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The interpretation, application and incorporation of international law into South Africa's domestic law by South African courts, within the framework of the South African Constitution

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Appendix

KEY SECTIONS OF THE SOUTH AFRICAN CONSTITUTION

Section 1(c)

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

...

(c) Supremacy of the constitution and the rule of law.

Section 2

This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.

Section 7(2)

The state must respect, protect, promote and fulfil the rights in the Bill of Rights.

Section 39(1)(b)

When interpreting the Bill of Rights, a court, tribunal or forum-

.....

(b) must consider international law; and

....

Section 198(c)

The following principles govern national security in the Republic:

...

(c) National security must be pursued in compliance with the law, including international law.

Section 199(5)

The security services must act, and must teach and require their members to act, in accordance with the Constitution and the law, including customary international law and international agreements binding on the Republic.

Section 231

(1) The negotiating and signing of all international agreements is the responsibility of the national executive.

(2) An international agreement binds the Republic only after it has been approved by resolution in both the National Assembly and the National Council of Provinces, unless it is an agreement referred to in subsection (3).

(3) An international agreement of a technical, administrative or executive nature, or an agreement which does not require either ratification or accession, entered into by the national executive, binds the Republic without approval by the National Assembly and the National Council of Provinces, but must be tabled in the Assembly and the Council within a reasonable time.

(4) Any international agreement becomes law in the Republic when it is enacted into law by national legislation; but a self-executing provision of an agreement that has been approved by Parliament is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

(5) The Republic is bound by international agreements which were binding on the Republic when this Constitution took effect.

Section 232

Customary international law is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

Section 233

When interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law over any alternative interpretation that is inconsistent with international law.

Bibliography

Cases

South African cases

- AAA Investments (Pty) Ltd v Micro Finance Regulatory Council [2006] ZACC 9, 2007 (1) SA 343 (CC)
- ABC (Pty) Limited v Commissioner for the South African Revenue Services [2019] ZATC 14, [2019] JOL 46057 (TC)
- ABSA Bank Limited v Rosenberg and Another [2024] ZASCA 58
- Ad Hoc Central Authority for the Republic of SA and Another v Koch NO and Another [2023] ZACC 37, 2024 (3) SA 249 (CC)
- Advertising Regulatory Board NPC and Others v Bliss Brands (Pty) Ltd [2022] ZASCA 51, 2022 (4) SA 57 (SCA)
- Affordable Medicines Trust v Minister of Health [2005] ZACC 3, 2006 (3) SA 247 (CC)
- African Centre for Biodiversity NPC v Minister of Agriculture, Forestry and Fisheries and Others [2024] ZASCA 143, 2025 (2) SA 31 (SCA)
- AK v Minister of Police 2022 (11) BCLR 1307 (CC), 2023 (2) SA 321 (CC)
- Albutt v Centre for the Study of Violence and Reconciliation [2010] ZACC 4, 2010 (3) SA 293 (CC)
- Alexkor Ltd and Another v Richtersveld Community and Others [2003] ZACC 18, 2004 (5) SA 460 (CC)
- AmaBhungane Centre for Investigative Journalism NPC v President of the Republic of South Africa [2022] ZACC 31, 2023 (2) SA 1 (CC)
- Ashebo v Minister of Home Affairs and Others [2023] ZACC 16, 2023 (5) SA 382 (CC)
- Association of Mineworkers and Construction Union and Others v Anglo Gold Ashanti Limited t/a Anglo Gold Ashanti and Others [2021] ZACC 42, 2022 (8) BCLR 907 (CC)
- Azanian People's Organization (AZAPO) and Others v President of the Republic of South Africa and Others [1996] ZACC 16, 1996 (4) SA 672 (CC)
- Baleni and Others v Minister of Mineral Resources and Others [2018] ZAGPPHC 829, 2019 (2) SA 453 (GP)
- Barnard Labuschagne Incorporated v South African Revenue Service and Another [2022] ZACC 8, 2022 (5) SA 1 (CC)
- Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Others [2004] ZACC 15, 2004 (4) SA 490 (CC)
- Beadica 231 CC and others v Trustees for the Time Being of the Oregon Trust and others [2020] ZACC 13, 2020 (5) SA 247 (CC)
- Bhe and Others v Magistrate, Khayelitsha and Others [2004] ZACC 17, 2005 (1) SA 580 (CC)
- Binga v Cabinet for South West Africa and Others 1988 (3) SA 155 (A)
- Biowatch Trust v Registrar, Genetic Resources, and Others [2009] ZACC 14, 2009 (6) SA 232 (CC)

- Black Sash Trust v Minister of Social Development and Others (Freedom Under Law NPC Intervening) [2017] ZACC 8, 2017 (3) SA 335 (CC)
- Blind SA v Minister of Trade, Industry and Competition and Others [2022] ZACC 33, 2023 (2) BCLR 117 (CC)
- Bliss Brands (Pty) Ltd v Advertising Regulatory Board NPC and Others [2023] ZACC 19, 2023 (10) BCLR 1153 (CC)
- Bosch Home Appliances (Pty) Ltd v International Trade and Administration Commission of South Africa [2021] ZAGPPHC 8, 2021 JDR 0041 (GP)
- Bwanya v Master of the High Court, Cape Town and Others [2021] ZACC 51, 2022 (3) SA 250 (CC)
- Camps Bay Ratepayers and Residents Association and Another v Harrison and Another [2010] ZACC 19, 2011 (4) SA 42 (CC)
- Capitec Bank Holdings Limited and Another v Coral Lagoon Investments 194 (Pty) Ltd and Others [2021] ZASCA 99, [2021] 3 All SA 647 (SCA), 2022 (1) SA 100 (SCA)
- Carmichele v Minister of Safety and Security [2001] ZACC 22, 2001 (4) SA 938 (CC)
- Centre for Child Law v Director of Public Prosecutions, Johannesburg and Others [2022] ZACC 35, 2022 (12) BCLR 1440 (CC)
- Certification of the Constitution of the Republic of South Africa, 1996 [1996] ZACC 26, 1996 (4) SA 744 (CC)
- Chang v Minister of Justice and Correctional Services and Others [2019] ZAGPJHC 396, [2020] 1 All SA 747 (GJ)
- Charnell Commando and Others v City of Cape Town and Another [2024] ZACC 27, 2025 (3) SA 1 (CC)
- Chisuse and others v Director-General, Department of Home Affairs and another [2020] ZACC 20, 2020 (6) SA 14 (CC), 2020 (10) BCLR 1173 (CC)
- City Capital SA Property Holdings Ltd v Chavonnes Badenhorst St Clair Cooper and Others [2017] ZASCA 177, 2018 (4) SA 71 (SCA)
- City of Tshwane Metropolitan Municipality v Blair Atholl Homeowners Association [2018] ZASCA 176, [2019] 1 All SA 291 (SCA)
- Claassen v Minister of Justice and Constitutional Development [2009] ZAWCHC 190, 2010 (6) SA 399 (WCC)
- Commissioner SARS v Levi Strauss SA (Pty) Ltd [2021] ZASCA 32, 2021 (4) SA 76 (SCA)
- Commissioner, South African Revenue Service v Van Kets [2011] ZAWCHC 435, 2012 (3) SA 399 (WCC)
- Communicare NPC v Acting Magistrate Burgins and Others [2023] ZAWCHC 117
- Competition Commission of South Africa v Group Five Construction Ltd [2022] ZACC 36, 2023 (1) BCLR 1 (CC)
- Cool Ideas 1186 CC v Hubbard and Another [2014] ZACC 16, 2014 (4) SA 474 (CC)
- Corruption Watch (RF) NPC v Speaker of the National Assembly and Others [2025] ZACC 15, 2026 (1) SA 327 (CC)
- CUSA v Tao Ying Metal Industries and Others [2008] ZACC 15, 2009 (2) SA 204 (CC)
- DE v RH [2015] ZACC 18, 2015 (5) SA 83 (CC)
- De Vos NO and Others v Minister of Justice And Constitutional Development and Others [2015] ZACC 21, 2015 (9) BCLR 1026 (CC)
- Democratic Alliance v Minister of International Relations and Co-operation and Others [2017] ZAGPPHC 53, 2017 (3) SA 212 (GP)

- Democratic Alliance v Minister of International Relations and Co-operation and others (Trustees for the time being of the Women's Legal Centre Trust and others as amici curiae), Engels and another v Minister of International Relations and Co-operation and another [2018] ZAGPPHC 534, [2018] 4 All SA 131 (GP), 2018 (6) SA 109 (GP)
- Democratic Alliance v President of the Republic of South Africa [2011] ZASCA 241, 2012 (1) SA 417 (SCA)
- Diedericks v MEC for Agriculture, Environmental Affairs, Rural Development and Land Reform (Northern Cape) and Another 2026 (1) SA 574 (NCK)
- Director of Public Prosecutions, Eastern Cape, Makhandla v Coko [2024] ZASCA 59, [2024] 3 All SA 674 (SCA), (2024) (2) SACR 113 (SCA)
- Director of Public Prosecutions, Johannesburg and Another v Schultz and Others; Director of Public Prosecutions, Bloemfontein v Cholota [2026] ZACC 3, 2026 (3) BCLR 175 (CC)
- Doctors for Life International v Speaker of the National Assembly and Others [2006] ZACC 11, 2006 (6) SA 416 (CC)
- Earthlife Africa Johannesburg and Another v Minister of Energy and Others [2017] ZAWCHC 50, 2017 (5) SA 227 (WCC)
- East Asian Consortium BV v MTN Group Limited and Others [2025] ZASCA 50, [2025] 3 All SA 13 (SCA)
- EB (born S) v ER (born B) and Others, KG v Minister of Home Affairs and Others [2023] ZACC 32, 2024 (2) SA 1 (CC)
- Economic Freedom Fighters and another v Minister of Justice and Correctional Services and another [2020] ZACC 25, 2021 (2) BCLR 118 (CC), 2021 (2) SA 1 (CC)
- Economic Freedom Fighters v Speaker, National Assembly [2016] ZACC 11, 2016 (3) SA 580 (CC)
- Electoral Commission v Mhlope and Others [2016] ZACC 15, 2016 (5) SA 1 (CC)
- Embrace Project NPC and Others v Minister of Justice and Correctional Services and Others [2024] ZAGPPHC 961, 2025 (1) SACR 36 (GP)
- Fedsure Life Assurance Ltd and Others v Greater Johannesburg Transitional Metropolitan Council and Others [1998] ZACC 17, 1999 (1) SA 374 (CC)
- Ferreira v Levin NO [1995] ZACC 13, 1996 (1) SA 984 (CC)
- Fischer and another v Ramahlele and others [2014] ZASCA 88, 2014 (4) SA 614 (SCA)
- Four Wheel Drive Accessory Distributors CC v Rattan NO [2018] ZASCA 124, 2019 (3) SA 451 (SCA)
- Gavric v Refugee Status Determination Officer, Cape Town and Others [2018] ZACC 38, 2019 (1) SA 21 (CC)
- Gcaba v Minister for Safety and Security [2009] ZACC 26, 2010 (1) SA 238 (CC)
- Glenister v President of the Republic of South Africa [2008] ZACC 19, 2009 (1) SA 287 (CC)
- Glenister v President of the Republic of South Africa and Others [2011] ZACC 6, 2011 (3) SA 347 (CC)
- Goodwin v The Director-General, Department of Justice and Constitutional Development 2008 JDR 0671 (T)
- Government of the Republic of South Africa and others v Grootboom and others [2000] ZACC 19, 2001 (1) SA 46 (CC)
- Government of the Republic of Zimbabwe v Fick and Others [2012] ZASCA 122
- Government of the Republic of Zimbabwe v Fick and Others [2013] ZACC 22, 2013 (5) SA 325 (CC)

- Greater Tzaneen Municipality v Bravospan 252 CC [2024] ZACC 20, 2025 (1) SA 557 (CC)
- Green Connection NPC and Another v Minister of Forestry, Fisheries and the Environment and Others [2025] ZAWCHC 349
- H v Fetal Assessment Centre [2014] ZACC 34, 2015 (2) SA 193 (CC)
- Harksen v President of the Republic of South Africa & Others 2000 (2) SA 825 (CC)
- International Trade Administration Commission and Others v Association of Meat Importers and Exporters and Others [2025] ZASCA 173, [2026] 1 All SA 28 (SCA)
- Investigating Directorate: Serious Economic Offences and Others v Hyundai Motor Distributors (Pty) Ltd and Others [2000] ZACC 12, 2001 (1) SA 545 (CC)
- Irankunda and Another v Director of Asylum Seeker Management: Department of Home Affairs and Others [2024] ZASCA 87, 2024 (6) SA 376 (SCA)
- Jaftha v Schoeman and Others, Van Rooyen v Stoltz and Others [2004] ZACC 25, 2005 (2) SA 140 (CC)
- Johannesburg (City) and Others v Occupiers, Farm Randjesfontein No 405 and Another [2025] ZASCA 47, 2025 (5) SA 86 (SCA)
- Jordaan and Others v Minister of Home Affairs and Another [2025] ZACC 19; 2025 (11) BCLR 1249 (CC), 2025 (6) SA 323 (CC)
- Justice Alliance of South Africa v President of the Republic of South Africa and Others [2011] ZACC 23, 2011 (5) SA 388 (CC)
- Kaunda and Others v President of the RSA and Others (2) [2004] ZACC 5, 2005 (4) SA 235 (CC)
- Khosa and Others v Minister of Defence and Military Veterans and Others [2020] ZAGPPHC 147, 2020 (5) SA 490 (GP)
- Khumalo and Another v Member of the Executive Council for Education: KwaZulu-Natal [2013] ZACC 49 (CC), 2014 (5) SA 579 (CC)
- King NO and Others v De Jager and Others [2021] ZACC 4, 2021 (4) SA 1 (CC), 2021 (5) BCLR 449 (CC)
- Kingdom of Lesotho v Frazer Solar GMBH and Others [2023] ZAGPJHC 1486
- Krok and Another v Commissioner, South African Revenue Service [2015] ZASCA 107, 2015 (6) SA 317 (SCA)
- Kruger v National Director of Public Prosecutions [2019] ZACC 13, 2019 (6) BCLR 703 (CC)
- Kruger v President of the Republic of South Africa and Others [2008] ZACC 17, 2009 (1) SA 417 (CC)
- Law Society of South Africa and Others v President of the Republic of South Africa and Others [2018] ZACC 51, 2019 (3) SA 30 (CC)
- Mahlangu and another v Minister of Labour and others (Commission for Gender Equality and another as amici curiae) [2020] ZACC 24, 2021 (1) BCLR 1 (CC)
- Makana Peoples Centre v Minister of Health and Others [2023] ZACC 15, 2023 (8) BCLR 963 (CC), 2023 (5) SA 1 (CC)
- Maluleke v Minister of Internal Affairs 1981 (1) SA 707 (B)
- Mansingh v General Council of the Bar and Others [2013] ZACC 40, 2014 (2) SA 26 (CC)
- Marshall and Others v Commissioner for the South African Revenue Service [2018] ZACC 11, 2018 (7) BCLR 830 (CC), 2019 (6) SA 246 (CC)
- Marsland v The Additional District Court Magistrate, Kempton Park and Another [2021] ZASCA 14, 2021 (1) SACR 454 (SCA)
- Matatiele Municipality and Others v President of the RSA and Others (No 2) [2006] ZACC 12, 2007 (6) SA 477 (CC)

- Mayelane v Ngwenyama [2013] ZACC 14, 2013 (4) SA 415 (CC), 2013 (8) BCLR 918 (CC)
- McBride v Minister of Police and others [2015] ZAGPPHC 830 (GP), 2016 (4) BCLR 539 (GP)
- McBride v Minister of Police and another (Helen Suzman Foundation as amicus curiae) [2016] ZACC 30 (CC), 2016 (11) BCLR 1398 (CC)
- Mfalapitsa v Minister of Justice and Correctional Services and Others [2024] ZAGPJHC 1136, 2025 (1) SACR 482 (GJ)
- Minister of Home Affairs v Tsebe [2012] ZACC 16, 2012 (5) SA 467 (CC)
- Minister of Justice and Correctional Services and Others v Ntuli [2025] ZACC 7; 2025 (8) BCLR 869 (CC)
- Minister of Justice and Constitutional Development and Others v Prince (Clarke and Others intervening) [2018] ZACC 30, 2018 (6) SA 393 (CC)
- Minister of Justice and Constitutional Development and others v Southern African Litigation Centre and others [2016] ZASCA 17, 2016 (3) SA 317 (SCA)
- Minister of Safety and Security v South African Hunters and Game Conservation Association [2018] ZACC 14, 2018 (2) SACR 164 (CC), 2018 (10) BCLR 1268 (CC)
- Mlungwana v S [2018] ZACC 45, 2019 (1) BCLR 88 (CC)
- Mncwabe v President of the Republic of South Africa and Others [2023] ZACC 29, 2024 (1) SACR 447 (CC)
- Mohamed and Another v President of the RSA and Others 2001 (7) BCLR 685 (CC)
- Mphahlele v First National Bank of SA Ltd [1999] ZACC 1, 1999 (2) SA 667 (CC)
- Mphephu-Ramabulana and Another v Mphephu and Others [2021] ZACC 43, 2022 (1) BCLR 20 (CC)
- Municipal and Allied Trade Union of South Africa (MATUSA) v Central Karoo District Municipality and Others [2020] ZALAC 20, [2020] 9 BLLR 896 (LAC)
- Mutsila v Municipal Gratuity Fund and Others [2025] ZACC 17, 2025 (10) BCLR 1139 (CC), 2026 (1) SA 1 (CC)
- MV Alam Tenggara Golden Seabird Maritime Inc and Another v Alam Tenggara SDN BHD and Another [2001] ZASCA 103, 2001 (4) SA 1329 (SCA)
- MV Pasquale Della Gatta MV Filippo Lembo Imperial Marine Co v Deileumar Compagnia di Navigazione Spa [2011] ZASCA 131, 2012 (1) SA 58 (SCA)
- Natal Joint Municipal Pension Fund v Endumeni Municipality [2012] ZASCA 13, 2012 (4) SA 593 (SCA)
- National Commissioner of the South African Police Service v Southern African Human Rights Litigation Centre [2013] ZASCA 168, 2014 (2) SA 42 (SCA)
- National Commissioner of the South African Police Service v Southern African Human Rights Litigation Centre [2014] ZACC 30, 2015 (1) SA 315 (CC)
- National Union of Metal Workers of South Africa v Lufil Packaging (Isithebe) and Others [2020] ZACC 7, 2020 (6) BCLR 725 (CC)
- New Nation Movement NPC and Others v President of the Republic of South Africa and Others [2020] ZACC 11, 2020 (6) SA 257 (CC)
- Notyawa v Makana Municipality and Others [2019] ZACC 43, 2020 (2) BCLR 136 (CC)
- Nu Africa Duty Free Shops (Pty) Ltd v Minister of Finance and Others [2023] ZACC 31, 2024 (1) SA 567 (CC)
- O'Brien NO v Minister of Defence and Military Veterans and Others [2024] ZACC 30, 2025 (2) SA 613 (CC)
- One Movement South Africa NPC v President of the Republic of South Africa and Others [2023] ZACC 42, 2023 (2) SA 148 (CC)

- Pan American World Airways Incorporated v SA Fire and Accident Insurance Co Ltd 1965 (3) SA 150 (A)
- Pharmaceutical Manufacturers Association of South Africa and Another: In re Ex Parte President of the Republic of South Africa and Others [2000] ZACC 1, 2000 (2) SA 674 (CC), 2000 (3) BCLR 241 (CC)
- President of the Republic of South Africa v South African Rugby Football Union [1999] ZACC 9, 1999 (4) SA 147 (CC)
- President of the Republic of South Africa and Others v South African Rugby Football Union and Others [1999] ZACC 11, 2000 (1) SA 1 (CC)
- President of the Republic of South Africa and Others v Quagliani [2009] ZACC 1, 2009 (2) SA 466 (CC)
- President of the Republic of South Africa v Sigcau and Others [2024] ZACC 21, 2025 (1) BCLR 26 (CC)
- President of the Republic of South Africa and Another v Tembani and Others [2024] ZACC 5, 2024 (9) BCLR 1152 (CC)
- President of the Republic of South Africa and Another v Women's Legal Centre Trust and Others [2020] ZASCA 177, 2021 (2) SA 381 (SCA)
- Prisons Civil Rights Union v South African Correctional Services Workers' Union and Others [2018] ZACC 24, 2019 (1) SA 73 (CC)
- Progress Office Machines CC v South African Revenue Service and Others [2007] ZASCA 118, [2007] 4 All SA 1358 (SCA)
- Qwelane v South African Human Rights Commission and Another [2021] ZACC 22, 2021 (6) SA 579 (CC)
- Rafoneke and Others v Minister of Justice and Correctional Services and Others (Makombe Intervening) [2022] ZACC 29, 2022 (6) SA 27 (CC)
- Randfontein Estates Gold Mining Co Ltd Appellant v Custodian of Enemy Property Respondent 1923 AD 576
- Re-opened Inquest into the Death of Ahmed Essop Timol [2017] ZAGPPHC 652
- Re-opened Inquest into the Death of Dr Hoosen Mia Haffjee [2023] ZAKZPHC 93
- Residents of Industry House, 5 Davies Street, New Doornfontein, Johannesburg and Others v Minister of Police and Others [2021] ZACC 37, 2023 (3) SA 329 (CC), 2022 (1) BCLR 46 (CC)
- Right to Know Campaign and Others v City Manager of Johannesburg Metropolitan Municipality and Another [2022] ZAGPJHC 388, 2022 (5) SA 570 (GJ)
- Road Accident Fund and Another v Mdeyide [2010] ZACC 18, 2011 (2) SA 26 (CC)
- Ross v South Peninsula Municipality [1999] ZAWCHC 2, 2000 (1) SA 589 (C)
- Rossouw v Blignaut and Wessels and Another [2025] ZASCA 146, 2026 (2) SA 477 (SCA)
- Ruta v Minister of Home Affairs [2018] ZACC 52, 2019 (2) SA 329 (CC), 2019 (3) BCLR 383 (CC)
- S v Basson 2007 (3) SA 582 (CC)
- S v Ephraim and Others [2025] ZAGPJHC 410, 2025 JDR 1804 (GJ)
- S v Makwanyane [1995] ZACC 3, 1995 (3) SA 391 (CC)
- S v Mamabolo [2001] ZACC 17, 2001 (3) SA 409 (CC)
- S v Okah [2018] ZACC 3, 2018 (4) BCLR 456 (CC)
- S v Petane 1988 (3) SA 51 (C)
- SADR and Another v The Owner and Charterers of the 'MV NM Cherry Blossom' and Others [2017] ZAECPHC 31, 2017 (5) SA 105 (ECP)
- Saidi and others v Minister of Home Affairs and others [2018] ZACC 9, 2018 (7) BCLR 856 (CC)

- Scalabrini Centre of Cape Town and Another v Minister of Home Affairs and Others [2023] ZACC 45, 2024 (3) SA 330 (CC)
- Scalabrini Centre of Cape Town and Another v Minister of Home Affairs and Others [2025] 3 All SA 827 (WCC)
- Schultz v Minister of Justice and Correctional Services and Others [2024] ZASCA 77; 2024 (2) SACR 294 (SCA)
- Secretary of the Judicial Commission of Inquiry v Zuma [2021] ZACC 2, 2021 (5) SA 1 (CC)
- Secretary of the Judicial Commission of Inquiry v Zuma and Others [2021] ZACC 18, 2021 (5) SA 327 (CC)
- Shilubana and Others v Nwamitwa [2008] ZACC 9, 2009 (2) SA 66 (CC)
- Smit v Minister of Justice and Correctional Services and Others [2020] ZACC 29, 2021 (3) BCLR 219 (CC)
- Smith and Others v Minister of Justice and Correctional Services [2023] ZAGPJHC 1127
- Sonderup v Tondelli [2000] ZACC 26, 2001 (1) SA 1171 (CC)
- Sonke Gender Justice NPC v President of the Republic of South Africa and Others [2020] ZACC 26, 2021 (3) BCLR 269 (CC)
- Soobramoney v Minister of Health, KwaZulu-Natal (1998) 1 SA 765 (CC)
- South African Human Rights Commission v Msunduzi Local Municipality and Others [2021] ZAKZPHC 35, 2021 (6) SA 500 (KZP)
- South Atlantic Islands Development Corporation Ltd v Buchan 1971 (1) SA 234 (C)
- South African Police Service v Solidarity obo Barnard (Police and Prisons Civil Rights Union as amicus curiae) [2014] ZACC 23, 2014 (6) SA 123 (CC)
- Speaker of the National Assembly v Public Protector and Others, Democratic Alliance v Public Protector and Others [2022] ZACC 1, 2022 (3) SA 1 (CC)
- The Citizen 1978 (Pty) Ltd v McBride [2011] ZACC 11, 2011 (4) SA 191 (CC)
- Thubakgale and others v Ekurhuleni Metropolitan Municipality and others [2021] ZACC 45, 2022 (8) BCLR 985 (CC)
- Tshabalala v S, Ntuli v S [2019] ZACC 48, 2020 (5) SA 1 (CC), 2020 (3) BCLR 307 (CC)
- Turnbull-Jackson v Hibiscus Court Municipality [2014] ZACC 24, 2014 (6) SA 592 (CC)
- United Democratic Movement v Speaker of the National Assembly and Others [2017] ZACC 21, 2017 (5) SA 300 (CC)
- University of Johannesburg v Auckland Park Theological Seminary and another [2021] ZACC 13 (CC), 2021 (6) SA 1 (CC)
- Van Zyl NO v RAF [2021] ZACC 44, 2022 (3) SA 45 (CC)
- Vodacom (Pty) Ltd v Makate and Another [2025] ZACC 13
- Wary Holdings (Pty) Ltd v Stalwo (Pty) Ltd and Another [2008] ZACC 12, 2009 (1) SA 337 (CC)
- Wilkinson and Another v Crawford NO and Others [2021] ZACC 8, 2021 (4) SA 323 (CC)
- Women's Legal Centre Trust v President of the Republic of South Africa and Others [2018] ZAWCHC 109, 2018 (6) SA 598 (WCC)
- Women's Legal Centre Trust v President of the Republic of South Africa and Others [2022] ZACC 23, 2022 (5) SA 323 (CC)
- Zuma v Minister of Police and Others [2021] ZAKZPHC 40, [2021] 3 All SA 967 (KZP)
- Zuma and Others v S [1995] ZACC 1, 1995 (2) SA 642 (CC), 1995 (4) BCLR 401 (CC)
- Zuma v Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State and Others [2021] ZACC 28, 2021 (11) BCLR 1263 (CC)

International and non-South African domestic cases

- A and Others v Secretary of State for the Home Department (No 2) [2005] UKHL 71
- Abbott v Abbott (2010) 130 S Ct 1983
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Yugoslavia), Preliminary Objections, Judgment [1996] ICJ Reports 595
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro) [2007] ICJ Reports 43
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v Myanmar), Preliminary Objections, Judgment [2022] ICJ Reports 477
- Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v Russian Federation), Judgment [2024] ICJ Reports 78
- Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v United Arab Emirates), Preliminary Objections, Judgment [2021] ICJ Reports 71
- Belhaj v Straw [2017] UKSC 3, [2017] AC 964
- Benkharbouche v Secretary of State for Foreign and Commonwealth Affairs [2018] 1 All ER 662
- Campbell and Another v Republic of Zimbabwe (SADC (T) 03/2009) [2009] SADCT 1
- Canadian Cattlemen for Fair Trade v USA Award on jurisdiction, IIC 316 (2008), 28th January 2008, Ad Hoc Tribunal (UNCITRAL)
- Council of Civil Service Unions v Minister for the Civil Service [1985] 1 AC 374
- Defense for Children International-Palestine v Biden 714 F Supp 3d 1160 (ND Cal 2024)
- Defense for Children International-Palestine v Biden 107 F 4th 926 (9th Cir 2024)
- Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights, Advisory Opinion [1999] ICJ Reports 62
- Dispute regarding Navigational and Related Rights (Costa Rica v Nicaragua), Judgment [2009] ICJ Reports 213
- Elettronica Sicula SpA (ELSI) (United States of America v Italy), Judgment [1989] ICJ Reports 15
- Febles v Minister of Citizenship and Immigration (2022) 197 ILR 549
- G v G [2021] UKSC 9
- Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment [1997] ICJ Reports 7
- Gramara (Pvt) Ltd v Government of the Republic of Zimbabwe HH169-09 (26 January 2010)
- Haig v Agee (1981) 453 US 280
- Jones v Saudi Arabia [2006] UKHL 26
- Judgment in the Jordan Referral re Al-Bashir Appeal ICC-02/05-01/09-397 (6 May 2019)
- Jurisdictional Immunities of the State Case (Germany v Italy), Judgment [2012] ICJ Reports 99
- Kingdom of Lesotho v Swissbourgh Diamond Mines (Pty) Ltd [2017] SGHC 195
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970) (Advisory Opinion) [1971] ICJ Reports 16
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Reports 136

- Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion [2019] ICJ Reports 95
- M (CA677/2017) v Attorney-General (in respect of the Ministry of Health) [2020] NZCA 311
- Malaysian Historical Salvors, SDN, BHD v The Government of Malaysia, ICSID Case No ARB/05/10, <https://www.italaw.com/sites/default/files/case-documents/ita0497.pdf>
- Marab and Others v Israel Defence Force Commander in the West Bank and Another, 5 February 2003, (2008) 133 ILR 332
- Mike Campbell (Pvt) Ltd and Others v Republic of Zimbabwe (2/2007) [2008] SADCT 2
- Minister for Immigration and Ethnic Affairs v Teoh [1995] 183 CLR 273
- Moohan and another v Lord Advocate [2015] 2 All ER 361
- Nevsun Resources Ltd v Araya 2020 SCC 5
- North Sea Continental Shelf (Judgment) [1969] ICJ Reports 3
- Olmstead et al v United States (1928) 277 US 438
- Pavlou v Chief Returning Officer, Mayor of Nicosia (1991) 86 ILR 109
- Prosecutor v Elizaphan Ntakirutimana and Gérard Ntakirutimana (Appeals Judgment) ICTR-96-10-A; ICTR-96-17-A (13 December 2004) (ICTR)
- Prosecutor v Anto Furundzija (Trial Judgment) IT-95-17/1-T (10 December 1998) (ICTY)
- Pulp Mills on the River Uruguay (Argentina v Uruguay) Judgment [2010] ICJ Rep 14
- R v Bow Street Metropolitan Stipendiary Magistrate, ex p Pinochet Ugarte (No 3) [1999] UKHL 17, [2000] 1 AC 147
- R (on the application of Al-Haq) v Secretary of State for Business and Trade [2025] EWHC 1615 (Admin)
- R (on the application of Jimenez) v The First Tier Tribunal (Tax Chamber) [2019] EWCA Civ 51
- R (on the application of Miller and another) v Secretary of State for Exiting the European Union [2017] 1 All ER 593
- R v Jones (Margaret) [2007] 1 AC 136
- R v Secretary of State for the Home Department, ex parte Adan [2001] AC 477
- R v Secretary of State for the Home Department, Ex parte Brind and Others [1991] 1 AC 696
- Rahmatullah v Ministry of Defence [2017] UKSC 1, [2017] AC 649
- Re D (A Child) [2006] UKHL 51, [2007] 1 AC 619
- Re E (Children) (Wrongful Removal: Exceptions to Return) [2011] UKSC 27, [2012] 1 AC 144
- Responsibilities and obligations of States with respect to activities in the Area, Advisory Opinion, 1 February 2011 [2011] ITLOS Reports 10
- Sempra Energy International v Argentine Republic, Award, 28 September 2007, ICSID Case No ARB/02/16
- Shergill v Khaira [2014] UKSC 33, [2015] AC 359
- Swissbournh Diamond Mines (Pty) Ltd and others v Kingdom of Lesotho [2018] SGCA 81
- ST (Eritrea) v Secretary of State for the Home Department [2012] UKSC 12
- Trail Smelter Arbitration (United States v Canada) (1938 and 1941) 3 RIAA 1905
- Whaling in the Antarctic (Australia v Japan: New Zealand Intervening), Judgment [2014] ICJ Reports 226

Treaties

- African Charter on Human and Peoples' Rights (1981) 1520 UNTS 217
- African Union Convention on Preventing and Combating Corruption (2004) 43 ILM 5
- Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (1994) 1868 UNTS 279
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) 1465 UNTS 85
- Convention on the Civil Aspects of International Child Abduction (1980) 1343 UNTS 89, (1980) 19 ILM 1501
- Convention on the Elimination of All Forms of Discrimination against Women (1979) 1249 UNTS 13
- Convention on the Elimination of All Forms of Racial Discrimination (1965) 660 UNTS 195
- Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) 330 UNTS 3
- Convention on the Rights of Persons with Disabilities (2006) 2515 UNTS 3
- Convention on the Rights of the Child (1989) 1577 UNTS 3
- Convention on the Prevention and Punishment of the Crime of Genocide (1948) 78 UNTS 277
- Convention relating to the Status of Refugees (1951) 189 UNTS 150
- Protocol relating to the Status of Refugees (1967) 606 UNTS 267
- General Agreement on Tariffs and Trade (1947) 55 UNTS 194
- General Agreement on Trade in Services (1994) 1869 UNTS 183, 33 ILM 1167
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949) 75 UNTS 31
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949) 75 UNTS 85
- Geneva Convention relative to the Treatment of Prisoners of War (1949) 75 UNTS 135
- Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) 75 UNTS 287
- International Convention on Salvage (1989) 1953 UNTS 165
- International Covenant on Civil and Political Rights (1966) 999 UNTS 171
- International Covenant on Economic, Social and Cultural Rights (1966) 993 UNTS 3
- Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2013) 3162 UNTS 3
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2002) 2375 UNTS 237
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) 1001 UNTS 45
- Protocol against Corruption (Southern African Development Community) (2001)
- Protocol on Combating Illicit Drug Trafficking in the Southern African Development Community Region (1996)
- Protocol on Finance and Investment (Southern African Development Community) (2006)
- Protocol on the Tribunal in the Southern African Development Community (2014, not in force)
- Protocol on the Tribunal in the Southern African Development Community (2000)
- Rome Statute of the International Criminal Court (1998) 2187 UNTS 90, 7 ILM 999
- Southern African Development Community Treaty (1992)

Statute of the International Court of Justice (1945) 33 UNTS 993
Treaty of Peace between the Allied and Associated Powers and Germany (1919) 225 CTS 188
United Nations Charter (1945) 1 UNTS XVI
United Nations Convention against Corruption (2003) 2349 UNTS 41, (2004) 43 ILM 37
United Nations Convention on Jurisdictional Immunities of States and Their Property (2004, not yet in force), annexed to UN Doc A/RES/59/38, (2005) 44 ILM 803
United Nations Convention on the Suppression and Punishment of the Crime of Apartheid (1973) 1015 UNTS 243
Vienna Convention on Consular Relations (1963) 596 UNTS 261
Vienna Convention on Diplomatic Relations (1961) 500 UNTS 95
Vienna Convention on the Law of Treaties (1969) 1155 UNTS 331, (1969) 8 ILM 679

South African legislation

Board of Tariffs and Trade Act 107 of 1986
Children's Act 38 of 2005
Code of Judicial Conduct, GN R865 in Government Gazette 35802 (18 October 2012)
Constitutional Court Rules, GN R1675 in Government Gazette 25726 (31 Oct 2003)
Constitution of the Republic of South Africa Act 200 of 1993 (Interim Constitution)
Constitution of the Republic of South Africa, 1996
Correctional Services Act 111 of 1998
Customs and Excise Act 91 of 1964
Defence Act 42 of 2002
Diplomatic Immunities and Privileges Act 37 of 2001
Drugs and Drug Trafficking Act 140 of 1992
Executive Members' Ethics Act 82 of 1998
Extradition Act 67 of 1962
Foreign States Immunities Act 87 of 1981
Geneva General Agreement on Tariffs and Trade Act 29 of 1948
Implementation of the Rome Statute of the International Criminal Court Act 27 of 2002
Income Tax Act 58 of 1962
International Arbitration Act 15 of 2017
International Trade Administration Act 71 of 2002
Judicial Service Commission Act 9 of 1994
Law of Evidence Amendment Act 45 of 1988
Mental Health Care Act 17 of 2002
Military Discipline Supplementary Measures Act 16 of 1999
Prevention and Combating of Torture of Persons Act 13 of 2013
Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
Promotion of National Unity and Reconciliation Act 34 of 1995
Refugees Act 130 of 1998
Regulation of Gatherings Act 205 of 1993
Superior Courts Act 10 of 2013
Tax Administration Act 28 of 2011
Wreck and Salvage Act 94 of 1996

Articles, books, and chapters

- Albertyn C and Goldblatt B, 'Facing the Challenge of Transformation: Difficulties in the Development of an Indigenous Jurisprudence of Equality' (1998) 14 *South African Journal on Human Rights* 248
- Allott P, 'The Concept of International Law' (1999) 10 *European Journal of International Law* 31
- Ammann O, *Domestic Courts and the Interpretation of International Law: methods and means based on the Swiss Example* (2019)
- Arguelhes DW, 'Transformative Constitutionalism: A View from Brazil' in P Dann, M Riegner and M Bönnemann (eds), *The Global South and Comparative Constitutional Law* (2020)
- Aust A, *The Modern Law of Treaties* (3rd ed, 2013)
- Austin J, *The Province of Jurisprudence Determined* (Wilfred E Rumble ed, 1995)
- Aust HP, 'Between Universal Aspiration and Local Application: Concluding Observations' in Aust HP and Nolte G (eds) *The Interpretation of International Law by Domestic Courts: Unity, Diversity, Convergence* (2016)
- Rodiles A and Staubach P, 'Unity or Uniformity?: Domestic courts and Treaty Interpretation' (2014) 27 *Leiden Journal of International Law* 75
- and Nolte G (eds), *The Interpretation of International Law by Domestic Courts: Unity, Diversity, Convergence* (2016)
- Azaria D, 'Codification by Interpretation: The International Law Commission as an Interpreter of International Law' (2020) 31 *European Journal of International Law* 171
- 'The Legal Significance of Expert Treaty Bodies Pronouncements for the Purpose of the Interpretation of Treaties' (2020) 22 *International Community Law Review* 33
- Bantekas I, 'International Origin and General Principles' in Bantekas I, Ortolani P, Ali S, Gómez MA and Polkinghorne M (eds), *Model Law on International Commercial Arbitration: A Commentary* (2020)
- Barber N, 'The Rechtsstaat and the Rule of Law' (2003) 53 *The University of Toronto Law Journal* 443
- Berner K, 'Judicial Dialogue and Treaty Interpretation: Revisiting the "Cocktail Party" of International Law' (2016) 54 *Archiv des Völkerrechts* 67
- Besson S, 'Theorizing the Sources of International Law', in S Besson and J Tasioulas (eds), *The Philosophy of International Law* (2010)
- Bianchi A, Peat D, and Windsor W (eds), *Interpretation in International Law* (2015)
- Bingham T, *The Rule of Law* (2010)
- Botha N, 'The Role of International Law in the Development of South African Common Law' (2001) 26 *South African Yearbook of International Law* 253
- 'Rewriting the Constitution: The "strange alchemy" of Justice Sachs, indeed!' (2009) 34 *South African Yearbook of International Law* 253
- 'Justice Sachs and the Interpretation of International Law by the Constitutional Court: Equity or Expediency?' (2010) 25 *SA Public Law* 235
- and Olivier M, 'Ten years of international law in the South African courts: reviewing the past and assessing the future' (2004) 29 *South African Yearbook of International Law* 42
- Boyle A, 'International Law Before National Courts: Some Problems From a Common Law Perspective' (2004) 4 *Non-State Actors and International Law* 59
- Brickhill J and van Leeve Y, 'Transformative constitutionalism – Guiding light or empty slogan?' (2015) *Acta Juridica* 141

- Brown C, 'Article 59' in Andreas Zimmermann and others (eds), *The Statute of the International Court of Justice: A Commentary* (3rd ed, 2019)
- Brunnee J and Toope S, 'A Hesitant Embrace: The Application of International Law by Canadian Courts' (2002) 40 *Canadian Yearbook of International Law* 3
- Cali B, *The Authority of International Law: Obedience, Respect, and Rebuttal* (2015)
- Cachalia F, 'Democratic constitutionalism in the time of the postcolony: Beyond Triumph and Betrayal' (2018) 34 *South African Journal on Human Rights* 375
- Cameron E, 'Constitutionalism, Rights, and International Law: The Glenister Decision' (2013) 23 *Duke Journal of Comparative and International Law* 389
- 'South Africa under the Rule of Law: Peril and Promise' (2019) 68 *Journal of Legal Education* 507
- Cassese A, 'Modern Constitutions and International Law' (1985) *Recueil des Cours de l'Académie de Droit International* 331
- *International Law* (2nd ed, 2005)
- Collins L and Cross T, 'The law of international custom in the case law of the House of Lords and the United Kingdom Supreme Court' in Lijnzaad and Council of Europe (ed) *The Judge and International Custom* (2016)
- Cockrell A, 'Rainbow Jurisprudence' (1996) 12 *South African Journal on Human Rights* 1
- Cohen-Eliya M and Porat I, 'Proportionality and the culture of justification' (2011) 59 *American Journal of Comparative Law* 463
- Coutsoudis A, 'Customary international law is law in South Africa — Now what? Analysing the courts' identification and application of customary international law over the last decade' (2023) 140 *South African Law Journal* 53
- 'Making sense of the South African courts' evolving approach to the application of unincorporated treaties' (2023) 13 *Constitutional Court Review* 415
- 'Treaties apply in South African law — Now what? Analysing the courts' interpretation of treaties over the last half-decade' (2024) 141 *South African Law Journal* 703
- 'Tracing the Constitutional Court's Exploration of the Constitution's embrace of international law from *Azapo* to *Glenister II*, to *Law Society* and beyond, (2024) 37(1) *Advocate* 42, available at <https://gcbsa.co.za/law-journals/2024/April/42-48.pdf>
- 'The Place of international law in South African municipal law' in J Dugard, M du Plessis, T Maluwa & D Tladi (eds) *Dugard's International Law: A South African Perspective* (6th ed, 2026)
- and du Plessis M, 'We are all International Lawyers Now: the Constitution's International-Law Trifecta Comes of Age' (2019) 136 *South African Law Journal* 433
- and du Plessis M, 'We are all International Lawyers: Now What? Taking Seriously the Constitutional Injunction to Integrate International Law Obligations into South African Law' (2020) 10 *Constitutional Court Review* 155
- Crawford J, 'International Law and the Rule of Law' (2003) 24 *Adelaide Law Review* 3
- Crawford J, 'International Law in the House of Lords and the High Court of Australia 1996-2008: A Comparison', in E Shirlow, I Saunders and DR Rothwell (eds) *The Australian Year Book of International Law* (2009)
- 'A consensualist interpretation of article 31 (3) of the Vienna Convention on the Law of Treaties' in Georg Nolte (ed) *Treaties and Subsequent Practice* (2013)

- *Chance, Order, Change: The Course of International Law, General Course on Public International Law* (Pocket Books of the Hague Academy of International Law, 2014)
- *Brownlie's Principles of Public International Law* (9th ed, 2019)
- d'Aspremont J, *The Discourse on Customary International Law* (2021)
- Dann P, M Riegner and M Bönemann (eds), *The Global South and Comparative Constitutional Law* (2020)
- Davis DM, 'Constitutional borrowing: The influence of legal culture and local history in the reconstitution of comparative influence: The South African experience', (2003) 1 *International Journal of Constitutional Law* 181
- 'Transformation and the Democratic Case for Judicial Review: The South African Experience' (2007) 5 *Loyola University Chicago International Law Review* 45
- and Klare K, 'Transformative Constitutionalism and the Common and Customary Law' (2010) 26 *South African Journal on Human Rights* 403
- 'Is the South African Constitution an Obstacle to a Democratic Post-Colonial State?' (2018) 34 *South African Journal on Human Rights* 359
- and Klare K, 'Two Cheers for Transformative Constitutionalism' (2024) 35 *Law and Critique* 487
- Denza E, *Diplomatic Law: Commentary on the Vienna Convention* (4th ed, 2016)
- 'The Relationship between International Law and Domestic Law' in M Evans *International Law* (6th ed, 2024)
- De Wet E, 'South Africa' in D Shelton (ed) *International Law and Domestic Legal Systems: Incorporation, Transformation and Persuasion* (2011)
- 'The Constitutionalization of Public International Law' in M Rosenfeld and A Sajó (eds), *The Oxford Handbook of Comparative Constitutional Law* (2012)
- 'The Rise and Fall of the Tribunal of the Southern African Development Community: Implications for Dispute Settlement in Southern Africa' (2013) 28 *ICSID Review* 45
- 'The Case of Government of the Republic of Zimbabwe v Louis Karel Fick: A First Step towards Developing a Doctrine on the Status of International Judgments within the Domestic Legal Order' (2014) 17 *Potchefstroom Electronic Law Journal* 553
- 'The reception of international law in the South African legal order: an introduction' in E de Wet, H Hestermeyer and R Wolfrum (eds), *The Implementation of International Law in Germany and South Africa* (2015)
- Dörr O and Schmalenbach K, 'Art 26' in O Dörr and K Schmalenbach (eds) *Vienna Convention on the Law of Treaties: A Commentary* (2011)
- Du Plessis L, 'International Law and the Evolution of (Domestic) Human-Rights Law in Post-1994 South Africa' in JE Nijman and A Nollkaemper (eds), *New Perspectives on the Divide Between National and International Law* (2007)
- Du Plessis M and Coutsooudis A, 'The Putin-South Africa arrest warrant saga: A tale of the shrinking world of an accused war criminal', *EJIL:Talk!* (18 August 2023), available at <https://www.ejiltalk.org/the-putin-south-africa-arrest-warrant-saga-a-tale-of-the-shrinking-world-of-an-accused-war-criminal/>
- Dugard J and Sánchez AM, 'Bringing Gender and Class into the Frame: An Intersectional Analysis of the Decoloniality-As-Race Critique of the Use of Law for Social Change' (2021) 32 *Stellenbosch Law Review* 24
- Dugard J, 'The Role of International Law in the Struggle for Liberation in South Africa' (1991) 18 *Social Justice* 83

- 'Is the Truth and Reconciliation Process Compatible with International Law – An Unanswered Question – *Azapo v. President of the Republic of South Africa* 1996' (1997) 13 *South African Journal on Human Rights* 258.
- 'Kaleidoscope: International Law and the South African Constitution' (1997) 8 *European Journal of International Law* 77
- 'South Africa', in D Sloss (ed), *The Role of Domestic Courts in Treaty Enforcement: A Comparative Study* (2009);
- and Tladi D, 'Sources of International Law' in J Dugard, M du Plessis, T Maluwa and D Tladi (eds) *Dugard's International Law: A South African Perspective* (5th ed, 2018)
- and Coutsooudis A, 'The Place of international law in South African municipal law', in J Dugard, M du Plessis, T Maluwa and D Tladi (eds) *Dugard's International Law: A South African Perspective* (5th ed, 2018)
- Dupuy P-M, 'International Law and Domestic (Municipal) Law' in R Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (April 2011)
- Ebrahim H, *The Soul of a Nation: Constitution-Making in South Africa* (1998)
- Evans A, 'Self-Executing Treaties in the United States of America' (1953) 30 *British Yearbook of International Law* 178
- Ferreira G and Ferreira-Snyman A, 'The Incorporation of Public International Law into Municipal Law and Regional Law against the Background of the Dichotomy between Monism and Dualism' (2014) 17 *Potchefstroom Electronic Law Journal* 1471
- Fikfak V, Peat D, and van der Zee E, 'Bias in International Law' (2022) 23 *German Law Journal* 281
- Fiss O, 'Objectivity and Interpretation' (1982) 34 *Stanford Law Review* 739
- Fitzmaurice G, 'The General Principles of International Law Considered from the Standpoint of the Rule of Law' (1957) 92 *Recueil des cours de l'Académie de droit international* 1
- Fitzmaurice M, Elias O, and Merkouris P (eds), *Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years On* (2010)
- Fleuren J, 'The Application of Public International Law by Dutch Courts' (2010) 57 *Netherlands International Law Review* 245
- Foakes J, *The Position of Heads of State and Senior Officials in International Law* (2014)
- Fowkes J, 'The License and the Burden: Transformative Constitutionalism under the ANC Constitutional Regime' (2025) 15 *Constitutional Court Review* 1
- Franck TM and A Thiruvengadam, 'International Law and Constitution-Making' (2003) 2 *Chinese Journal of International Law* 467
- Fuo ON, 'The Transformative Potential of the Constitutional Environmental Right Overlooked in Grootboom' (2013) 34 *Obiter* 77
- Gaja G, 'Dualism: A Review' in JE Nijman and A Nollkaemper (eds), *New Perspectives on the Divide Between National and International Law* (2007)
- Gardiner R, *Treaty Interpretation* (2nd ed, 2015)
- Gavouneli M, 'Germany v Prefecture of Voiotia' (Analysis) ILDC 287 (GR 2000)
- Gelter M and Siems M, 'Citations to Foreign Courts – Illegitimate and Superfluous, or Unavoidable? Evidence from Europe' (2014) 62 *American Journal of Comparative Law* 35
- Gilbert G, 'Current Issues in the Application of the Exclusion Clauses' in E Feller, V Türk and F Nicholson (eds) *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (2003)

- Goldsworthy J, 'Questioning the Migration of Constitutional Ideas: Rights, Constitutionalism and the Limits of Convergence' in S Choudhry (ed), *The Migration of Constitutional Ideas* (2006)
- Gowar C, 'The Status of International Treaties in the South African Domestic Legal System: Small Steps towards Harmony in Light of Glenister', (2011) 36 *South African Yearbook of International Law* 307
- Gragl P, *Legal Monism: Law, Philosophy, and Politics* (2018)
- Greenwood C, 'The Development of International Law by National Courts' in Tiyanjana Maluwa, Max du Plessis and Dire Tladi (eds), *The Pursuit of a Brave New World in International Law: Essays in Honour of John Dugard* (2016)
- Guzman AT, 'Saving Customary International Law' (2005) 27 *Michigan Journal of International Law* 115
- Guzmán Dalbora JL, 'The Treatment of International Crimes in Chilean Jurisprudence: A Janus Face' (2010) 10 *International Criminal Law Review* 535.
- Habib A, 'South Africa – The Rainbow Nation and Prospects for Consolidating Democracy.' (1997) 2 *African Journal of Political Science* 15
- Hailbronner M, 'Transformative Constitutionalism: Not Only in the Global South' (2017) 65 *American Journal of Comparative Law* 527
- Hakimi M, 'Making Sense of Customary International Law', (2020) 118 *Michigan Law Review* 1487
- Hart HLA, 'Kelsen's Doctrine of the Unity of Law' in *Essays in Jurisprudence and Philosophy* (1983)
- Hathaway OA, 'International delegation and state sovereignty' (2008) 71 *Law and Contemporary Problems* 115
- and Shapiro SJ, 'Outcasting: Enforcement in Domestic and International Law' (2011) 121 *Yale Law Journal* 252
- Hegde VH, 'Indian Courts and International Law' (2010) 23 *Leiden Journal of International Law* 53
- Heller KJ, 'Customary International Law Symposium: The Stubborn Tenacity of Secondary Rules', *Opinio Juris* (7 July 2020), <http://opiniojuris.org/2020/07/07/customary-international-law-symposium-the-primary-rules-of-cil-are-not-coming-to-save-us/>
- Hernández G, 'Law's Determinability: Indeterminacy, Interpretative Authority, and the International Legal System' (2022) 69 *Netherlands International Law Review* 191
- Higgins R, *Problems and Process: International Law and How We Use It* (1995)
- Hill J, *Aust's Modern Treaty Law and Practice* (4 ed, 2022)
- Hoexter C, 'Transformative adjudication in administrative law: The revolutionary jurisprudence of Edwin Cameron' in N Ally & L Boonzaier *Edwin Cameron: Influences and impact* (2025)
- Hollis D, 'A comparative approach to treaty law and practice' in D Hollis, M Blakeslee, and B Ederington (eds) *National Treaty Law and Practice* (2005)
- and Vázquez CM, 'Treaty Self-Execution as "Foreign" Foreign Relations Law' in Curtis A Bradley (ed), *The Oxford Handbook of Comparative Foreign Relations Law* (2019)
- Iovane M, 'Domestic Courts Should Embrace Sound Interpretative Strategies in the Development of Human Rights-Oriented International Law' in A Cassese (ed) *Realizing Utopia: The Future of International Law* (2012)
- Iwasawa Y, 'Various means of enforcing International law' (2023) 65 *Harvard International Law Journal* 1
- *Domestic Application of International Law: Focusing on Direct Applicability* (2022)

- Jackson M and Woolaver H, 'Apartheid on trial: the COSAS 4 prosecution and the direct application of customary international law in South Africa', *EJIL:Talk!* (1 May 2025), <https://www.ejiltalk.org/apartheid-on-trial-the-cosas-4-prosecution-and-the-direct-application-of-customary-international-law-in-south-africa/>
- Jennings R and Watts A (eds), *Oppenheim's International Law* vol 1 (9th ed, 2008)
- Kelly JP, 'The Twilight of Customary International Law' (2000) 40 *Virginia Journal of International Law* 449
- Kelsen H, *Principles of International Law* (1959)
- 'Sovereignty' in SL Paulson and BL Paulson (eds), *Normativity and Norms: Critical Perspectives on Kelsenian Themes* (Clarendon Press 1998)
- *General Theory of Law and State* (A Wedberg tr, Lawbook Exchange 2007)
- *The Pure Theory of Law* (M Knight tr, Lawbook Exchange 2011)
- Kemp G, 'Criminal Court in South Africa Confirms Charges in Historic First Prosecution of the Crime Against Humanity of Apartheid' (*Opinio Juris*, 29 April 2025), <https://opiniojuris.org/2025/04/29/criminal-court-in-south-africa-confirms-charges-in-historic-first-prosecution-of-the-crime-against-humanity-of-apartheid/>
- and Nortje W, 'Prosecuting the crime against humanity of apartheid: the historic first indictment in South Africa and the application of customary international law' (2023) 21 *Journal of International Criminal Justice* 405
- Killander M, 'Judicial immunity, Compensation for unlawful detention and the elusive self-executing treaty provision: Claassen v Minister of Justice and Constitutional Development 2010(6) SA 399 (WCC)' (2010) 26 *South African Journal on Human Rights* 386
- Kirchmair L, *Rethinking the Relationship Between International, EU, and National Law: Consent-Based Monism* (2024)
- Klug H, 'Transformative Constitutionalism as a Model for Africa?' in P Dann, M Riegner and M Bönnemann (eds), *The Global South and Comparative Constitutional Law* (2020)
- Klare K, 'Legal Culture and Transformative Constitutionalism' (1998) 14 *South African Journal on Human Rights* 146
- Kolb R, 'Selected Problems in the Theory of Customary International Law' (2003) 50 *Netherlands International Law Review* 119
- Koskeniemi M, 'The Politics of International Law' (1990) 1 *European Journal of International Law* 4
- La Forest AW, 'Evidence and International and Comparative Law', in OE Fitzgerald, ed, *The Globalized Rule of Law: Relationships between International and Domestic Law* (2006)
- Langa P, 'Transformative Constitutionalism' (2006) 17 *Stellenbosch Law Review* 351
- Lauterpacht H, 'Restrictive Interpretation and the Principle of Effectiveness in the Interpretation of Treaties' (1949) 26 *British Yearbook of International Law* 48
- 'International Law and Municipal Law' in E Lauterpacht (ed), *International Law: Being the Collected Papers of Hersch Lauterpacht*, vol 1: *The General Works* (1970)
- le Bouthillier Y, 'Article 32' in O Corten and P Klein (eds) *The Vienna Conventions on the Law of Treaties* (2011)
- Lefkowitz D, *Philosophy and International Law: A Critical Introduction* (2020)
- Liebenberg S, *Socio-Economic Rights: Adjudication under a Transformative Constitution* (2010)

- ‘South Africa and the International Covenant on Economic, Social and Cultural Rights: Deepening the Synergies’ (2020) 3 *South African Judicial Education Journal* 12
- Lim CL, ‘The Constitution And The Reception Of Customary International Law: *Nguyen Tuong Van v Public Prosecutor*’ 2005 *Singapore Journal of Legal Studies* 218
- Lynch T, ‘The ICCPR, Non-Self-Execution, and DACA Recipients’ Right to Remain in the United States’ (2020) 34 *Georgetown Immigration Law Review* 323
- Madlingozi T, ‘Social Justice in a Time of Neo-Apartheid Constitutionalism: Critiquing the Anti-Black Economy of Recognition, Incorporation and Distribution’ (2017) 28 *Stellenbosch Law Review* 12
- Maluwa T, *International Law in Post-Colonial Africa* (1999)
- Maripe B, ‘Giving Effect to International Human Rights Law in the Domestic Context of Botswana: Dissonance and Incongruity in Judicial Interpretation’ (2014) 14 *Oxford University Commonwealth Law Journal* 251
- Marochkin SY and Popov VA, ‘International Humanitarian and Human Rights Law in Russian Courts’ (2011) 2 *Journal of International Humanitarian Legal Studies* 216
- McCorquodale R, ‘Defining The International Rule of Law: Defying Gravity?’ (2016) 65 *The International and Comparative Law Quarterly* 277
- McLachlan C, ‘The Principle of Systemic Integration and Article 31(3)(c) of the Vienna Convention’ (2005) 54 *International and Comparative Law Quarterly* 279
- Meyersfeld B, ‘Domesticating International Standards: The Direction of International Human Rights Law in South Africa’ (2013) *Constitutional Court Review* 399
- Michelman F, ‘The Rule of Law, Legality and the Supremacy of the Constitution’ (Ch 11, OS 02-05) in S Woolman and M Bishop (eds) *Constitutional Law of South Africa* (2nd ed, 2014)
- Modiri JM, ‘Conquest and constitutionalism: First thoughts on an alternative jurisprudence’ (2018) 34 *South African Journal on Human Rights* 300
- Mortenson J, ‘The Travaux of Travaux: Is the Vienna Convention Hostile to Drafting History?’ (2013) 107 *American Journal of International Law* 780
- Moseneke D, ‘The Fourth Bram Fischer Memorial Lecture: Transformative Adjudication’ (2002) 18 *South African Journal on Human Rights* 309
- ‘The Role of Comparative and Public International Law in Domestic Legal Systems: A South African Perspective’ (2010) 23 *Advocate* 63
- *My Own Liberator: A Memoir* (2016)
- Mureinik E, ‘A Bridge to Where? Introducing the Interim Bill of Rights’ (1994) 10 *South African Journal on Human Rights* 31
- Murphy SD, ‘The Relevance of Subsequent Agreement and Subsequent Practice for the Interpretation of Treaties’ in Georg Nolte (ed) *Treaties and Subsequent Practice* (2013)
- Murray C, ‘A Constitutional Beginning: Making South Africa’s Final Constitution’ (2001) 23 *University of Arkansas at Little Rock Law Review* 809
- Ncube CB and Samtani S, ‘Copyright, Disability Rights and the Constitution: *Blind SA v Minister for Trade, Industry and Competition*’ (2023) 13 *Constitutional Court Review* 471
- Ngoale E, ‘The Content of the Doctrine of Self-Execution and Its Limited Effect in South African Law’ (2006) 31 *South African Yearbook of International Law* 153
- Nickerson RS, ‘Confirmation Bias: A Ubiquitous Phenomenon in Many Guises’ (1998) 2 *Review of General Psychology* 175

- Nijman JE and Nollkaemper A (eds), *New Perspectives on the Divide Between National and International Law* (2007)
- Nollkaemper A, *National Courts and the International Rule of Law* (2011)
- 'The power of secondary rules to connect the international and national legal orders' in T Broude, and Y Shany (Eds), *Multi-sourced equivalent norms in international law* (2011)
- Shany Y and Tzanakopoulos A, 'Engagement of Domestic Courts with International Law: Principled or Unprincipled?' in A Nollkaemper, Y Shany, A Tzanakopoulos and E Methymaki (eds), *The Engagement of Domestic Courts with International Law: Comparative Perspectives* (2024)
- Nolte G, 'How to Identify Customary International Law? On the Final Outcome of the Work of the International Law Commission (2018)' (KFG Working Paper Series No 37, Berlin Potsdam Research Group 'The International Rule of Law – Rise or Decline?', June 2019)
- Nyathi M and Phooko MR, 'The South African Constitutional Court Judgment Concerning the Suspension of SADC Tribunal: Critiquing the Critics of the Constitutional Court' (2021) 54(2) *Comparative and International Law Journal of Southern Africa* 1
- O'Connell DP, 'The Relationship between International Law and Municipal Law' (1960) 48 *Georgetown Law Journal* 431
- O'Connell ME, 'Speaking Truth to Trump on the International Rule of Law', *EJIL:Talk!* (7 February 2025), <https://www.ejiltalk.org/speaking-truth-to-trump-on-the-international-rule-of-law/>
- Olaborode A and Meintjes-Van Der Walt L, 'Cognitive bias affecting decision-making in the legal process' (2020) 41 *Obiter* 806
- Olivier M, 'Exploring the Doctrine of Self-Execution as Enforcement Mechanism of International Obligations' (2002) 27 *South African Yearbook of International Law* 99
- O'Regan C, 'Some Reflections on Theunis Roux's Grand Narratives of Transition and the Quest for Democratic Constitutionalism in India and South Africa' (2024) 57 *Verfassung und Recht in Übersee* 72
- Oppong RF, 'Re-Imagining International Law: An Examination of Recent Trends in the Reception of International Law into National Legal Systems in Africa' (2007) 30 *Fordham International Law Journal* 296
- Orrego Vicuña F, 'Customary International Law in a Global Community: Tailor Made?' (2005) 38(148) *Revista de Estudios Internacionales* 22
- Paulson SL and Paulson BL (eds), *Normativity and Norms: Critical Perspectives on Kelsenian Themes* (1998)
- Paulus A, 'The Emergence of the International Community and the Divide between International and Domestic Law', in J Nijman and A Nollkaemper (eds), *New Perspectives on the Divide between National and International Law* (2007)
- 'The Judge and International Custom' (2013) 12 *The Law and Practice of International Courts and Tribunals* 253
- Pauwelyn J and Elsig M, 'The Politics of Treaty Interpretation: Variations and Explanations across International Tribunals' in J L Dunoff and M A Pollack (eds), *Interdisciplinary Perspectives on International Law and International Relations: The State of the Art* (2012)
- Peat D, *Comparative Reasoning in International Courts and Tribunals* (2019)

- ‘Disciplining Rules? Compliance, the Rules of Interpretation, and the Evaluative Dimension of Articles 31 and 32 of the VCLT’ (2022) 69 *Netherlands International Law Review* 221
- Phooko MR and Nyathi M, ‘The Revival of the SADC Tribunal by South African Courts: A Contextual Analysis of the Decision of the Constitutional Court of South Africa’ (2019) 52 *De Jure* 415
- Prost M, *The Concept of Unity in Public International Law* (2012)
- Ranjan P, ‘The Supreme Court of India and International Law: A topsy-turvy Journey from Dualism to Monism’ (2022) 43 *Liverpool Law Review* 571.
- Regan D, ‘Understanding What the Vienna Convention Says About Identifying and using “Sources for Treaty Interpretation”’ in S Besson and J d’Aspremont (eds) *The Oxford Handbook on The Sources of International Law* (2017)
- Roach K, ‘Dialogic Judicial Review and its Critics’ (2004) 23 *Supreme Court Law Review* 49
- Roberts A, ‘Traditional and Modern Approaches to Customary International Law: a Reconciliation’ (2001) 95 *American Journal of International Law* 757
- Rose C, ‘The Limitations of the United Nations Convention against Corruption’, in C Rose, *International Anti-Corruption Norms: Their Creation and Influence on Domestic Legal Systems* (2015)
- Roux T, ‘Transformative Constitutionalism and the Best Interpretation of the South African Constitution: Distinction without a Difference?’ (2009) 20 *Stellenbosch Law Review* 258
- ‘Grand Narratives of Transition and the Quest for Democratic Constitutionalism in India and South Africa’ (2024) 57 *Verfassung und Recht in Übersee* 5
- Ryngaert CMJ, ‘Horizontal Complementarity’ (last updated February 2018) in H Ruiz Fabri (ed), *Max Planck Encyclopedia of International Procedural Law*, <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e2909.013.2909/law-mpeipro-e2909>
- and Siccama D, ‘Ascertaining Customary International Law: An Inquiry into the Methods Used by Domestic Courts’ (2018) 65 *Netherlands International Law Review* 1
- Salmon J, ‘Art. 26 1969 Vienna Convention’ in O Corten and P Klein (eds) *The Vienna Conventions on the Law of Treaties* (2011)
- Samtani S, ‘International law, access to courts and non-retrogression: Law Society v President of the Republic of South Africa’ (2020) 10 *Constitutional Court Review* 197
- Sarkin J, ‘The Drafting of South Africa’s Final Constitution from a Human-Rights Perspective’ (1999) 47 *American Journal of Comparative Law* 67
- ‘The Effect of Constitutional Borrowings on the Drafting of South Africa’s Bill of Rights and Interpretation of Human Rights Provisions’, (1998) 1 *University of Pennsylvania Journal of Constitutional Law* 176
- Sbolci L, ‘Supplementary Means of Interpretation’ in E Cannizzaro (ed), *The Law of Treaties Beyond the Vienna Convention* (2011)
- Scholtz W and Ferreira G, ‘The Interpretation of Section 231 of the South African Constitution: a Lost Ball in the High Weeds!’ (2008) 41(2) *Comparative and International Law Journal of Southern Africa* 324
- Sender O and Wood M, ‘Custom’s Bright Future: The Continuing Importance of Customary International Law’, in C.A. Bradley (ed), *Custom’s Future: International Law in a Changing World* (2016)

- Shany Y, *Regulating Jurisdictional Relations between National and International Courts* (2007)
- ‘An Old House with New Bricks, or a New House of Old Cards? On National Courts, the International Rule of Law, and the Power of Legal Imagination’ (2012) 4 *Jerusalem Review of Legal Studies* 50
- Shaw M, *International Law* (9th ed, 2021)
- Shelton D (ed), *International Law and Domestic Legal Systems: Incorporation, Transformation, and Persuasion* (2011)
- Shirlow E and Waibel M, ‘A Sliding Scale Approach to Travaux in Treaty Interpretation: The Case of Investment Treaties’ (2021) *British Yearbook of International Law* 10
- Sibanda S, ‘Not Purpose-Made! Transformative Constitutionalism, Post-Independence Constitutionalism and the Struggle to Eradicate Poverty’ (2011) 22 *Stellenbosch Law Review* 482
- Siems M, ‘A Network Analysis of Judicial Cross-Citations in Europe’ (2023) 48 *Law and Social Inquiry* 881
- Simma B, ‘The Contribution of Alfred Verdross to the Theory of International Law’ (1995) 6 *European Journal of International Law* 33
- Singh VK, ‘India’ in Fulvio Palombino (ed), *Duelling for Supremacy: International Law vs. National Fundamental Principles* (2019)
- Sloss D, ‘Treaty Enforcement in Domestic Court: A Comparative Analysis’ in Sloss (ed) *The Role of Domestic Courts in Treaty Enforcement* (2009)
- ‘Taming Madison’s Monster: How to Fix Self-Execution Doctrine’ (2015) *Brigham Young University Law Review* 1691
- ‘Domestic Application of Treaties’, in D Hollis (ed), *The Oxford Guide to Treaties* (2nd ed, 2020)
- and Van Alstine MP, ‘International Law in Domestic Courts’ in W Sandholtz and C Whytock (eds), *Research Handbook on the Politics of International Law* (2017)
- Sorel J and Bore Eveno V, ‘Article 31’ in O Corten and P Klein (eds) *The Vienna Conventions on the Law of Treaties* (2011)
- Starke JG, ‘Monism and Dualism in the Theory of International Law’ (1936) 17 *British Year Book of International Law* 66
- Staubach P, ‘The Interpretation of Unwritten International Law by Domestic Judges’ in HP Aust and G Nolte (eds) *The Interpretation of International Law by Domestic Courts: Uniformity, Diversity, Convergence* (2016)
- Stirling-Zanda S, ‘The determination of customary international law in European courts (France, Germany, Italy, The Netherlands, Spain, Switzerland)’ (2004) 4 *Non State Actors and International Law* 3
- Strydom H and Hopkins K, ‘International Law’ (Ch 30, OS 12-05) in S Woolman and M Bishop (eds) *Constitutional Law of South Africa* (2nd ed, 2014)
- Sucker F, ‘Approval of an International Treaty in Parliament: how does section 231(2) ‘Bind the Republic?’ (2013) 5 *Constitutional Court Review* 417
- Szewczyk BMJ, ‘Customary International Law and Statutory Interpretation: An Empirical Analysis of Federal Court Decisions’ (2014) 82 *George Washington Law Review* 1118
- Talmon S, ‘Determining Customary International Law: The ICJ’s Methodology between Induction, Deduction and Assertion’ (2015) 26(2) *European Journal of International Law* 417
- Tams C, ‘Article 94 UN Charter’ in A Zimmermann and others (eds), *The Statute of the International Court of Justice: A Commentary* (3rd ed, 2019)

- Tladi D, 'Interpretation of Treaties in an International Law-Friendly Framework: The Case of South Africa' in H Aust and G Nolte (eds) *The Interpretation of International Law by Domestic Courts: Uniformity, Diversity, Convergence* (2016)
- 'The interpretation and identification of international law in South African courts' (2018) 135 *South African Law Journal* 708
- 'The Constitutional Court's Judgment in the SADC Tribunal Case: International Law Continues to Befuddle' (2020) 10 *Constitutional Court Review* 129
- 'A Constitution Made for Mandela, A Constitutional Jurisprudence Developed for Zuma: The Erosion of Discretion of the Executive in Foreign Relations' in HP Aust and T Kleinlein (eds), *Encounters between Foreign Relations Law and International Law: Bridges and Boundaries* (2021)
- Tomka P, 'Custom and the International Court of Justice', (2013) 12 *Law and Practice of International Courts and Tribunals* 195
- Tuovinen J, 'What to Do with International Law? 3 Flaws in *Glenister*' (2015) 7 *Constitutional Court Review* 435
- Tzanakopoulos A, 'Domestic Courts in International Law: The International Judicial Function of National Courts' (2011) 34 *Loyola of Los Angeles International and Comparative LR* 133
- 'Final Report: Mapping the Engagement of Domestic Courts with International Law' (ILA Study Group on Principles on the Engagement of Domestic Courts with International Law, 2016), https://www.ila-hq.org/en_GB/documents/conference-study-group-report-johannesburg-2016
- and Tams CJ, 'Introduction: Domestic Courts as Agents of Development of International Law' (2013) 26 *Leiden Journal of International Law* 531
- Van Alebeek R, 'Domestic Courts as Agents of Development of International Immunity Rules' (2013) 26 *Leiden Journal of International Law* 559
- and Nollkaemper A, 'The legal status of decisions by human rights treaty bodies in national law' in H Keller and G Ulfstein (eds) *UN Human Rights Treaty Bodies: Law and Legitimacy* (2012)
- Van Alstine M, 'Summary and Conclusions' in DL Sloss (ed), *The Role of Domestic Courts in Treaty Enforcement: A Comparative Study* (2009)
- Van Damme I, *Treaty Interpretation by the WTO Appellate Body* (2009)
- Van der Merwe V, 'The origin and characteristics of the mixed legal systems of South Africa and Scotland and their importance in globalisation' (2012) 18 *Fundamina* 91
- Varsava N, 'Professional Irresponsibility and Judicial Opinions' (2021) 59 *Houston Law Review* 103
- Vazquez CM, 'The Four Doctrines of Self-Executing Treaties' (1996) 89 *American Journal of International Law* 695
- Verdier PH and Versteeg M, 'International Law in National Legal Systems: An Empirical Investigation' (2015) 109 *American Journal of International Law* 514
- 'Separation of Powers, Treaty-Making, and Treaty Withdrawal: A Global Survey' in CA Bradley (ed) *The Oxford Handbook of Comparative Foreign Relations Law* (2019)
- Vilhena O, Baxi U and Viljoen F (eds), *Transformative Constitutionalism: Comparing the Apex Courts of Brazil, India and South Africa* (2013)
- Villiger ME, *Commentary on the 1969 Vienna Convention on the Law of Treaties* (2009)
- Von Bernstorff J, *The Public International Law Theory of Hans Kelsen: Believing in Universal Law* (2010)

- Von Bogdandy A, 'Pluralism, Direct Effect, and the Ultimate Say: On the Relationship between International and Domestic Constitutional Law' (2008) 6 *International Journal of Constitutional Law* 397
- Ferrer Mac-Gregor E, Morales Antoniazzi M and Piovesan F (eds), *Transformative Constitutionalism in Latin America: The Emergence of a New Ius Commune* (2017)
- Waldock H, 'General Course on Public International Law' (1962) 106 *Recueil des cours de l'Académie de droit international* 1
- Waters M, 'The Judicial Trend toward Interpretive Incorporation of Human Rights Treaties' (2007) 107 *Columbia Law Review* 628
- Watts A, 'The Importance of International Law', in Michael Byers (ed), *The Role of Law in International Politics: Essays in International Relations and International Law* (2001)
- Wood M, 'Concluding Observations' (2017) 19 *International Community Law Review* 156.
- and Sender O, *Identification of Customary International Law* (2024)
- Woolaver H, 'Judicial Enforcement of International Decisions against Foreign States in South Africa: The Case of Government of the Republic of Zimbabwe v Louis Karel Fick and others' (2015) 6 *Constitutional Court Review* 217.
- 'South Africa' in Fulvio Palombino (ed), *Duelling for Supremacy: International Law vs. National Fundamental Principles* (2019)
- 'Engagement of South African Domestic Courts with International Law' in A Nollkaemper, Y Shany, A Tzanakopoulos and E Methymaki (eds), *The Engagement of Domestic Courts with International Law: Comparative Perspectives* (2024)
- 'The rise of judicial review of South Africa's Treaty-making powers' (2025) 142 *SALJ* 822
- Yee S, 'Article 38 of the ICJ Statute and Applicable Law: Selected Issues in Recent Cases' (2016) 7 *Journal of International Dispute Settlement* 472, 479-87
- Zimmermann R and Visser D (eds), *Southern Cross: Civil Law and Common Law in South Africa* (1996)

Other

- African Union, '(Draft) Model National Law on Universal Jurisdiction over International Crimes' (2011) EXP/MIN/Legal/VI
- Burke J, 'South African police issue arrest warrant for Grace Mugabe' *Guardian* (19 December 2018), <https://www.theguardian.com/world/2018/dec/19/south-african-police-issue-arrest-warrant-for-grace-mugabe-zimbabwe-accused-assault-hotel>
- Bangalore Principles of Judicial Conduct (2002), <https://www.unodc.org/documents/ji/training/bangaloreprinciples.pdf>
- Committee on the Elimination of Discrimination against Women (CEDAW Committee), 'General recommendation No 35 on gender-based violence against women, updating general recommendation No 19' (2017) UN Doc CEDAW/C/GC/35
- Bangladesh, Bolivia, Comoros, Djibouti and South Africa, 'State Party referral of the Situation in the State of Palestine in accordance with article 14 of the Rome Statute' (17 November 2023), <https://www.icc-cpi.int/sites/default/files/2023-11/ICC-Referral-Palestine-Final-17-November-2023.pdf>

- Cameron E, 'Safeguarding the Constitution and the Rule of Law' (4th Congress of the Conference of Constitutional Jurisdictions of Africa, 25 April 2017), https://www.judiciary.org.za/images/speeches_from_the_judiciary/Safeguarding_the_Constitution_and_the_Rule_of_Law_-_By_Justice_Edwin_Cameron.pdf
- Committee on the Elimination of Racial Discrimination (CERD Committee), 'General recommendation No 23: Rights of indigenous peoples' (1997) UN Doc A/52/18, annex V
- 'General recommendation No 25: Gender-related dimensions of racial discrimination' (2000) UN Doc A/55/18, annex V
- Committee on the Economic, Social and Cultural Rights (CESCR), 'General comment No 16: The equal right of men and women to the enjoyment of all economic, social and cultural rights (art 3)' (2005) UN Doc E/C.12/2005/4
- 'General comment No 23: The right to just and favourable conditions of work (art 7)' (2016) UN Doc E/C.12/GC/23
- Committee on the Rights of Persons with Disabilities (CRPD Committee), 'General comment No 1: Article 12—Equal recognition before the law' (2014) UN Doc CRPD/C/GC/1
- 'Guidelines on the right to liberty and security of persons with disabilities' (2015) UN Doc A/72/55, annex, 16-21
- Competition Commission of South Africa v Group Five Construction Limited [2022] ZACC 36, 2023 (1) BCLR 1 (CC), CCT 141/21, Respondent's Written Submissions, <https://www.saflii.org/za/cases/ZACC/2022/36hoa.pdf>
- Constitutional Assembly, *Rules of the Constitutional Assembly of South Africa* (1994), <https://peacemaker.un.org/en/documents/rules-constitutional-assembly-south-africa>
- *Annual Report May 1994 – May 1995* (1995), https://www.justice.gov.za/legislation/constitution/history/MEDIA/CA94_95.PDF
- Theme Committee 6.4 (Specialised Structures of Government: Security Apparatus), *Final Report to the Constitutional Committee (Blocks 1 & 2): 'Supremacy of the Constitution and Accountability and Control of the Security Forces'* (27 February 1995), <https://www.justice.gov.za/constitution/history/REPORTS/T64-2702A.PDF>
- *Report from Theme Committee One: Block 8 – Foreign Relations and International Law* (31 July 1995), <https://www.justice.gov.za/constitution/history/REPORTS/TC13107A.PDF>
- Technical Committee of Theme Committee 4, *Overview of Method of Work* (10 October 1995), <https://www.justice.gov.za/constitution/history/REPORTS/TC4-09105.PDF>
- Theme Committee 4 (Fundamental Rights), *Report and Explanatory Memorandum on the Interpretation of the Bill of Rights* (1995), <https://www.justice.gov.za/constitution/history/REPORTS/tc4-INTERPRE.PDF>
- Democratic Alliance v Minister of International Relations and Co-operation and Others 2018 (6) SA 109 (GP), Heads of Argument (parties and amici) (on file with the author)
- Democratic Alliance v President of the Republic of South Africa & Others Case No 50604/23 (Gauteng Provincial Division) (Unreported order granted), Court Papers and Order (on file with the author)
- Department of International Relations and Cooperation (South Africa), 'Framework Document on South Africa's National Interest and its advancement in a Global Environment' (2022), <https://dirco.gov.za/national-interest-framework-doc/>
- Foundation for Human Rights, 'The COSAS 4', <https://unfinishedtrc.co.za/cosas-4/>

- Hermer (Lord) KC (UK Attorney General), 'The Rule of Law in an Age of Populism' (Bingham Lecture, 14 October 2024), <https://www.gov.uk/government/speeches/attorney-generals-2024-bingham-lecture-on-the-rule-of-law>
- Human Rights Committee, 'General Comment No 21: Humane treatment of persons deprived of liberty (art 10)' (1992) UN Doc A/47/40, annex VI.B
- 'General Comment No 27: Freedom of movement (art 12)' (1999) UN Doc CCPR/C/21/Rev.1/Add.9
- 'General Comment No 31: The nature of the general legal obligation imposed on States Parties to the Covenant' (2004) UN Doc CCPR/C/21/Rev.1/Add.13
- 'General Comment No 33: Obligations of States parties under the Optional Protocol to the International Covenant on Civil and Political Rights' (2009) UN Doc CCPR/C/GC/33
- 'General comment No 34: Article 19: Freedoms of opinion and expression' (2011) UN Doc CCPR/C/GC/34
- 'General Comment No 35: Liberty and security of person (art 9)' (16 December 2014) UN Doc CCPR/C/GC/35
- International Law Commission, 'Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law' in *Report of the International Law Commission on the Work of its Fifty-Eighth Session* (1 May–9 June and 3 July–11 August 2006) UN Doc A/61/10
- 'Draft conclusions on identification of customary international law, with commentaries' (2018) UN Doc A/73/10
- 'Draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, with commentaries' (2018) UN Doc A/73/10
- 'Draft conclusions on subsidiary means for the determination of rules of international law, with commentaries' (provisionally adopted) (2023) UN Doc A/78/10
- ILC Secretariat, 'Ways and means for making the evidence of customary international law more readily available' (2019) UN Doc A/CN.4/710/Rev.1
- International Crimes Bill [B37—2017] (South Africa)
- Mandela N, 'Inaugural Address as President of South Africa' (10 May 1994) South African Government News Agency, <https://www.sanews.gov.za/south-africa/read-nelson-mandelas-inauguration-speech-president-sa>
- Minister of Justice and Constitutional Development and Others v Southern African Litigation Centre and Others 2016 (3) SA 317 (SCA), Heads of Argument (parties and amici) (on file with the author)
- Minister of Justice and Constitutional Development and Others v Southern African Litigation Centre and Others, CCT 75/16 (Constitutional Court of South Africa) (appeal withdrawn), Amici curiae written submissions (on file with the author)
- Nu Africa Duty Free Shops (Pty) Ltd v Minister of Finance and Others [2023] ZACC 31, 2024 (1) SA 567 (CC), Written Submissions, <https://www.saflii.org/za/cases/ZACC/2023/31hoa.pdf>
- Parliament of the Republic of South Africa, 'Announcements, Tablings and Committee Reports, No 32-2023' (10 March 2023), <https://www.parliament.gov.za/storage/app/media/Docs/atc/3ac52e60-8baa-424a-8fe7-742dc03b9f3b.pdf>
- Presidency (South Africa), 'Report of the Expert Panel into the July 2021 Civil Unrest' (29 November 2021), <https://www.thepresidency.gov.za/sites/default/files/2022-05/Report%20of%20the%20Expert%20Panel%20into%20the%20July%202021%20Civil%20Unrest.pdf>
- Princeton Principles on Universal Jurisdiction (2001), <https://www.legal-tools.org/doc/3d4626/pdf>

- Pérez-Vera E, 'Explanatory Report on the 1980 Hague Child Abduction Convention' in *Hague Conference on Private International Law, Acts and Documents of the Fourteenth Session (1980), vol III: Child Abduction (HCCH 1982)* 426, <https://assets.hcch.net/docs/a5fb103c-2ceb-4d17-87e3-a7528a0d368c.pdf>
- Ramaphosa C (President, South Africa), 'State of the Nation Address' (6 February 2025), <https://www.gov.za/speeches/2025StateOfTheNation>
- SADC, 'Communiqué of the 39th SADC Summit of Heads of State and Government' (Dar es Salaam, 17-18 August 2019), https://www.sadc.int/sites/default/files/2021-06/Communique_of_the_39th_SADC_Summit-English.pdf
- Saharawi Arab Democratic Republic and Another v Owner and Charterers of the "MV NM Cherry Blossom" and Others 2017 (5) SA 105 (ECP), Affidavits and Written Submissions (on file with the author)
- Truth and Reconciliation Commission of South Africa, *Final Report* vol 2 (1998), <https://www.justice.gov.za/trc/report/finalreport/volume%202.pdf>
- Tzanakopoulos A, 'Final Report: Mapping the Engagement of Domestic Courts with International Law' (ILA Study Group on Principles on the Engagement of Domestic Courts with International Law, 2016), https://www.ila-hq.org/en_GB/documents/conference-study-group-report-johannesburg-2016
- UNCITRAL Model Law on International Commercial Arbitration 1985, with amendments as adopted in 2006 (schedule 1 to International Arbitration Act 15 of 2017 (South Africa))
- United Nations Economic and Social Council, 'Resolution 2006/23: Strengthening basic principles of judicial conduct' (2006) UN Doc E/RES/2006/23
- United Nations General Assembly, 'Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels' (24 September 2012) UN Doc A/RES/67/1, <https://docs.un.org/en/A/RES/67/1>
- 'Identification of customary international law' (20 December 2018) UN Doc A/RES/73/203, <https://docs.un.org/en/A/RES/73/203>
- 'The rule of law at the national and international levels' (4 December 2024) UN Doc A/RES/79/126, <https://docs.un.org/en/A/RES/79/126>
- United Nations Secretary-General, 'The rule of law and transitional justice in conflict and post-conflict societies' (2004) UN Doc S/2004/616
- United Nations, Treaty Section, 'Rome Statute of the International Criminal Court — South Africa: Withdrawal of notification of withdrawal' (7 March 2017) UN Doc C.N.121.2017.TREATIES-XVIII.10, <https://treaties.un.org/doc/publication/CN/2017/CN.121.2017-Eng.pdf>
- Vázquez-Bermúdez M (ILC Special Rapporteur), 'Third report on general principles of law' (18 April 2022) UN Doc A/CN.4/753
- Venice Commission (European Commission for Democracy through Law), 'Rule of Law Checklist' (adopted at the 106th Plenary Session, 11-12 March 2016) CDL-AD(2016)007, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)007-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)007-e)
- 'Report on the Rule of Law' (4 April 2011) CDL-AD(2011)003rev, <https://rm.coe.int/1680700a61>
- 'Amicus curiae brief on the case *Santiago Bryson de la Barra et al* (crimes against humanity) for the Constitutional Court of Peru' (14-15 Oct 2011) CDL-AD(2011)041 [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2011\)041-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)041-e)
- Waldock H (ILC Special Rapporteur), 'Third report on the law of treaties' (1964) II Yearbook of the International Law Commission 5

- Wood M (ILC Special Rapporteur), 'First report on formation and evidence of customary international law' (2013) UN Doc A/CN.4/663
- 'Second report on identification of customary international law' (2014) UN Doc A/CN.4/672
- 'Third report on identification of customary international law' (2015) UN Doc A/CN.4/682
- 'Fourth report on identification of customary international law' (2016) UN Doc A/CN.4/695
- 'Fifth report on identification of customary international law' (2018) UN Doc A/CN.4/717
- 'Fifth report on identification of customary international law: Addendum' (2018) UN Doc A/CN.4/717/Add.1
- Zuma v Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State and Others [2021] ZACC 28, 2021 (11) BCLR 1263 (CC), Directions and Court Papers (on file with the author); partially available at <https://collections.concourt.org.za/handle/20.500.12144/36716?show=full>

