



IARLJ

International Association of Refugee Law Judges

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The delegates at the IARLJ Eighth World Conference pose for a group photo beside Table Bay, Cape Town in January 2009

Welcome from the President

Hello again, though it is much nicer to say this in person than electronically... It is now three months since many of us met in beautiful Cape Town (as you can see in the photo above). We carry sweet memories of Cape Town, and those of us who could not come will hopefully be able to do so the next time. Past President Tony North and Africa Chapter Chair Ahmed Arbee did a great job – we had been trying to have a big event in Africa for a long time, and at last we managed to do it!

The end of a World Conference always marks a new start. At the Council meeting we identified our priorities and have already started work on them.

Together with Vice-President Lois Figg and European Chapter Chair Eamonn Cahill, I will visit UNHCR Headquarters in Geneva on 12-13 May to discuss a number of current issues, such as training in Africa; possibilities in South East Asia; the carrying out of the Agreements with UNHCR,

under which Sue Zelinka and Rick Jackson have been appointed as Development Directors; and any other issues that may arise. Prior to Geneva we will be in Budapest meeting the President of the Metropolitan Court and Judit Papai. Any news out of these visits we will communicate as soon as possible.

Next on the agenda is a Council meeting in London on 9 June. Council members have expressed the wish to meet a couple of times per year, if at all feasible, and we try to combine this with other meetings - in this case a meeting on COI to be held in cooperation with Nuffield.

There are also a number of other regional activities are underway, as recorded by the Chapter reports in this Newsletter. The Working Parties are starting up their new term, including a new WP on Article 1F of the Geneva Convention.

I wish to thank all members who devote their energy in a busy judicial life also to all these activities. Hope to meet you soon in person again!

Sebastiaan de Groot
The Netherlands

About the Newsletter

Sebastiaan has mentioned the warm feelings generated at the Cape Town Conference, and it was exactly this which prompted the decision to start this newsletter. Tony North was thinking about the pleasures of catching up with old friends, and making new ones, during IARLJ conferences and wondering how this contact could be kept up in the period between conferences. So he thought of having a newsletter to keep IARLJ members abreast of news about their colleagues around the world – and Sebastiaan enthusiastically embraced the idea. They asked me if I could take on the task of editing, which I am happy to do with the assistance of Liesbeth in Haarlem and Tarwin in Tony's chambers in Melbourne.

The newsletter will be published and circulated electronically to all members every three months. Apart from Association news, such as reports on Chapter activities, I hope it will contain a mix of professional and personal news. In the next newsletter, I will report on the IARLJ's provision of training workshops in conjunction with the UNHCR and we will hear about a deployment in Turkmenistan. I would also like to publish contributions from any of our members – perhaps a review of a book or a film related to refugee issues; or reflections on particular work issues that may be of general interest. The newsletter could also be a great place to advertise for house-swaps or holiday lets, given that our association membership covers many countries.

The newsletter will be what we – the membership of the IARLJ – make it. I welcome all your comments and contributions, which should be sent to suezelinka@bigpond.com. Finally, a newsletter should have a name and I appeal to all the clever wordsmiths among the readership to come up with one. A name that worked well in a couple of languages would be even better!

Sue Zelinka
Australia



The Deputy President of the Republic of South Africa, Ms Baleka Mbete, speaks at the Opening Session of the conference

Reflections on Cape Town

I have returned from the IARLJ World Conference in Cape Town with a renewed enthusiasm for my work and a passion for Zulu music.

The refugee law judge or decision-maker has a difficult and often lonely job. Hearings are frequently conducted alone and decision-writing is a solitary and time-consuming task. With a focus on individual cases, there is often little opportunity to contemplate refugee law from a wider perspective.

The IARLJ World Conference in Cape Town provided just such an opportunity. I spent the conference engaged in thought-provoking conversation with the other delegates and speakers, many of them eminent judges and academics from all over the world.

In Africa in particular, refugee issues simply cannot be ignored. During the conference, I spoke to judges from South Africa about the wave of refugees arriving from a disintegrating Zimbabwe and listened to the Deputy President of South Africa, Ms Baleka Mbete, speak of how, as a young mother, she was forced to leave her children to flee the apartheid regime.

Overwhelmingly, the IARLJ Conference in Cape Town re-affirmed the importance of our work as refugee law judges and decision-makers. As a member of the IARLJ, I am privileged to be part of such a community. Our work is difficult, challenging and can be emotionally draining but, in every case, it is work that really matters.

Suzanne Leal
Australia



Suzanne Leal is a member of the Refugee Review Tribunal in Australia. Her novel *Border Street* is the story of a Czech holocaust survivor who flees Prague to settle in Australia. She will be facilitating at the Sydney Writers' Festival on 21, 23 and 24 May 2009, where, amongst her guests, she will be speaking to Canadian doctor James Maskalyk about his book *Six Months in Sudan*. www.suzanneleal.com

The IARLJ is particularly grateful to Suzanne for the enormous assistance she provided during the Conference in interpreting for some of the Francophone African delegates. Her skills and her generosity were greatly appreciated.

Suzanne Leal (left) at the Welcome Reception in Cape Town with new Council Member Irene O'Connell.

Around the Chapters

Report of the European Chapter

The Council of the European Chapter has formally appointed Jan Nijenhof to take on the responsibility of Project Director. Jan has considerable experience as a member of the Administrative Court in Haarlem where he is a colleague of our President, Sebastiaan de Groot. He will be involved with future development of the Chapter. Jan will also liaise with the Commission of the European Union which, in practical terms, means that his attention will be focused on obtaining funding from the European Refugee Fund with a view to an extension of our training programme.

There will be a one-day workshop on Country of Origin Information (COI) to be held in London early next June and three additional workshops taking place in September and October.

A seminar for African judges will take place in Dublin on 18-19 September. UNHCR African Bureau will be invited to submit proposals for an agenda. A similar invitation will also go to Ahmed Arbee and his colleagues in the African Chapter.

Judit Papai and her colleagues from the Budapest Municipal Court are making final arrangements for a workshop in Budapest on 8-9 October. This is the second such event representing a partnership between the IARLJ and the UNHCR Regional Representation in Central Europe. It is intended for both candidate and potential candidate member States of the European Union. Countries invited to attend include Ukraine, Turkey, Croatia, Macedonia, Belarus, Moldova and Bosnia-Herzegovina .

For the past two years our colleagues at the Berlin Administrative Court have hosted a workshop on the development of Subsidiary Protection. This has been described by Jane McAdam as "the first supranational codification of a specialist complementary protection regime". The theme for the upcoming seminar has not been decided but an updated report will appear in the next newsletter.

The IARLJ has accepted an invitation from the Budapest Helsinki Committee to become a partner in a joint application for funding from the European Refugee Fund. If successful it will be then become possible to join in a training programme with co-partners. The theme will be "COI in Judicial Practices". Our co-partners are as follows: Budapest Helsinki Committee, UNHCR Regional Representation For Central Europe, ACCORD, Refugee Documentation Centre Ireland and the Court National du Droit d'Asile.

Eamonn Cahill
Ireland



Five of the many delegates from the Africa Chapter follow the Conference proceedings intently.

Report of the Africa Chapter

In the calendar of the IARLJ, the 8th World Conference hosted in Cape Town, South Africa in January 2009 will always be remembered as a very special occasion not only because it was hosted for the first time in Africa but moreover it propelled the African Chapter to take its rightful

place in the fraternity of our Association. A deep sense of gratitude is extended to all our Colleagues who attended this historic conference for their esteemed presence which added immensely to the strengthening of the bonds of this special collegiality.

We will always remain truly indebted to our immediate Past President, Justice North, Sue Zelinka, James Simeon, J P Cavaliere, Erika Feller , Rick Stainsby, Sebastiaan de Groot , Liesbeth van der Meeberg and many others for their unstinting support in setting such a high standard of dedication, diligence and creativity in their support of the Local Organising Committee. A special message of appreciation is extended to those of our Colleagues who dispatched numerous emails containing the most encouraging comments on the immensely successful conference held in South Africa and this includes all those who also expressed similar sentiments at the conclusion of the conference.

The dedicated funding from AusAid (the Australian Government's foreign aid program) enabled many Delegates from Africa to attend the conference. This initiative clearly resulted in a dramatic increase in the membership of the Chapter comprising of independent members of the Judiciary, Quasi Judicial Adjudicators and Associate Members representing institutions directly involved in the development of Refugee Law. Approximately 30 additional Members registered for membership of the Chapter during the conference.

Delegates from Africa really appreciated the interaction with members of our international fraternity sharing a platform in promoting a common understanding of Refugee Law and the harmonisation of status determination standards.

One of the priorities and objectives of the African Chapter is to diligently promote training initiatives in Africa. Council Member Mohammed El Ayoubi, as head of the Training Institute in Rabat, Morocco, has offered the facilities for a "Train the Trainers " program. We hope to engage the IARLJ Executive and the UNHCR to give priority to this initiative. Both Eamonn Cahill and William Bingy will be providing a revised format of the Trinity College Training program based on a proposal that the proposed training be offered in Africa enabling more Judges to attend the course.

Capacity Building initiatives by way of deployment of Members can also contribute in sustaining initiatives in Africa. We are in the process of having discussions with senior officials of the Canadian International Development Agency (CIDA) and can report that the Agency is very supportive of an initiative later this year in partnership with the Canadian IRB. May it be mentioned that Mr Renald Gregoire from the Canadian Embassy who attended the World Conference has played a significant role in facilitating this capacity building initiative.

Members of the Africa Chapter have demonstrated a willingness to engage internationally by participating in the Working Parties of the IARLJ, as well as promoting their regional Chapter. With regard to the latter, we hope to engage Council Member Kashim Zannah from the Nigerian Judiciary to look at the possibility of hosting a regional conference in 2010 in Nigeria.

In conclusion, I quote the words of Justice North who said, in his presidential report under the heading " The Way Forward",

Whilst considerable progress has been made in the last four years, there are challenges ahead. It is critical for the success of the Association that the Chapters work together in the interest of the Association's international agenda. More established Chapters will need to help with the newer Chapters with resources and with experienced advise. The original inspiration for the Association was as an international body. That remains the appropriate model.

These words remain profoundly relevant and meaningful in the development of the Regional Chapter for Africa.

Ahmed Arbee.
South Africa



For two days before the Conference, the IARLJ and the UNHCR ran a training workshop at the University of Cape Town. The trainers and many of the participants at the workshop then attended the conference. The IARLJ was delighted to have sponsored the delegates shown above, from many parts of the African continent, with funds donated by the Australian Government's foreign aid program (AusAID) to assist the Africa Chapter.

Report of the Australasia Chapter

There's been a lot of activity here since everyone returned from the wonderful conference in Cape Town. Some took longer to return than others, taking advantage of being in South Africa to do a bit more exploring in that exciting landscape.

The two co-convenors who serviced the Australasian Chapter for many years - Sue Zelinka and Ema Aitken - both finished their terms and stepped down from their roles in the Council and the Chapter. So we felt it was timely to look at the best model of governance to suit the needs of our rapidly growing Chapter. A teleconference was arranged in March involving all four local members who serve on the IARLJ Council, a representative of the New Zealand membership, the Development Director and the IARLJ President. From this discussion emerged a model of governance which was put to, and voted on, by all the Australasian membership. Subsequently, elections were held to fill the places created in this new model.

The Australasian Chapter now has a Chair (Rolf Driver FM), a Deputy Chair (Martin Treadwell from New Zealand), a Treasurer (Heather Riley FM), and three Executive Members: Irene O'Connell from Australia (who is also on the IARLJ Council), Bridget Dingle from New Zealand, and Justice Markandey Katju from India. The Chapter is particularly pleased to welcome Justice Katju as he is a tangible sign of the Chapter's intention to reach out more broadly into Asia and the Pacific. The Chapter is also delighted at the inclusion on its Executive of Justice Tony North, for whom the membership created a one-off emeritus position of Special Adviser. This current Executive will serve until the next international conference.

Since its election, the Executive has been busy using all its contacts to reach refugee law judges in countries in our region. We have also had a local membership drive, with very pleasing results. All members will get together in a videoconference in May, although some in more remote locations may be connected by telephone rather than video.

The focus of our planning now is a Regional Conference to be held in Sydney in February 2010. As the planning is in its early stages, it is best to hold over a report on this development until the next newsletter.

Rolf Driver
Australia

Report from the Americas Chapter

Unfortunately, this report will have to be held over until next time. Delegates at Cape Town will recall that it was announced at the General Meeting that Justice Luc Martineau from Canada was elected as the new Chair of the Chapter. However, unavoidable circumstances have caused him to step down. The Chapter is currently filling its executive roles.

Photos and publications

All the photographs in this newsletter were taken by Luke Hardy (Australia). The IARLJ is indebted to Luke who volunteered to be the conference photographer. Apart from his work at the Refugee Review Tribunal in Sydney, Luke pursues his passion for photography and has held several successful exhibitions. His last exhibition, entitled *Votive*, opened only a month after his return from Cape Town – so he has been very busy indeed! Luke is at the moment working through the large number of conference photographs and deciding on the best way to make these available to all members, perhaps as a compilation on DVD.

For those who would like to review all the thought-provoking material presented by a variety of speakers during the conference, Liesbeth sends word that the conference papers will be available to members on the IARLJ website at the end of the month. Preparations are in hand to eventually publish the papers in a hard copy as a complete conference record.

Last word....

As I said in my introductory paragraphs, this newsletter is being published for your interest and your benefit. Please join in with any contributions or comments, and see yourself in print the next time around – hopefully on 1 August, when newsletter number 2 is due to appear. Until then, best wishes to all members.

Sue Zelinka
Editor
Australia.



Of course, the conference was not all about work.....