

## LIST OF PUBLICATIONS

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### BOOK:

1. Poverty and Fundamental Rights: The Justification and Enforcement of Socio-Economic Rights (2007) *Oxford University Press: Oxford* (provides a justification for socio-economic rights, that recognises their urgency and importance and develops a legal doctrinal approach to give effect to them; consideration is also given to the policy implications of these rights), ISBN 978-0-19-920491-5

### EDITED COLLECTIONS

1. Is this Seat Taken? Conversations at the Bar, the Bench and the Academy concerning the South African Bill of Rights (2012) (with Stuart Woolman), *Pretoria University Law Press: Pretoria* (edited volume of essays)
2. Human Rights Obligations for Business: Beyond the Corporate Responsibility to Respect? (with Surya Deva) (2013) *Cambridge University Press: Cambridge*

### BOOK CHAPTERS:

1. 'The Right to Health' in Woolman et al. (2006) *Constitutional Law of South Africa* (2<sup>nd</sup> ed). Chapter 56A, ISBN 978-0-7021-7308-0,
2. "The Jewish Law of Persons and Family Law" in Rautenbach et al (eds). (2007) *Legal Pluralism in South Africa*. Butterworths.
3. 'The Civil Union Act: A Messy Compromise or Giant Leap Forward?' in S De Waal, M Judge and A Manion (eds). (2008). *To Have and To Hold* (with M Judge) Jacana Press 149-163
4. 'Towards a Theory of Content for Socio-Economic Rights' in (2008) J Illiopoulos-Strangas and T Roux *National and International Perspectives on Social Rights* 3-28
5. 'Corporations and Fundamental Rights: what is the Nature of their Obligations, if any?' In C Luetge (ed). *Handbook on the Philosophical Foundations of Business Ethics* (2012) *Springer: Dordrecht* ISBN 978-94-007-1494-6
6. 'Constitutions and Distributive Justice: complementary or contradictory?' in *Constitutionalism of the Global South: The Activist Tribunals of India, South Africa, and Colombia* (ed. D Bonilla Maldonado) (2013) *Cambridge University Press: Cambridge*

7. A Chasm Between 'Is' and 'Ought'? A Critique of the Normative Foundations of the SRSG's Framework and Guiding Principles' in D Bilchitz and S Deva (eds.) Human Rights Obligations for Business: Beyond the Corporate Responsibility to Respect (2013) *Cambridge University Press: Cambridge*
8. The Human Rights Obligations of Business: A Critical Framework for the Future' (co-authored with S Deva) in D Bilchitz and S Deva (eds). Human Rights Obligations for Business: Beyond the Corporate Responsibility to Respect (2013) *Cambridge University Press: Cambridge*
9. 'Human Rights Beyond the State: Exploring the Challenges' in O Vilhena, Upendra Baxi and Frans Viljoen (eds) Transformative Constitutionalism: Comparing the Apex Courts of Brazil, India and South Africa (2013) Pretoria University Law Press
10. 'Exploring the Necessity Enquiry in the Limitation of Fundamental Rights', in L Lazarus, C McCrudden and N Bowles (eds.) Reasoning Rights (2014) *Hart: Oxford*

**NATIONAL RESEARCH FOUNDATION (SOUTH AFRICA) ACCREDITED JOURNAL PUBLICATIONS: LAST FIVE YEARS<sup>√</sup>**

1. 'For Whom Does the Bell Toll? The Challenges and Possibilities of the Civil Union Act for Family Law in South Africa' (2008) 23 South African Journal on Human Rights (co-authored with Melanie Judge, 80 percent contribution by me) 466-499, ISSN 0258-7203, IBSS
2. 'Corporate Law and the Constitution: Towards Binding Human Rights Responsibilities for Corporations' (2008) 124 South African Law Journal, 754-789, ISSN 0258-2503, IBSS
3. 'Moving Beyond Arbitrariness: The Legal Personhood and Dignity of Non-Human Animals' (2009) 25 South African Journal on Human Rights 38-72, ISSN 0258-7203, IBSS
4. 'The Ruggie Framework: An Adequate Rubric for Corporate Human Rights Obligations?' (2010) 12 SUR International Journal on Human Rights 199 – 229, ISSN 1806-6445, IBSS
5. 'Do Corporations Have Positive Human Rights Obligations?' (2010) 125 Theoria 1-35, ISSN 0040-5817, IBSS
6. 'Is the Constitutional Court Wasting Away the Rights of the Poor? *Nokotyana v Ekurhuleni Metropolitan Municipality*' (2010) South African Law Journal 591-605, ISSN 0258-2503, IBSS
7. 'Does Transformative Constitutionalism Require the Recognition of Animal Rights?' (2010) 125 Southern African Public Law 267-300, ISSN 2219-6412, DoE list

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<sup>√</sup>The publications in this list of publications are classified according to those accredited by the National Research Foundation according to its particular rules and those that are not so accredited. The lack of accreditation does not indicate the lack of value in any publication as, for instance, several well-known journals and books are not accredited.

8. 'Does Alexy's Analysis of Balancing Adequately Capture the Nature of Rights?' (2010) 125 *Southern African Public Law* 423-444, ISSN 2219-6412, DoE list
9. 'Theory, Pragmatism and the Law' (2010) 125 *Southern African Public Law* (co-authored with Juha Tuovinen, 70%) 544-566, ISSN 2219-6412, DoE list
10. 'Should Religious Associations Be Allowed to Discriminate?' (2011) 27 *South African Journal of Human Rights* 219-248, ISSN 0258-7203, IBSS
11. 'How Should Rights be Limited? *Exploring Road Accident Fund v Mdeyide*' (2011) *Journal of South African Law (Tydskrif vir die Suid-Afrikaanse Reg)* 568-579, ISSN 0257-7747, Social Sciences Citation Index (ISI)
12. 'Does Sandra Liebenberg's New Book Provide a Viable Approach to Adjudicating Socio-Economic Rights?' (2011) 27 *South African Journal of Human Rights* 546-557, ISSN 0258-7203, IBSS
13. 'Religion and the Public Sphere: Towards a model that Positively Recognises Diversity' (co-authored with Alistair Williams), (2012) 28 *South African Journal on Human Rights* 146-175, ISSN 0258-7203, IBSS
14. 'Why Courts should not Sanction Unfair Discrimination in the Private Sphere', (2012) 28 *South African Journal On Human Rights* 296-315, ISSN 0258-7203, IBSS
15. 'When is Animal Suffering Necessary?' (2012) 27 *Southern African Public Law*, 3-27 ISSN 2219-6412, DoE List
16. 'Human Rights Accountability in Domestic Courts: Does *Kiobel* Increase the Global Governance Gap?' 2013 *Journal of South African Law* 794-805, ISSN 0257-7747, Social Sciences Citation Index (ISI)
17. 'What was Left Unsaid: The Unconstitutionality of the Performing Animals Protection Act in *NSPCA v Minister of Agriculture, Forestry and Fisheries*' (2014) 30 *South African Journal on Human Rights*, 183-195 ISSN 0258-7203, IBSS

**NATIONAL RESEARCH FOUNDATION (SOUTH AFRICA) ACCREDITED PUBLICATIONS: MORE THAN FIVE YEARS AGO**

18. Law of Evidence Chapter (1998) *Annual Survey* 735-822, ISSN 0376-4605, DoE List
19. Law of Evidence Chapter (1999) *Annual Survey* 662 – 711, ISSN 0376-4605, DoE List
20. 'Giving Socio-Economic Rights Teeth: The Minimum Core and Its Importance' (2002) 119 *South African Law Journal* 484-501, ISSN 0258-2503, IBSS
21. 'Towards a Reasonable Approach to the Minimum Core: Laying the Foundations For future Socio-Economic Rights Jurisprudence' (2003) 19 *South African Journal of Human Rights* 1-26, 0258-7203, IBSS
22. 'South Africa: Right to Health and Access to HIV/AIDS Drugs Treatment' (2003) 1(3) *International Journal of Constitutional Law* 524-534, ISSN 1474-2640, ISI and IBSS

## NATIONAL RESEARCH FOUNDATION (SOUTH AFRICA) NON-ACCREDITED JOURNAL PUBLICATIONS

1. Book Review: Understanding Jurisprudence (by Denise Meyerson) (2007) 124 *South African Law Journal* 900-908
2. 'Juridicial Remedies and Socio-Economic Rights: a Response to Christopher Mbazira' (2008) *Economic and Social Rights Review*
3. 'Book Review: Justice and Reconciliation in Post-Apartheid South Africa' (2010) *Journal of South African Law (Tydskrif vir die Suid-Afrikaanse Reg)* 873-876
4. 'Citizenship and Community: Exploring the Right to Receive Basic Municipal Services' (2011) 3 *Constitutional Court Review* 45-78
5. 'Placing Basic Needs at the Centre of Socio-Economic Rights Jurisprudence' (2003) *Economic and Social Rights Review*.
6. 'The Right to Health-Care Services and the Minimum Core' (2006) *Economic and Social Rights Review*.
7. 'Towards Equal Exchanges between Lawyers in the Global North and Global South: An African Perspective' in (2013) 16 *Yale Human Rights and Development Law Journal* 59-88

## FORTHCOMING ARTICLES AND BOOK CHAPTERS

1. 'Is the Right to Food Really Necessary?' in V Taylor and S Fukuda Parr (eds) *The Right to Food in South Africa: New Directions in Economic and Social Policies* (2013) University of Cape Town Press: Cape Town
2. 'Socio-Economic Rights, Economic Crisis and Legal Doctrine' *International Journal of Constitutional Law* (2014, forthcoming)
3. 'Socio-Economic Rights, Economic Crisis and Legal Doctrine: A Rejoinder to Xenophon Contiades and Alkmene Fotiadou' *International Journal of Constitutional Law* (2014, forthcoming)
4. 'P.I.E. in the Sky: Where's the constitutional framework in high court eviction proceedings? *Marlboro crisis committee and others v City of Johannesburg*' *South African Law Journal* (2014, forthcoming)
5. 'Egalitarian Liberalism, Distributive Justice and the New Constitutionalism' *Theoria* (2014, forthcoming)
6. Is the Constitutional Court's 'Avoidance' in Social Rights cases Desirable? A Reply to Brian Ray *Constitutional Court Review* (2014, forthcoming)
7. 'Humility, Dissent and Community: Exploring Chief Justice Langa's Political and Legal Philosophy' *Acta Juridica* (2015, forthcoming)

## **SUBMITTED PUBLICATIONS**

1. 'Taking Socio-Economic Rights Seriously: The Substantive and Procedural Implications' in G Van Bueren (ed). (2011) Freedom from Poverty (submitted but awaiting to hear about publisher)
2. 'Proportionality, Fundamental Rights and the Duties of Directors' Business Ethics Quarterly (submitted 2014)
3. 'Are Socio-Economic Rights Political Rights?' South African Journal on Human Rights (submitted 2014)
4. 'Animal Interests and South African Law: the Elephant in the Room?' Animal Issues Around the World (Springer, 2015)

## **MAJOR REPORTS**

1. 'Business and Human Rights: International Developments and Implications of the Reform of Corporate Law in South Africa' (2008) published by the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (author)
2. 'Business and Human Rights: The Responsibilities of Corporations for the Protection and Promotion of Human Rights' (2008) published by the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (author)
3. 'The State Duty to Protect, Corporate Obligations and Extra-territorial Application in the African Regional Human Rights System', Report for the Mandate of the Special Representative of the Secretary General on Business and Human Rights, (2009) (input and reviewing)
4. 'Access to Justice: Human Rights Abuses Involving Corporations', Report for International Commission of Jurists, (2009) (input and reviewing)