



SYMPOSIUM IN HONOUR OF
**DIKGANG
MOSENEKE**

VENUE: University of the Witwatersrand | **DATE:** Wednesday, 30 November 2016

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG



UNIVERSITY OF CAPE TOWN
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

SOUTH AFRICAN
JOURNAL
ON
HUMAN RIGHTS

P R O G R A M M E

08:30 – 09:00 **Registration**

09:00 – 10:00 **Opening Session: Welcome and Personal Reflections**

Chair: Professor Wesahl Domingo, Acting Head, School of Law

9:00 - 9:15

Welcoming Comments

Professor Adam Habib, Vice-Chancellor, University of the Witwatersrand

9:15 – 10:00

Panel – Tributes and Personal Reflections

Isabel Goodman (former clerk), Johannesburg Bar

David Modiba (former clerk), Bowmans

Mark Heywood, Director, SECTION27

10:00 - 11:30

Panel 1 “Doctrinal Transformation? Constitutional Adjudication and the State of the Law”

Chair: Professor Pierre de Vos, Faculty of Law, University of Cape Town.

'The constitutionalisation of the common law of contract: A middle ground between the approach of the Constitutional Court and that of the Supreme Court of Appeal?'
Deeksha Bhana, School of Law, University of the Witwatersrand

'Property Rights in Court: An examination of judicial attempt to make sense of Section 25's balancing act'
Nompumelelo Seme & Jackie Dugard, School of Law, University of the Witwatersrand

'Land Restitution, Lawfare and the State we are in'
Mbongiseni Buthelezi, PARI

'The phantom of the willing buyer and the willing seller: an analysis of section 25.'
Mfesane Siboto, School of Law, University of the Witwatersrand

11:30 – 12:00 **Tea**

<p>12:00- 13:30</p>	<p>Panel 2 “The Judicial Role, the Democratic will and the Public”</p> <p>Chair: Sanele Sibanda, School of Law, University of the Witwatersrand</p> <p>‘Constitutional Adjudication on the right to a basic education: Are we asking the state to do the impossible?’ Kate Paterson, SECTION27</p> <p>‘Boats against the current: <i>Farjas, Florence</i> and the feasible fantasy of land reform’ Ben Winks, Legal Consultant and visiting researcher, University of Johannesburg</p> <p>‘The Puzzling Absence of Process Theory in South African Constitutional Law’ Firoz Cachalia, School of Law, University of the Witwatersrand</p> <p>‘The mysteriously appearing and disappearing doctrine of separation of powers – toward a distinctly South Africa doctrine for a transformative Constitution’ Tim Fish Hodgson, SERI</p>
<p>13:30 – 14:30</p>	<p>Lunch</p>
<p>14:30 – 16:00</p>	<p>Panel 3 “Freedom Fighters and Revolutionaries?”</p> <p>Chair: Dr Adila Hassim, Director, SECTION27</p> <p>‘Socio-economic rights and section 195: using public interest litigation to strengthen public administration’ Nikki Stein, SECTION27</p> <p>‘Public Interest Litigation’ Tembeka Ncgukaitobi, Johannesburg Bar</p> <p>‘Litigation and the Right to Protest’ Wandisa Phama, Centre for Applied Legal Studies, University of the Witwatersrand</p> <p>‘Dikgang Moseneke, Justice and the Structure of Legal Reasoning’ Stuart Wilson, SERI</p>
<p>16:00 - 16:30</p>	<p>Concluding comments: Justice Dikgang Moseneke</p>
<p>16:30</p>	<p>Refreshments</p>

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RETIRED DEPUTY CHIEF JUSTICE AND CHANCELLOR OF THE UNIVERSITY OF THE WITWATERSRAND