

MARIUS PIETERSE

CURRICULUM VITAE



Full Name: Marius Pieterse

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Current position: Professor of Law; [University of the Witwatersrand, Johannesburg](#)

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SUMMARY

I am a (full) professor of law at the University of the Witwatersrand in Johannesburg, South Africa, where I have mostly taught constitutional law and human rights law, at both undergraduate and postgraduate levels, since 1998. I hold a PhD from the University of the Witwatersrand, and LLM, LLB and BLC degrees (all cum laude) from the University of Pretoria, South Africa. My research focuses on public law dimensions of urban governance, socio-economic rights (especially rights to housing and health) and the intersections between these. I am one of a small handful of experts around the world in urban law, a nascent field of crucial current global importance. Over the course of my academic career, I have published two monographs and approximately 70 peer reviewed journal articles or book chapters. My work is regularly cited by academics, courts and policy institutions. I have extensive experience in curriculum development at undergraduate and masters levels and have recently developed a specialized masters course in Urban and Local Government Law. I also have an extensive postgraduate research supervision record, including 8 PhDs supervised to completion.

EDUCATION

University degrees:

- PhD; University of the Witwatersrand; awarded 14-06-2006 (title of dissertation: *A Benefit-focussed Analysis of Constitutional Health Rights*)
- LLM Fundamental Rights and Constitutional Practice (cum laude); University of Pretoria; awarded 20-04-1999
- LLB (cum laude); University of Pretoria; awarded 04-12-1997
- BLC (cum laude); University of Pretoria; awarded 07-12-1995

Matriculated in 1992 from Hoërskool Noord Oosrand, Benoni, South Africa

Languages:

I am fluent in English (my working language for 27 years) and Afrikaans (my mother tongue). I am currently learning French (most recently passed DELF A2) and Dutch (which, due to similarities with my mother tongue, I can read and mostly understand).

EMPLOYMENT HISTORY AND PROFESSIONAL AFFILIATIONS

Positions held at University of the Witwatersrand:

- Professor of Law (1 December 2007 – present)
- Assistant Dean of Research for the Faculty of Commerce, Law and Management (1 May 2007 - 31 December 2011)
- Associate Professor in the School of Law (October 2003 – November 2007)
- Senior Lecturer in the School of Law (January 2001 - September 2003)
- Lecturer in the School of Law (January 1999 - December 2000)
- Part Time Lecturer in the School of Law (July - December 1998)

Former full-time positions:

- Researcher to judge LWH Ackermann at the Constitutional Court of South Africa (January-December 1998)
- Tutor and Sessional Lecturer in Roman Law, Department of Legal History, Jurisprudence & Comparative Law, University of Pretoria (January 1996-December 1997)

Other - current:

- Admitted as legal practitioner (advocate, non-practising) by the Johannesburg High Court (4 February 2021-present)
- Fellow of the South African Research Chair in Cities, Law and Environmental Sustainability at NWU Potchefstroom (January 2019-present)

Other - former:

- Member of South African National Department of Human Settlements Policy and Legislative Review Task Team (POLERT) (2018-2021)
- Member of the Board of Directors of [Section 27](#) (incorporating the Aids Law Project), a human rights organisation involved with activism, research and litigation pertaining to the

right to health within the context of supporting socio-economic rights (April 2008-February 2017)

- Member of the Editorial Board of the *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* (January 2007-December 2012)
- Co-managing editor of the *South African Journal on Human Rights* (January 2001- December 2004 + special issue co-editor, part 2 2008)

Visiting positions and research fellowships:

- From 5 September 2022 until 27 January 2023, I was an individual fellow at the [Netherlands Institute for Advanced Study in the Humanities and Social Sciences \(NIAS\)](#) in Amsterdam, where I worked on a project entitled “Human Rights in the African City”.
- I was a visiting research fellow at the [World Trade Institute \(WTI\)](#) in Bern, Switzerland from 27 November until 13 December 2017, funded by a program between the WTI and the Swiss Secretariat for Economic Cooperation (SECO), working on a project entitled “Urban governance in SADC: Cities in International and Regional Trade”.

Networks and memberships:

- Member of, and representative for the University of the Witwatersrand School of Law on the [Law and Development Research Network](#) (2023 onwards)
- Co-convenor of the [International Association of Constitutional Law research group “The Constitutional Status of Cities”](#) (2022 onwards)
- Joint global co-ordinator of the [International Research Group on Law and Urban Space \(IRGLUS\)](#) (2012 onwards)
- Invited member of the Scientific Network on Eviction and Housing Rights (SNEHR), part of the [EVICT-project](#) at the Faculty of Law, University of Groningen (2021 onwards)
- Member of the [Association of Urban Legal Scholars \(AULS\)](#) (2021 onwards)

ACADEMIC AND PROFESSIONAL EXPERIENCE

Teaching:

I have over 26 years of university teaching experience (between the University of Pretoria and the University of the Witwatersrand) at masters and undergraduate levels.

Courses taught: LLM

- Urban and Local Government Law (2022-2023)
- Advanced Bill of Rights Jurisprudence (2010-2011; 2017-2018)
- Constitutional Law (2004)
- Health and Human Rights (2007; 2009)
- Medicines, Rights & Regulation (2008)
- Public Health & Health Systems Law (2008)

Courses taught: LLB

- Constitutional Law: Structures of Government: (2010; 2015-2018; 2021)
- Constitutional Law: Bill of Rights (2013-2014; 2016-2017; 2019-2021; 2023)
- Social Justice and Human Rights (2013-2017; 2019-2020; 2023)
- Introduction to Constitutional Law (2000-2008)

- Introduction to Human Rights Law (2000-2011)
- Customary Law (1998-2001; 2003-2004)
- Family Law (1999-2001; 2003; 2007)
- Law of Persons (2002-2005)
- Law of Property (2000)
- Law of Succession (1999)
- Foundations of South African Law (legal history) (1999)
- Roman Law (1996-1997)

Curriculum development:

At the University of the Witwatersrand, I have developed and modified curricula, at LLM and LLB level, in various subjects (including health law, human rights law and constitutional law). In 2022, I developed an LLM course in [Urban and Local Government Law](#).

I have provided public law LLB curriculum review advice to the University of Pretoria Faculty of Law (2008) and assisted Monash University: South Africa with the development of a constitutional law curriculum (2017).

Research supervision:

I am currently supervising seven PhD theses, on topics including social cohesion through urban governance; urban governance and heritage protection; governance of special economic zones in Africa; intra-municipal cooperative governance structures; housing typologies and standards; housing-related responsibilities of local government; and constitutional intervention powers in dysfunctional municipalities.

I have supervised the following eight PhDs to completion:

- Elizabeth Power *Giving Effect to the Right of Participatory Democracy in the Area of Socio-economic Rights* (graduated December 2021).
- Young Jae Kim *At the Crossroads of Human Rights Law, International Development Law and International Investment Law – Reflection on the Right to Development in the Exercise of Expropriation* (graduated July 2021).
- Stuart Wilson *The Law of Dispossession: Property Law, Power and Social Change* (graduated July 2020).
- Eric Makoni *Law, Spatial Planning and the Making of South African Cities* (graduated July 2020).
- Phiona Mphanga *Conceptualising, Realising and Enforcing a Right to Water for Uganda: Comparative Perspectives* (graduated July 2015).
- Paul Wayburne *Developing a Constitutional Law Paradigm for a National Health Insurance Scheme in South Africa* (graduated July 2014).
- Redson Kapindu *Towards the Full Realisation of Socio-economic Rights of Refugees: Challenges and Prospects for Southern Africa* (co-supervised with Jonathan Klaaren) (graduated April 2014).
- Deeksha Bhana *Constitutionalizing Contract Law: Ideology, Judicial Method and Contractual Autonomy* (graduated July 2013).

In addition, I have supervised a substantial number of LLM by coursework research reports, and LLB research reports, to completion.

Details of past and current supervision at all levels, as well as a list of student publications resulting from supervised work, are available on request.

Administration and academic citizenship:

I am currently a member of the Postgraduate Studies Committee for the School of Law at the University of the Witwatersrand, having served as its chairperson from January until June 2022.

I was the Assistant Dean of Research in the Faculty Commerce, Law and Management at the University of the Witwatersrand from 2007-2011. In this capacity, I chaired the Faculty's Research Committee and served also on the University Research Committee (URC), the Faculty Executive Committee as well as on the Executive Committee of the URC.

In 2021 advised the University's Senior Executive Team on the content of its mandatory COVID-19 vaccination policy.

Through the years I have been involved in the activities of several running committees in the Wits School of Law. Notably, I was a member of its management/executive committee in 2001-2002, 2011, 2013, 2016-2017 and 2022, and a member of its postgraduate studies committee in 2008, 2012-2017 and 2019-2023. I served as the chair of the School's Admissions Committee from 2001-2003 and as its research advisor from 2003-2006. In the Faculty of Commerce, Law and Management, I have served on the Research Committee (2003-2011), the Graduate Studies Committee (2021-2022) and various ad hoc committees such as quinquennial review committees. I have also been a member of high-profile central university committees including the Wits 2001 Review Committee (2008-2011) and the Council SRC Constitutional Review Task Team (2006). I was chairperson of the quinquennial review of the Wits School of Mathematics in 2016. I have been a member of the University Senate since 2008.

Details of academic citizenship activities are available on request.

Advisory work:

I am regularly invited to participate in expert meetings, serve on advisory boards and suchlike. A comprehensive list is available on request.

Selected highlights:

- Participated in UN Habitat virtual Expert General Meeting on Urban Governance (hosted from Nairobi, 27-28 April 2021).
- Participated in virtual expert group meeting on "Inclusive Cities" co-organised by UN Habitat, the Geneva Human Rights Platform of the Geneva Academy and the Geneva Cities Hub in coordination with the office of the UN High-Commissioner for Human Rights (hosted from Geneva, 5-6 May 2020).
- Member of South African Local Government Association (SALGA) project steering committee: "Creating a supportive regulatory environment for the informal sector - improving regulatory tools and practise in local government" (2020).
- Member of review panel for South African National Treasury Local Government Budget and Expenditure Review (July 2019).

- Participated in Norwegian Centre for Human Rights, Human Rights and Sustainable Development Research Group, Expert Meeting on the Right to the City (Oslo, 21-23 March 2018).
- Participated in UN Habitat Urban Legislation Unit Expert Group Meeting (strategic planning for Urban Legislation Unit and review of Planning Law Assessment Framework) (Stockholm, 6-8 December 2017).

Research consulting:

I have done research-related consultancy work (including legislative/regulatory drafting) for a broad range of entities including the South African National Department of Human Settlements, the Gauteng Provincial Government, the City of Johannesburg, the South African Cities Network and the Public Affairs Research Institute. A comprehensive list is available on request.

CONFERENCES, PANELS, SYMPOSIA, WORKSHOPS

Over the years I have organised several (in-person and online) conferences, panels and symposia and have delivered several public lectures as well as in-person or online papers at more than 60 international academic events. A comprehensive list is available on request.

Selected organising highlights:

- Member of the steering committee for the Fordham Urban Law Centre 9th Annual International and Comparative Urban Law Conference to be held in May 2023.
- Co-organised and moderated panel for the CLES / UN Habitat / Wits School of Law Urban Law Day entitled *Rebuilding a More Just, Climate Resilient and Equitable Urban Future for All: The Role of Law*, held online, 28 October 2021.
- Organised (under auspices of IRGLUS, jointly with UN Habitat Urban Legislation Unit), introduced and moderated session entitled *Achieving Spatial Equity through Human Rights and Rule of Law* at the 10th World Urban Forum, held in Abu Dhabi, 8-13 February 2020.
- Organised and moderated *Urban Law Day on Law, the New Urban Agenda and Sustainable Cities* co-hosted by UN Habitat Urban Legislation Unit and University of the Witwatersrand School of Law, held in Johannesburg, 29 March 2019.
- Co-organised symposium in honour of Dikgang Moseneke held in Johannesburg, 30 November 2016.
- Organised international workshop on *Law, Urban Space and Social Justice*, under auspices of the International Research Group on Law and Urban Space, held at the Onati Institute for Socio-legal Studies in Onati, Spain, 4-6 June 2014.

Selected presentations after 2020:

- “Vindicating the right to housing in turbulent times: Resilience, inclusion, sustainability and adaptability in South African housing rights jurisprudence” plenary presentation at EVICT-project seminar on “Urban sustainability, inclusion and resilience” in Groningen, 18 January 2023.
- “The urban intermingling of socio-economic rights, developmental local government and intergovernmental relations in South African constitutional law” presented at international seminar “Towards urban constitutionalism” at Tilburg University, 25 November 2022.

- “Advancing the right to the city through rights to housing and health: South African examples” presented at interdisciplinary seminar on the right to the city, for the Urban Studies Institute at the University of Antwerp, 23 November 2022.
- “Upholding public-law values in hybrid public/private urban governance” presented at the ICONS (International Society of Public Law) conference on “Global problems and prospects in public law” held in Wroclaw, Poland, 4-6 July 2022.
- “Towards a right to the city? The slow convergence of rights to housing and land in South African constitutional jurisprudence” invited talk presented online for the EVICT-project hosted from University of Groningen, 20 January 2022.
- “Towards rights-based accountability for corporate co-governance in South African cities” plenary presentation at Fordham Urban Law Center’s 7th International and Comparative Urban Law Conference co-hosted online with TU Berlin, 15-17 July 2021.
- “Multi-level governance for effective and inclusive public health responses” invited presentation at panel entitled “Multi-level governance for effective and inclusive public health responses” organised and chaired by UN Habitat Policy, Legislation & Governance Unit at the 17th International Conference on Urban Health hosted online by the International Society for Urban Health, 6-8 July 2021.
- “Is coping enough? Doing what should have been done in South African cities”) invited presentation at UN Habitat & Institute of Advanced Legal Studies (University of London) Urban Law Day “Covid-19 and cities a year later: What did cities do right?”, hosted online from London, 1 July 2021.
- “Urban housing, resilience and sustainability: Reflecting on the legal internalization of the NUA with some COVID-19 hindsight” – invited presentation at UN Habitat / Fordham Urban Law Center Urban Law Day roundtable webinar “Law and the New Urban Agenda and the Current Crisis”, hosted from New York, 6 October 2020.

RESEARCH

Research and publication history:

I have written on a wide range of public-law topics but have in recent years focused on socio-economic rights, urban law and urban governance. I am the author of two sole-authored academic monographs as well as of more than 70 peer-reviewed academic journal articles or book chapters. I have also published working papers, op-eds and blog posts on various topics relating to urban governance, constitutionalism and human rights. My research is predominantly desk-based but I am also familiar and comfortable with both qualitative and quantitative research methodologies.

NRF rating:

The South African National Research Foundation (NRF) has a [rating system for the research standing of scholars](#), which determines/influences access to NRF funding. My current rating is B2 (valid from 1 January 2021 – 31 December 2026), which reflects “considerable international recognition for the high quality and impact of recent research outputs”. My previous ratings are B2 (1 January 2015- 31 December 2020) and Y1 (1 January 2009 - 31 December 2014). NRF ratings are regarded as prestigious in South African academia.

Impact:

My work has been extensively cited in academic publications (on 1 March 2023 my Google Scholar h-index was 17 from 1235 citations with an i-10 index of 31) and was recently cited in UN Habitat's *World Cities Report 2022: Envisaging the Future of Cities*. It has also been cited in judgments of the South African Constitutional Court, Supreme Court of Appeal, High Court, Labour Court and Land Claims Court as well as a judgment of the New Zealand Court of Appeal (details available on request).

Funding / grants:

While desk research in South Africa is predominantly funded through Research Publication Incentives (RINC) disbursed by the South African Department of Higher Education, and while my institutional context has not required fundraising for postgraduate supervision, I do have a record of attracting research funding and have been party to several funding proposals over the years. Secured funding (details available on request) include:

- Oppenheimer Memorial Trust International Sabbatical Grant R150 000 for project "Human rights in the African city" (2022)
- NRF Competitive Funding for Rated Researchers R 99 000 for project "Legal dimensions of corporate governmentality in South African secondary cities" (2022-2023)
- NRF Incentive Funding for Rated Researchers R 30 000 for project "Human rights in the African city" (2022)
- NRF Incentive Funding for Rated Researchers R 280 000 for project "Rights-based litigation and urban governance in Johannesburg" (2015-2018)
- NRF Incentive Funding for Rated Researchers R240 000 for project "Impact of rights-based litigation on the South African health system" (2009-2014)
- Onati International Institute for Sociology of Law competitive workshop funding secured on behalf of IRGLUS for workshop on "Law, urban space and social justice" (2013)
- University of the Witwatersrand Faculty of Commerce, Law and Management Competitive Small Research Project Funding R20 000 for project "Legislative translation of health services" (2009)

LIST OF PUBLICATIONS

(All publications are sole-authored unless otherwise indicated)

Books:

- *Rights-based Litigation, Urban Governance and Social Justice in South Africa: The Right to Joburg* (Routledge/Taylor & Francis, 2017 – paperback edition 2019).
- *Can Rights Cure? The Impact of Human Rights Litigation on South Africa's Health System* (Pretoria University Law Press (PULP), 2014).

Book chapters:

- "Resisting Marginalisation in the World Class City: Eking Out a Right to Public Presence in the City of Cape Town" in Janne E Nijman, Barbara Oomen, Elif Durmus, Sarah Miellet & Lisa Roodenburg (eds.) *Urban Politics of Human Rights* (Routledge; 2022) 187-204.

- “Republic of South Africa: Legal Response to Covid-19” in Jeff King & Octavio Ferraz (eds.) *Oxford Compendium of National Legal Responses to Covid-19* (OUP Online; 2021) [with Petronell Kruger, Khulekani Moyo, Paul Mudau and Amanda Spies].
- “Shifting Paradigms from Between the Lines? Legal Internalizations of the Right to Adequate Housing in South Africa” in NM Davidson & G Tewari (eds.) *Law and the New Urban Agenda* (Routledge; 2020) 131-144.
- “On ‘Dialogue’, ‘Translation’ and ‘Voice’: Reply to Sandra Liebenberg” in S Woolman & M Bishop (eds.) *Constitutional Conversations* (PULP; 2008) 331-347.
- Chapter 39 “Life” in S Woolman; T Roux et al (eds.) *Constitutional Law of South Africa* (Juta; 2ed; Original Service; 07-2006) 21pp.
- Chapter 17 “Traditional African Jurisprudence” in C Roederer & D Moellendorf (eds.) *Jurisprudence* (Juta; 2004) 438-464.
- Section 8.6 “Remuneration and Employment Benefits” (part of chapter on discrimination in employment policies and practices) in JL Pretorius; ME Klinck & C Ngwena (eds.) *Employment Equity Law* (Butterworths; 2001) pp 8-81 - 8-110.

Peer reviewed journal articles:

- “Urbanizing Human Rights Law: Cities, Local Governance and Corporate Power” (2022) 23(9) *German Law Journal* 1212-1225.
- “Corporate Power, Urban Governance and Urban Law” (2022) 131 *Cities* 103893.
- “Outsourcing Local Governance: Local Government and the Future of Democracy in South Africa” (2022) 48(5) *Journal of Southern African Studies (JSAS)* 787-804 [with David Everatt].
- “Towards a Right to the City? The Slow Convergence of Rights to Housing and Land in South African Constitutional Jurisprudence” (2022) 11(1) *International Human Rights Law Review* 36-61.
- “Corporate Power, Human Rights and Urban Governance in South African Cities” (2022) 25 *Potchefstroom Electronic Law Journal (PELJ)* 1-36.
- “Balancing Socio-economic Rights: Confronting Covid-19 in South Africa’s Informal Urban Settlements” (2021) 39(1) *Nordic Journal of Human Rights* 33-50.
- “Anatomy of a Crisis: Structural Factors Contributing to the Collapse of Urban Municipal Governance in Emfuleni, South Africa” (2021) 32(1) *Urban Forum* 1-15.
- “Urban Governance and the Right to a Healthy City” (2020) 2 *European Yearbook of Constitutional Law* 185-197.
- “Devolution, Urban Autonomy and Local Governance in the Cities of the SADC” (2020) 28(4) *African Journal of International and Comparative Law* 612-635.
- “Local Government Law, Development and Cross-border Trade in the Global Cities of SADC” (2020) 13(1) *Law & Development Review* 127-157.
- “Out of the Shadows: Towards a Line Between Party and State in South African Local Government” (2020) 36(2-3) *South African Journal on Human Rights (SAJHR)* 131-153.
- “Urban Autonomy in South African Intergovernmental Relations Jurisprudence” (2019) 13(2) *Vienna Journal on International Constitutional Law* 119-146.
- “Where is the Periphery Even? Capturing Urban Marginality in South African Human Rights Law” (2019) 56(6) *Urban Studies* 1182-1197.
- “A Year of Living Dangerously? Urban Assertiveness, Cooperative Governance and the First Year of Three Coalition-led Metropolitan Municipalities in South Africa” (2019) 46(1) *Politikon* 51-70.

- Socio-economic Rights Adjudication and Democratic Urban Governance: Reassessing the “Second Wave” Jurisprudence of the South African Constitutional Court (2018) 51(1) *Verfassung und Recht in Ubersee* 12-34.
- “Rights, Regulation and Bureaucratic Impact: The Impact of Human Rights litigation on the regulation of informal trade in Johannesburg” (2017) 20 *PELJ* 1-28.
- “Geography, Marginalisation and the Performance of the Right to have Access to Health Care Services in Johannesburg” (2016) 20 *Law, Democracy & Development* 1-19.
- “Law, Rights, Space and Sexual Citizenship in South Africa” (2015) 41 *Social Dynamics* 482-501.
- “A Right to Transport? Moving Towards a Rights-based Approach to Mobility in the City” (2015) 31 *SAJHR* 294-314 [with Thomas Coggin].
- “Perverts, Outlaws and Dissidents: (Homo)sexual Citizenship and Urban Space in Johannesburg” (2015) 26 *Urban Forum* 97-112.
- “The Right to the City and the Urban Environment: Re-imagining Section 24 of the 1996 Constitution” (2014) 29 *SA Public Law* 175-193.
- “Development, the right to the city and the legal and constitutional responsibilities of local government in South Africa” (2014) 131 *South African Law Journal (SALJ)* 149-177.
- “May Real Men Cry in Court? Masculinity, Equality and the South African Constitutional Court” (2014) 40 *JSAS* 361-379.
- “Rights and the City: An Exploration of the Interaction between Socio-economic Rights and the City” (2012) 23 *Urban Forum* 257-278 [with Thomas Coggin].
- “Procedural Relief, Constitutional Citizenship and Socio-economic Rights as Legitimate Expectations” (2012) 28 *SAJHR* 359-379.
- “Impeding Access? Stigma, Individual responsibility and Access to Post-HIV-Exposure prophylaxis (PEP) in South Africa” (2011) 30 *Medicine and Law* 279-294.
- “Disentangling Illness, Crime and Morality: Towards a Rights-based Approach to HIV Prevention in Africa” (2011) 11 *African Human Rights Law Journal* 57-74.
- “Legislative and Executive Translation of the Right to have Access to Health Care Services” (2010) 14 *Law, Democracy & Development* 1-25.
- “Children's Access to Health Care Services Within and Outside of the Parent-Child Relationship” (2010) 73 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg (THRHR)* 230-247.
- “Relational Socio-economic Rights” (2009) 25 *SAJHR* 198-217.
- “Placing Human Rights in the Centre of Public Health: A Critique of *Minister of Health, Western Cape v Goliath*” (2009) 126 *SALJ* 231-245 [with Adila Hassim].
- “Health, Social Movements and Rights-based Litigation in South Africa” (2008) 25 *Journal of Law and Society* 364-388.
- “Finding for the Applicant? Individual Equality Plaintiffs and Group-based Disadvantage” (2008) 24 *SAJHR* 397-424.
- “The Interdependence of Rights to Health and Autonomy in South Africa” (2008) 125 *SALJ* 553-572.
- “The Legitimizing/Insulating Effect of Socio-economic Rights” (2007) 22 *Canadian Journal of Law and Society* 1-20.
- “Eating Socio-economic Rights: The Usefulness of Rights-talk in Alleviating Social Hardship Revisited” (2007) 50 *Human Rights Quarterly* 796-822.
- “Health Care Rights, Resources and Rationing” (2007) 124 *SALJ* 514-536.

- “Indirect Horizontal Application of the Right to have Access to Health Care Services” (2007) 23 *SAJHR* 157-179.
- “Enforcing the Right not to be Refused Emergency Medical Treatment: Towards Appropriate Relief” (2007) 18 *Stellenbosch Law Review* 75-90.
- “The Potential of Socio-economic Rights Litigation for the Achievement of Social Justice: Considering the Example of Access to Medical Care in South African Prisons” (2006) 50 *Journal of African Law* 118-131.
- “Resuscitating Socio-economic Rights: Constitutional Entitlements to Health Care Services” (2006) 22 *SAJHR* 473-502.
- “What do we Mean when we Talk about Transformative Constitutionalism?” (2005) 20 *SA Public Law* 155-166.
- “Towards a Reconciliation of Contract Law and Constitutional Values: *Brisley and Afrox* Revisited” (2005) 122 *SALJ* 865-895 [with Deeksha Bhana].
- “Possibilities and Pitfalls in the Domestic Enforcement of Social Rights: Contemplating the South African Experience” (2004) 26 *Human Rights Quarterly* 882-905.
- “Coming to Terms with Judicial Enforcement of Socio-economic Rights” (2004) 20 *SAJHR* 383-417.
- “Beyond the Welfare State: Globalisation of Neo-liberal Culture and the Constitutional Protection of Social and Economic Rights in South Africa” (2003) 14 *Stellenbosch LR* 3-28.
- “Reconstructing the Private/Public Dichotomy? The Enforcement of Children’s Constitutional Social Rights and Care Entitlements” (2003) *Tydskrif vir die Suid-Afrikaanse Reg (TSAR)* 1-19.
- “Equality in the Global Village” (2003) 36 *Comparative and International Law Journal of South Africa (CILSA)* 172-197.
- “Towards a Useful Role for Section 36 of the Constitution in Social Rights Cases? *Residents of Bon Vista Mansions v Southern Metropolitan Local Council*” (2003) 120 *SALJ* 41-48.
- “The Right to be Free from Public or Private Violence after *Carmichele*” (2002) 119 *SALJ* 27-39.
- “Religious Confusion: *Christian Education South Africa v Minister of Education*” (2001) 64 *THRHR* 672-678.
- “It’s a ‘Black Thing’: Upholding Culture and Customary Law in a Society Founded on Non-Racialism” (2001) 17 *SAJHR* 364-403.
- “Stereotypes, Sameness, Difference and Human Rights: Catch 22?” (2001) 16 *SA Public Law* 93-121.
- “Divorced Parents and the Religious Education of their Children: *Allsop v McCann*” (2001) 118 *SALJ* 216-224 [with Elsje Bonthuys].
- “Constructing Freedom Jurisprudence” (2001) 118 *SALJ* 87-101.
- “Towards Comparable Worth: *Louw v Golden Arrow Bus Services*” (2001) 118 *SALJ* 9-18.
- “Many Sides to the Coin: The Constitutional Protection of Religious Rights” (2000) 33 *CILSA* 300-317.
- “Beyond the Reach of Law: HIV, African Culture and Customary Law” (2000) *TSAR* 428-441.
- “In Loco Parentis: Third Party Parenting Rights in South Africa” (2000) 11 *Stellenbosch LR* 324-342.
- “Killing it Softly: Customary Law in the New Constitutional Order” (2000) 33 *De Jure* 35-53
- “Still Unclear: The Validity of Certain Customary Marriages in terms of the Recognition of Customary Marriages Act” (2000) 63 *THRHR* 616-625 [with Elsje Bonthuys].

- “The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000: Final Nail in the Customary Law Coffin?” (2000) 117 *SALJ* 627-635.
- “The Constitutional Court Decides on Bail” (2000) 117 *SALJ* 31-41.
- “Discrimination through the Eye of the Beholder” (2000) 16 *SAJHR* 121-137.
- “Foreigners and Socio-Economic Rights: Legal Entitlements or Wishful Thinking?” (2000) 63 *THRHR* 51-61.
- “A Different Shade of Red: Socio-Economic Dimensions of the Right to Life in South Africa” (1999) 15 *SAJHR* 372-385.
- “Traditional Leaders Win Battle in Undecided War” (1999) 15 *SAJHR* 179-187.

Working papers / reports:

- “Governing South African Cities” chapter in South African Cities Network *State of South African Cities Report* (2022) 66-97 [with Danga Mughogho].
- “Components of Rights-based Urban Service Delivery” in South African Cities Network *Urban Governance Paper Series* vol 1 (2019) 6-17.
- “Urban Assertiveness, Legal Frameworks, Informal Networks and Inter-city Trade in Cities of SADC” WTO/SECO Working Paper 22/2017.

Non-peer reviewed academic publications:

- “Perspectives on metropolitan governance” (2022) 26 *Commonwealth Journal of Local Governance* 160-179 [with Alex Gooding, Alan Harding and Peter McKinlay].
- “Review of *Designing Effective Legislation* by Maria Mousmouti” (2020) 36(2-3) *SAJHR* 280-282.
- “Socio-economic Rights and Private Law: The Next Frontier” (2007) 8(3) *ESR Review* 2-6.
- “The Constitutional Court and the Bill of Rights” in I Goodman (ed) *The Constitutional Court of South Africa: The First Ten Years* (2004) 59-67.

Op-eds / popular press:

- “Local government in South Africa is broken: But giving the job to residents carries risks” *The Conversation Africa* (25 February 2021).
- “What’s needed to fix collapsing coalitions in South Africa’s cities” *The Conversation Africa* (10 December 2019).
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