



### Minutes

#### General Meeting of Members

Held at Cape Town, South Africa

on 30 January 2009

at 3.12 pm

Chair: Justice Tony North, President

Attendees: As per attached list.

#### **Confirmation of Minutes of previous General Meeting**

As it appears that no minutes were taken at the General Meeting of Members in Mexico City, no confirmation is possible.

#### **President's Report**

Justice North spoke to his written President's Report which was circulated at the meeting and which is attached to these minutes. Page references in these minutes are references to the Report.

#### **Training**

Justice North explained the training activity undertaken by the IARLJ through the deployment of its members, often at the request of the UNHCR. He praised the members who act as trainers because they do it in their own time on a volunteer basis. This is a win/win situation for the courts and tribunals of members, as they do not pay for their members' time away on training missions but gain the extra expertise acquired by the trainers through such missions. He stressed that there must be equality of opportunity for deployments. All training positions should be advertised throughout the membership (Page 2).

Justice North commended the pre-conference training that had taken place at the University of Cape Town immediately before the conference. He explained that the Association was now being used as a clearing-house for training requests by a variety of organizations, not just UNHCR. (Page 3).

#### **President's Consultation**

Justice North referred readers to his report about the process of consultation leading up to the conference. He commented that during this period he had traveled extensively and made a point of meeting as many members as possible. He stressed that this travel was done at very little cost to the Association, as he had successfully combined travel on behalf of his Court, or private travel, with other activities that were to the Association's benefit.

#### **Executive / Development Directors**

Justice North was proud of the development of professionalism of the Association which had occurred during his tenure as President, something he had worked on since taking the job in 2005. He noted that UNHCR had provided funding for the first



Executive Director position which was filled by James Simeon. This resulted in further UNHCR seed funding for three regional positions as Development Director, two of which had been filled. He referred members to the reports from the Development Directors from Australasia and the Americas. He also noted that he had obtained additional funding from a philanthropic source so that the role of the Development Director in Australia could be extended in both duration and scope.

### **Working Parties**

Justice North stated that the working parties were the core function of the Association and noted the excellent work by James Simeon in coordinating and supporting them, and organizing the WP sessions which contributed greatly to the content of the conference. (Page 8)

### **Sounding Board**

Justice North went on to note another important function of the IARLJ: the provision of expert assistance to the UNHCR when it developed new guidelines on various aspects of refugee law/practice. (Page 9)

### **Database**

He also noted the contribution made by Paul Tiedemann and the database (page 10).

### **Recommendation concerning review of the constitution**

Justice North raised the question whether it was the right time for the Association to investigate whether the constitution should be amended to take account of the development and growth of the Chapters. It was, in his view, inappropriate for individual chapters to seek to alter the relationship with the Association without reference to the Council of the Association. Justice North suggested that the members resolve to form a committee to investigate constitutional changes which would govern all chapters.

### **Acknowledgements**

Justice North acknowledged the special help of a number of people including the Chief Justice of the Federal Court of Australia, Michael Black, former councilor Ema Aitken of New Zealand, Chief Justice Lutfy of Canada, Lois Figg, and Jean-Guy Fleury, formerly the Chair of the Americas Chapter, Jean-Paul Cavalieri from UNHCR in Geneva, Erika Feller, Rick Stainsby, Liesbeth van de Meeberg, Sebastiaan de Groot, James Simeon, Rick Jackson, Sue Zelinka, Paulah Dauns, and Eamonn Cahill.

### **Guiding Principles**

Justice North moved to a consideration of the way ahead for the Association. He hoped that the guiding principles of *professionalism* and *internationalism* which had been the foundations of his approach would be carried on and developed. He looked forward to seeing a number of new people on Council, bringing new ideas and enthusiasm. He committed himself to an ongoing contribution to Council and to the Association in general.



### **Reports from Chapters**

Reports from the four chapters – Africa, Americas, Australasia and Europe – have been submitted and can be read in full by members. A representative from each Chapter spoke and there were a couple of points that were not included in the written reports. Eamonn Cahill, on behalf of the Europe Chapter, was pleased to announce that a Project Director, Jan Nijenhof from the Netherlands Court, has been engaged to further the work of the chapter. Eamonn also announced that the chapter would hold a seminar in Berlin in October 2009, the third one to date devoted to the topic of the European Directives. Lois Figg announced that the Americas Chapter had just chosen a new Chair to replace Paulah Dauns who recently left refugee work. The new Chair is Justice Luc Martineau from Canada.

### **Approval of accounts**

Justice North noted that Treasurer Sebastiaan de Groot had finalised the accounts. and a members' committee consisting of James Latter (UK) and Mary Urquhart (Australia) had scrutinized them. James Latter noted that the accounts had been reviewed, that they were clear and transparent in setting out financial dealings, and the balance was a healthy 60,000 euros. He noted that he and Mary conducted two random checks (one in which a credit was traced through the system, and the other where a deficit was similarly followed) and they concluded that both Sebastiaan and Liesbeth were to be congratulated for the excellence of their account-keeping. Justice North added his thanks and stated his desire that a healthy balance be maintained.

At this point, Justice James Ogoola of Uganda read a poem that he had written dedicated to the Cape Town conference.

### **Elections**

By 15 December 2008, the date set by the Council for the close of nominations, four people had nominated for election to Council: Brian Goodman (Canada), Rolf Driver (Australia), Andrea Wilke (Germany) and Irene O'Connell (Australia). Later, another three people expressed their willingness to serve on Council: Juan Osuna (USA), Martine Denis – Linton (France) and Nihar Bird (UK). Under the constitution the Council has the capacity to co-opt three members if it chooses.

There was also a proposal to create new offices on the Council for representatives of each chapter: Africa, Americas, Australasia and Europe. The names of those representatives were respectively Ahmed Arbee, Luc Martineau, Heather Riley and Eamonn Cahill.

Also by 15 December 2008, the following people had nominated for offices on Council: Sebastiaan de Groot (President), Jacek Chlebny (Secretary/Treasurer) and Lois Figg (Vice-President).

Justice North summarized that the following actions needed to be taken:



1. A resolution that the four nominees for Council (Goodman, Driver, Wilke and O'Connell) be elected.
2. A resolution the other three nominees (Osuna, Denis-Linton and Bird) be co-opted onto Council.
3. A resolution to create offices for chapter representatives.
4. A resolution to accept the nominees (Arbee, Martineau, Riley and Cahill) to fulfill the offices of chapter representatives.
5. A resolution that the President, Secretary/Treasurer and Vice-President as nominated be elected.

There was a brief discussion, with Lori Scialabba asking why new offices were needed for Chapter representatives, that is, why could they not simply be on Council. Justice North, in reply, noted the constitutional limits on Council size. Ahmed Arbee noted the potential size and diversity of the Africa Chapter and requested that there be offices of chapter representatives for both North Africa and South Africa.

### Resolutions

The following resolutions were dealt with by the meeting as follows:

1. Resolved that Brian Goodman, Rolf Driver, Andrea Wilke and Irene O'Connell be elected to the Council.  
Seconded by Harald Dörig.  
Passed unanimously
2. Resolved that Juan Osuna, Martine Denis-Linton and Nihar Bird be co-opted onto Council.  
Seconded by Carolyn Layden-Stevenson.  
Passed unanimously
3. Resolved to create four offices for chapter representatives.  
Seconded by Lois Figg, with the amendment that the Africa Chapter office be comprised of Africa (North) and Africa (South).  
Passed unanimously.
4. Resolved that Ahmed Arbee, Luc Martineau, Heather Riley and Eamonn Cahill be accepted to fill the offices of chapter representatives.  
Seconded by Rolf Driver, with the amendment that Africa (South) be represented by Ahmed Arbee and that Africa (North) be represented by Mohamed El-Ayoubi.  
Passed unanimously.
5. Resolved that the President, Secretary/Treasurer and Vice-President as nominated be elected.  
Declared elected unopposed.
6. Resolved that a committee be set up to discuss constitutional changes within the Association.  
Seconded by Sebastiaan de Groot.  
Passed unanimously.



# IARLJ

## International Association of Refugee Law Judges

established at Warsaw, 18 september 1997

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### **Closing remarks**

Justice North remarked that the election process had been handled with dignity and integrity.

Justice North expressed his thanks to Justice Ogoola for the poem composed for the conference that he had read earlier and closed the meeting.

The minutes were taken by Sue Zelinka, Development Director of the Association.

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# IARLJ

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### List of Attendees at the General Meeting of Members held 30 January 2009.

Lois Figg  
Esme Chombo  
Tjerk Damstra  
Andrew Nyirenda  
Benjamin Odoki  
Sinai Nhatitima  
Shari Stein  
Juan Osuna  
Mohamed El Ayoubi  
Sekela Moshi  
Reuben Sirleaf  
Rolf Driver  
Irene O'Connell  
Mary Urquhart  
James Latter  
Brian Goodman  
Carolyn Layden-Stevenson  
Lori Scialabba  
Peter Showler  
Bel Moukaddam  
Paul Evande Mwambo  
Luc Martineau  
Juha Rautiainen  
Malematja Mohale  
Amor Boubakri  
James Simeon  
Bent Ove Jespersen  
Abasher Bashir Eisa  
Aonover Kakaan

Judit Papai  
Lisa Ward  
Ali Andenyangtso  
Ina Kirkutiene  
Zita Smirnoviene  
Catriona Jarvis  
Syd Bolton  
Justice Katju  
Vera Zederman  
Hubert Poyet  
Henri Desclaux  
Emilia Antonioni  
Eamonn Cahill  
Walter Stöckli  
Dace Abele  
Sebastiaan de Groot  
Richard Ljungqvist  
Allan Mackey  
Hugo Storey  
Harald Dörig  
Thomas Jallah  
Kashim Zannah  
Aubrey Ledwaba  
Jeremiah Shongwe  
Charles Mkandawire  
James Ogoola  
Tony North  
Sue Zelinka