Closing remarks: Prof Hugh Corder and Prof Jason Varuhas

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The Millennium Foundation

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