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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

Editor in Chief, Hastings International and Comparative Law Review.
Scholarship Award (For Journal Contribution).
Thurston Society (Top 10% of Class).
American Jurisprudence Awards: Legal Writing and Research; International Law; International Human Rights; Editorship of the Hastings International and Comparative Law Review.
Class Speaker (elected), Commencement 1989.
Admitted to the California Bar, December 1989.
Advocate of the High Court of South Africa, admitted August 1995.
Steering committee member, Consortium on Globalization and Law (Conglass) 1996-97.
Member of the Law and Society Association since 1995.
Member of the American Bar Association since 1996.
Member of the United States Constitutional Law Association

Professional Service

Co-Chair, International Activities Committee, Law and Society Association June 2009-2011
Faculty, Early Career Workshop, Law and Society Association, Denver, Colorado,
May 26-27, 2009.
Member of the Editorial Board of the *Constitutional Court Review*, Johannesburg, South Africa
Member of the Editorial Board of *Law and Social Inquiry*, 2003-2008.
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.
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.
Faculty, Law and Society Association Graduate Workshop, Baltimore, July 4-5, 2006.
Faculty, Law and Society Summer Institute, University of the Witwatersrand, Johannesburg,
South Africa, July 17-21, 2006.

Member, International Activities Committee, Law and Society Association, 2007-2009.
Faculty, Early Career Workshop, Law and Society Association, Denver, CO, May 26-27, 2009.
Section Chair, Legal and Constitutional Reform, African Studies Association 52nd Annual Meeting, November 19-22, 2009.

Research Awards and Grants

Faculty Grant, UW Law School, Summer 2008.
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, Summer 2004.
Graduate School Research Competition, Access to Medicines, UW, Summer 2002.
University of Wisconsin Sea Grant, Governing Aquatic Resources, Summer 2000.
Smongeski Fellowship, UW Law School, Fall 1999.

Teaching and University Appointments

Associate Dean for Faculty Development and Research, UW Law School, since July 2009

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

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 to December 31, 2008.

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 Law School, since Fall 2004.

Participant, International Network on Constitutional Development (INCOD) since April 2004.

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, 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, Rabinowitz, Boudin, Standard, Krinsky and Lieberman, New York, June -- August 1988.

Law clerk and paralegal, 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

The Constitution of South Africa: A Contextual Analysis, Hart Publishing: Oxford, UK, (in press, June 2010).

Constituting Democracy: Law, Globalism and South Africa's Political Reconstruction, Cambridge University Press (2000).

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

Constitutional Rights, Democracy and Inequality in South Africa, 9(1) International Review of Constitutionalism 135-164 (2009)

South Africa's Constitutional Court: Enabling Democracy and Promoting Law in the Transition from Apartheid, 3(2) Journal of Comparative Law 174 (2008)

Law, Politics, and Access to Essential Medicines in Developing Countries, 36(2) Politics and Society 207 (2008).

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).

The Rule of Law, War, or Terror, 2003(2) Wisconsin Law Review 365 (2003)

The Dignity Clause of the Montana Constitution: May Foreign Jurisprudence Lead the Way to an Expanded Interpretation? 64 Montana Law Review 133 (2003)

Postcolonial Collages: Distributions of Power and Constitutional Models, 18(1) International Sociology 114 (2003)

Five Years On: How Relevant is the Constitution to the New South Africa? 26(4) Vermont Law Review 803 (2002)

Straining the Law: Conflicting Legal Premises and the Governance of Aquatic Resources, in 15 Society and Natural Resources 693 (2002)

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).

Co-operative Government in South Africa's Post-Apartheid Constitutions: Embracing the German Model? 33 Verfassung und Recht in Ubersee 432 (2000).

Model and Anti-Model: The United States Constitution and the "Rise of World Constitutionalism," 2000 Wisconsin Law Review 597 (2000).

Law Under and After Apartheid: Abel's Sociolegal Analysis, 25 Law and Social Inquiry 657 (2000).

Contextual Citizenship, 7(2) Indiana Journal of Global Legal Studies 567 (2000).

Amnesty, Amnesia and Remembrance: International Obligations and the Need to Prevent the Repetition of Gross Violations of Human Rights, 92 ASIL Proc. 316 (1998).

Water Law Reform under the New Constitution, 1(5) The Human Rights and Constitutional Law Journal of South Africa 5 (1997).

Introducing the Devil: An institutional analysis of the power of constitutional review, 13(2) South African Journal on Human Rights 185, 1997.

Striking Down Death: *S v Makwanyane*, 12 South African Journal on Human Rights 61, 1996.

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.

Defining the Property Rights of Others: Political power, indigenous tenure and the construction of customary land law, 35 Journal of Legal Pluralism 119, 1995.

South Africa's New Constitution: The Challenges of Diversity and Identity, Verfassung und Recht in Ubersee, Vol. 28(4) 1995.

Guaranteeing Free and Fair Elections, in 8 South African Journal on Human Rights 263, 1992.

Rethinking Affirmative Action in a Democratic South Africa, in 7 South African Journal on Human Rights 317, 1991.

Self-Determination and the Struggle Against Apartheid, in 8 Wisconsin International Law Journal 251, 1990.

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

Risking Health: HIV/ AIDS and the Problem of Access to Essential Medicines, in *Disaster and the Politics of Intervention*, Columbia University Press and Social Science Research Council Series on the Privatization of Risk (Andrew Lakoff, ed.) (2010).

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*, 2009).

“South Africa: From constitutional promise to social transformation” in **Constitutional Interpretation: A comparative and theoretical study** (Jeff Goldsworthy ed.) Oxford University Press (2006).

“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.

Transnational Human Rights, **Annual Review of Law and Social Science**, Vol.1, 2005.

“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).

“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).

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.

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.

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.

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.

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.

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.

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.

Constitutional Law, **Annual Survey of South African Law**, 1995 Volume (1996).

Recent South African Constitutional History, in **Constitutional Law of South Africa** (ed. Chaskalson et. al., 1996) Juta, Kenwyn, Cape Town.

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.

Bedeveloping 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.

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.

Constitutional Law, **Annual Survey of South African Law**, 1994 Volume (1995).

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.

Constitutional Law, **Annual Survey of South African Law**, 1993 Volume (1994).

Bedeveloping Agrarian Reform: the impact of present and future legal frameworks, **Proceedings of Conference on Land Reform**, Land & Agriculture Policy Centre, Johannesburg, 1994.

Confronting Apartheid's Legacy, in **The Making of the New Ethiopian Constitution**, (Inter-Africa Group, New York, 1994).

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).

Constitutional Law, **Annual Survey of South African Law**, 1992 Volume (1993).

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.

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

Transformation and Trouble: Crime, Justice, and Participation in Democratic South Africa, by Diana Gordon, 41(3) Law and Society Review 739 (2007).

The New Constitutional Order, by Mark Tushnet, 31(2) Journal of Law and Society 280 (2004).

The Right to Property in Commonwealth Constitutions, by Tom Allen, Cambridge U. P., 19 Wisconsin International Law Journal 289 (2001).

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).

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).

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).

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).

Land Reform and the Future of Landownership in South Africa, 109 South African Law Journal 373-378, (May 1992).

Restatement of the Law Third, Restatement of the Foreign Relations Law of the United States, 12 Hastings International and Comparative Law Review 761, (1989).

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

Segregation and desegregation, *The New Oxford Companion to Law* (Peter Cane and Joanne Conaghan eds.) Oxford University Press (2008).

Agrarian Reform, in *Encyclopedia of Law and Society: American and global perspectives*, ed. David Scott Clark, Sage publications (2007).

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.

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

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

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.

Dyzenhaus *Truth, Reconciliation and the Apartheid Legal Order*, 117(1) *South African Law Journal* 133 (2000).

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

E) Articles for non-scholarly publications

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.

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

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

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

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

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

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.

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

F) Forthcoming and under contract

1996 Constitution, in “Encyclopedia of South Africa,” eds. Krista Johnson and Sean Jacobs, Lynne Rienner publishers (forthcoming).

Pharmaceutical Production in South Africa (with Stephen Gelb), book chapter in edited collection (Ken Shadlen, ed.)

South Africa’s Experience in Constitution-Building, book chapter in “Reconstituting the Constitution” (J. Boston, P. Hubbard and C. Morris eds.) (forthcoming with Springer).

Responding to Global Constraints and Opportunities: Access to medicines and the impact of Intellectual Property and Competition rules in post-Apartheid South Africa, under review with Law and Social Inquiry.

Constitutional Authority and Judicial Pragmatism: Politics and law in the evolution of South Africa’s Constitutional Court in *How Courts Evolve: Judicial Roles in Comparative Perspective* (eds: G. Silverstein, R. Kagan and D. Kapiszewski)

Selected Conference Papers and Invited Presentations

“Rights to Essential Social Resources?” at the Law and Society Association Annual Meeting in Chicago, May 27-31, 2010.

“Pharmaceutical Production and the HIV/AIDS Pandemic in Developing Countries: What Role Does Law, Philanthropy and Scientific Capacity Play in Guaranteeing Sustainable Access to Essential Medicines in the Context of the HIV/AIDS Pandemic?,” Holtz Center, Science and Technology Studies Brown Bag Series, University of Wisconsin-Madison, May 6, 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 21st 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 21st 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.

Panellist, "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

Participant, Overview Panel: Modern Day Slavery and International Law, La Follette Symposium on Modern Day Slavery, University of Wisconsin-Madison, April 30, 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.

Honourary 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 "Defacto 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.

Panellist, 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.