

INTERNATIONAL ASSOCIATION OF REFUGEE LAW JUDGES

**9TH IARLJ WORLD CONFERENCE, BLED, SLOVENIA
September 7th to 9th, 2011**

Inter-Conference Working Party Process

**Coordinator's Report of the Activities of the IARLJ Working Parties since the
last IARLJ World Conference held in Cape Town, South Africa
January 28th – 30th, 2009**

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Introduction

This Coordinator's report outlines the activities of the Inter-Conference Working Party Process since the 8th IARLJ World Conference that was held in Cape Town, South Africa, in January 2009. The report is divided into four substantive parts, not including the introduction or conclusion. It reviews, in turn, the IARLJ Working Parties' contribution to the Bled 9th IARLJ World Conference, some of the highlights of the activities of the IARLJ Working Parties between the Cape Town and Bled IARLJ World Conferences, the teleconference calls held by the Inter-Conference Working Party Process and a number of common issues that were considered during these meetings, and, looking ahead at some of the salient issues that might need to be addressed in the intervening period from the Bled 9th IARLJ World Conference and the next IARLJ World Conference. The principal issues that have come to the fore over the period under review include: the publication of the IARLJ Working Parties' conference papers; the use of the latest communication and information technologies in the activities of the IARLJ Working Parties, and, the clear delineation of the process by which IARLJ Working Parties develop and present proposed guidelines for the benefit of the work of IARLJ members to their assessment and, when merited, their adoption and dissemination to IARLJ members and to the general public at large. The report concludes by calling for IARLJ members to engage with the IARLJ Working Parties in their ongoing dialogue on the legal issues that have come to the fore in international refugee law in an effort to further the overarching goal of the Association that international refugee law be applied fairly and consistently and that the determination of refugee status and its cessation be subject to the Rule of Law.

The IARLJ Working Parties and their Contribution to the Bled IARLJ World Conference

I am pleased to report that for our 9th IARLJ World Conference, that will be held in Bled, Slovenia, September 7th to 9th, 2011, the IARLJ Working Parties will be presenting a wide range of conference research papers, discussion papers, and other materials. In fact, nine out of our ten IARLJ Working Parties will be presenting their research papers and/or research agendas in international refugee law for the consideration of the members of our Association and, in

particular, to the delegates who will be attending the IARLJ World Conference in Bled, Slovenia. The IARLJ Working Parties have been active on an individual and collective basis, over the period between the Cape Town, South Africa, 8th IARLJ World Conference and the Bled, Slovenia, 9th IARLJ World Conference.

Since the 8th IARLJ World Conference in Cape Town, South Africa, there have been a number of significant changes to the IARLJ Working Parties.

The current list of active IARLJ Working Parties includes the following:

Human Rights Nexus: Rapporteur, Justice Russel Zinn, Federal Court (Canada); Associate Rapporteurs, Professors Pene Mathew, Frelich Foundation Chair, Australian National University and Kate Jastram, Senior Fellow, Miller Institute for Global Challenges and the Law, School of Law, University of California, Berkeley.

Expert Evidence: Rapporteur, Geoffrey Care, Founding President of the IARLJ and Life Member; Associate Rapporteur, Professor Rebecca Wallace, Part-Time Immigration Judge, UK, and Director, Centre for Rural Childhood, University of the Highlands & Islands, Perth College.

Vulnerable Persons: Rapporteur, Catriona Jarvis, Senior Immigration Judge, Upper Tribunal Immigration and Asylum Chamber, United Kingdom; Associate Rapporteur, Syd Bolton, Solicitor and Co-Director, Refugee Children's Rights Project, The Children's Legal Centre, London, UK.

1951 Convention and Subsidiary Protection: Rapporteur, Berto Volpentesta, Member, Refugee Protection Division, Immigration and Refugee Board of Canada (IRB) and Linda Kirk, Senior Member, Refugee Review Tribunal – Migration Review Tribunal, Australia; Associate Rapporteur, Professor Jane McAdam, School of Law, University of New South Wales, Sydney, Australia.

Asylum Procedures: Rapporteur, Justice Jacek Cheblny, Justice of the Supreme Administrative Court of Poland and President of the Regional Administrative Court of Warsaw, Secretary/Treasurer of the IARLJ; Associate Rapporteur, vacant.

Country of Origin Information and Country Guidance: Rapporteur, Dr. Hugo Storey, Senior Immigration Judge, Upper Tribunal Immigration and Asylum Chamber, United Kingdom; Associate Rapporteur, Justice Bostjan Zalar, High Court Judge, Administrative Court of the Republic of Slovenia, and Senior Research Fellow, Institute of Social Sciences, Faculty of Social Sciences, University of Ljubljana, Slovenia.

Membership in a Particular Social Group: Rapporteur, Patricia Milligan-Baldwin, Immigration Judge, Immigration and Asylum Chamber, United Kingdom; Associate Rapporteur, Joanne Sajtos, Member, Refugee Protection Division, Immigration and Refugee Board of Canada (IRB)

Exclusion Clauses: Rapporteur, Professor Satvinder Juss, School of Law, King's College London, and Part-Time Judge, Upper Tribunal, Immigration and Asylum Chamber, United Kingdom; Associate Rapporteur, Professor Geoff Gilbert, Head of School, School of Law, University of Essex, United Kingdom.

Statelessness: Rapporteur, Lois Figg, Vice-President of the IARLJ, Assistant Deputy Chairperson, Refugee Protection Division, Central Region, Immigration and Refugee Board of Canada (IRB); Associate Rapporteur, vacant.

African Asylum Systems: Rapporteur, Amor Boubakri, Faculty of Law, Economics and Politics, University of Sousse, Tunisia; Associate Rapporteur: Marina Sharpe, 2011 Trudeau Scholar, D.Phil candidate, International Law, Faculty of Law, University of Oxford.

It is evident that the IARLJ is fortunate to have such an outstanding group of sitting refugee law Justices, Immigration Judges, Tribunal Members, legal scholars, academics and researchers who volunteer their time and effort in advancing the ideals of the Association, but, also who are willing to contribute to further the frontiers of knowledge in the field of international refugee law and practice.

With the exception of one IARLJ Working Party, all of the IARLJ Working Parties will be holding meetings at the 9th IARLJ World Conference in Bled, Slovenia, to present their papers and to discuss their plans for further research in the period following this IARLJ World Conference and the next IARLJ World Conference.¹ Of course, the IARLJ Working Party Rapporteurs and Associate Rapporteurs who are listed here only represent those who are leading and directing the work of each of these IARLJ Working Parties. It does not include the many other IARLJ members who have also contributed to each of these IARLJ Working Parties. The IARLJ Inter-Conference Working Party Process, as a whole, represents an outstanding group of sitting jurists and legal scholars and academics from around the world. I should also acknowledge the participation of UNHCR officials who serve on our IARLJ Working Parties and who have made an extremely valuable contribution to our Inter-Conference Working Party Process.

I invite the members of our Association to visit the IARLJ Working Parties' web link on our Association's website to see the various conference research papers, discussion papers, and other materials that will be presented and discussed at the Bled IARLJ World Conference. I should also like to welcome IARLJ members to engage in the legal issues and concerns that are being explored, examined, analyzed and, hopefully, furthered, if not resolved, through the work of our Inter-Conference Working Party Process. All those IARLJ members who have yet to get involved in our IARLJ Working Parties are most welcomed to do so by contacting the Rapporteurs and/or Associate Rapporteurs of the IARLJ Working Parties that may interest them the most. As a minimum, we welcome you to contribute to the legal issues and concerns under discussion and the debates that our IARLJ Working Parties are involved in presently and to be part of our ongoing dialogue on international refugee law within our IARLJ Inter-Conference Working Party Process.

¹ Unfortunately, the Membership in a Particular Social Group Working Party is unable to present a paper or hold a meeting at the IARLJ World Conference in Bled, Slovenia.

One of the distinct benefits of membership in our Association is the opportunity to meet and to interact with judicial colleagues, legal scholars and UNHCR officials from around the world who have a common interest in the study and legal analysis of international refugee law globally as well as within and across national and regional jurisdictions. The Inter-Conference Working Party Process works to fulfill at least two of the Association's constitutionally sanctioned objects:

1. To promote within the judiciary and quasi-judicial decision makers world-wide a common understanding of refugee law principles and to encourage the use of fair practices and procedures to determine refugee law issues;

5. To promote or undertake research initiatives, publications and projects that further the attainment of the objects of the Association.²

One of the substantive contributions of the Inter-Conference Working Party Process is to help promote a common understanding of international refugee law. Additionally, the Inter-Conference Working Party Process conducts research and contributions to the Association's ongoing publications. Those IARLJ members who contribute their time and effort to an IARLJ Working Party make a direct contribution to the principal constitutional objects of the Association which, in turn, strengthens the international refugee protection regime or system in the world today while protecting and advancing the rights of refugees.

Some Highlights of the Activities of the IARLJ Working Parties Since the Cape Town IARLJ World Conference

A number of the IARLJ Working Parties have been highly active over the last several years following the 8th IARLJ World Conference in Cape Town, South Africa. First, it is important to point out that there have been a number of new IARLJ Working Parties that have been added to the Inter-Conference Working Party Process. One of these Working Parties was established on the recommendation of the Inter-Conference Working Party Process itself, which is led by the Coordinator and the Rapporteurs and Associate Rapporteurs of the IARLJ Working Parties. At the breakfast meeting that took place in Cape Town, South Africa, during the 8th IARLJ World Conference, the Coordinator and the Rapporteurs and the Associate Rapporteurs agreed to recommend the establishment of an Exclusion Clauses Working Party. Another new IARLJ Working Party was also established shortly thereafter, the Statelessness Working Party, on the recommendation of Lois Figg, Vice-President of the IARLJ, who agreed to serve as its Rapporteur. The establishment of an African Asylum Systems Working Party then followed and was the result of a recommendation from the new IARLJ Africa Regional Chapter, following its highly successful conference that was held in Abuja, Nigeria, on November 22nd to 25th, 2010.

² IARLJ, International Association of Refugee Law Judges, Constitution, <http://www.iarlj.org/general/iarlj/the-association/constitution/english>. (Accessed on August 24, 2011)

Consequently, three new IARLJ Working Parties have been established since our last IARLJ World Conference was held in Cape Town, South Africa.

In addition to the three new IARLJ Working Parties, which led to the appointment of three new Rapporteurs and Associate Rapporteurs for these Working Parties, a number of Rapporteurs stepped down from their positions and were replaced by others. For example, on the Human Rights Nexus Working Party, Justice Catherine Branson, formerly of the Federal Court of Australia and now the President of the Australian Human Rights Commission, stepped down as Rapporteur and was replaced by Justice Russel Zinn, Federal Court (Canada). Steve Karas, formerly the Principal Member of the Migration Review Tribunal and the Refugee Review Tribunal of Australia and now a Senior Member, Part-Time, of the Administrative Review Appeals Tribunal in Australia, stepped down from his position as the Rapporteur of the Asylum Procedures Working Party and Justice Jacek Chelbny, Supreme Administrative Court of Poland and the President of the Regional Administrative Court of Warsaw, assumed his Rapporteur duties on the Asylum Procedures Working Party. Linda Kirk, Member of the Australian Migration Review Tribunal and Refugee Review Tribunal, and Berto Volpentesta, Member, Refugee Protection Division, Immigration and Refugee Board of Canada (IRB), commenced their position as Co-Rapporteurs of the *1951 Convention* and Subsidiary Protection Working Party, replacing the head of the Refugee Appeal Board in France, Justice Martine Denis-Linton. And, Syd Bolton, Solicitor and the Co-Director of the Refugee Children's Rights Project, United Kingdom, became the Associate Rapporteur of the Vulnerable Persons Working Party. Two Associate Rapporteur positions have yet to be filled: one on the Asylum Procedures Working Party; and, the other on the Statelessness Working Party.

Two of our IARLJ Working Parties presented detailed conference research papers at the 8th IARLJ World Conference in Cape Town, South Africa, that also incorporated recommendations for the establishment of guidelines to assist IARLJ members in their work in refugee law decision-making. The Vulnerable Persons Working Party prepared a very comprehensive and detailed report for the Cape Town, South Africa, IARLJ World Conference that included sets of proposed guidelines. These guidelines were revised subsequently and presented to the IARLJ Executive and the Ad Hoc Committee delegated to consider and to review any guidelines prepared by IARLJ Working Parties. The Vulnerable Persons Working Party was, then, given a detailed commentary on its proposed guidelines. The Vulnerable Persons Working Party is still considering possible revisions to its proposed sets of guidelines.

The other IARLJ Working Party that prepared guidelines for the members of the IARLJ was the Expert Evidence Working Party. The Expert Evidence Working Party prepared guidelines on the assessment of medical expert evidence in claims for Convention refugee status or the provision of international protection to refugees. After a great deal of effort on the part of both the Expert Evidence Working Party and the IARLJ's Ad Hoc Committee, and numerous drafts of the Expert Evidence Working Party's proposed guidelines, they were finally accepted by the IARLJ Executive and Council and are now available on the IARLJ website for the use of IARLJ members and, indeed, all refugee law decision-makers.³ This was a major accomplishment for

³ See the International Association of Refugee Law Judge's *Guidelines on the Judicial Approach to Expert Medical Evidence*, June 2010.

the Expert Evidence Working Party and for the Inter-Conference Working Party Process overall. It was the first occasion in which an IARLJ Working Party has had such a detailed and comprehensive set of guidelines accepted by the Association for such a challenging aspect of refugee status determination and for such a substantively and procedurally important area in refugee law. These guidelines are now amongst a number of other recommendations and guidelines that have come out of the work that has been undertaken by the IARLJ Working Parties.⁴

Other IARLJ Working Parties such as the Country of Origin Information and Country Guidance Working Party and the Statelessness Working Party have participated in various conferences and meetings dealing with their areas of legal research. The Country of Origin Information and Country Guidance Working Party participated in various meetings in Budapest, Hungary, while the Statelessness Working Party participated in meetings that were organized by the UNHCR in Geneva, Switzerland.⁵ Other IARLJ Working Parties have had meetings of their members from time-to-time as well as teleconference calls, SKYPE calls, and, of course, regular and ongoing email communications.

IARLJ Working Party reports also appear in the IARLJ's *Newsletters* that are issued periodically, about four times per year. This helps to keep IARLJ members informed of the activities of the IARLJ Inter-Conference Working Party Process and its IARLJ Working Parties.⁶ Specifically, it notifies IARLJ members when there are vacancies in the IARLJ Working Parties' key Rapporteur and Associate Rapporteur positions.

Meetings of the IARLJ Working Party Rapporteurs and Associate Rapporteurs

The IARLJ Working Party Rapporteurs and Associate Rapporteurs hold regular teleconference calls to discuss issues relevant to the IARLJ Inter-Conference Working Party Process and the activities of each of the IARLJ Working Parties. Since the January 2009 Cape Town 8th IARLJ World Conference face-to-face IARLJ Working Party Rapporteurs' and Associate Rapporteurs' breakfast meeting there have been seven teleconference calls. The agendas and the notes of each

http://www.iarlj.org/general/images/stories/working_parties/guidelines/Final_guidelines_March_2011.pdf.

(Accessed August 21, 2011)

⁴ The other well-known guidelines that have been adopted by the IARLJ are the *Country of Origin Information and Country Guidance Working Party's Judicial Criteria for Assessing Country of Origin Information (COI): A Checklist*, that were issued in November 2006.

<http://www.iarlj.org/conferences/mexico/images/stories/forms/WPPapers/Hugo%20StoreyCountryofOriginInformationAndCountryGuidanceWP.pdf>. (Accessed August 21, 2011)

⁵ See Expert Meeting on Statelessness Determination Procedures & Statelessness Status at the National Level, Geneva, Switzerland, December 6-7, 2010. UNHCR, *Expert Meeting on Statelessness Determination Procedures and the Status of Stateless Persons, Summary Conclusions*. Expert Meeting on the Concept of Stateless Persons in International Law, Monash University, Prato Centre, 27-28 May 2010. UNHCR, *Expert Meeting, The Concept of Stateless Persons in International Law, Summary Conclusions*.

⁶ See for instance the *IARLJ Newsletter*, Vol. 1, No. 7, May 2011, Dr. James C. Simeon, "Working Parties at the World Conference, pp. 8-10; the *IARLJ Newsletter*, Vol. 1, No. 3, November 2009, Dr. James C. Simeon, "IARLJ Working Parties: A call for membership of two new Working Parties, namely the WP of Statelessness and the WP on Exclusion Clauses," pp. 14-16.

of these meetings are available from the IARLJ Secretariat. The dates of these meetings are as follows:

June 11, 2009;
October 29, 2009;
August 19, 2010;
February 22, 2011;
May 17, 2011;
June 23, 2011;
August 11, 2011.

It is evident from these dates that most of our teleconference calls were held this year, in the lead up to our Bled 9th IARLJ World Conference, when most of the activity in preparing conference research and discussion papers takes place. It is also important to note that IARLJ Working Party Rapporteurs and Associate Rapporteurs also communicated routinely and as required by email and/or SKYPE call. For instance, there was much activity immediately following the Cape Town 8th IARLJ World Conference regarding the publication of the IARLJ Working Parties' papers, that were delivered in Cape Town, South Africa, and the approval process respecting proposed guidelines from IARLJ Working Parties. As noted in the section above, there was a great deal of discussion regarding the proposed Guidelines from the Expert Evidence and the Vulnerable Persons Working Parties.

Other issues were also raised for discussion purposes with the Inter-Conference Working Party Process, including, updating and revising the IARLJ Training Manual, the publication of IARLJ Working Party papers presented at IARLJ World Conferences in a separate edited volume from that of the IARLJ World Conference Proceedings publication, and the process of establishing and including new IARLJ Working Parties in the Inter-Conference Working Party Process. Some of these issues and concerns will have to be addressed by the IARLJ Executive and Council, but it is important and necessary to have them also presented and discussed within the Inter-Conference Working Party Process meetings as well.

What has emerged as perhaps one of the most important meetings for the Inter-Conference Working Party Process is its face-to-face breakfast meetings at its IARLJ World Conferences. These meetings provide an opportunity for the IARLJ Working Party Rapporteurs and Associate Rapporteurs to not only review the progress of the IARLJ Working Parties but to also address any gaps in research and emerging issues. These meetings have also led to decisions that have resulted in the formation of new IARLJ Working Parties and the winding down of others. They are also essential in the preparations immediately before the IARLJ Working Party sessions at the IARLJ World Conference by providing an opportunity to discuss the details regarding these sessions and any last minute adjustments or changes that may be called for. Further, they provide an opportunity to do some forward planning for the period leading up to the next IARLJ World Conference. IARLJ World Conferences have also proven to be especially helpful in attracting new IARLJ Working Party participants. This occurs most frequently at the parallel stream sessions, where each of the IARLJ Working Parties has an opportunity to discuss their conference papers with a broader audience of jurists, UNHCR officials, legal scholars and other

participants. In short, the meetings of the IARLJ Working Parties at IARLJ World Conferences help to rejuvenate the Inter-Conference Working Party Process.

The Intervening Period Between the Bled IARLJ World Conference and the Next IARLJ World Conference

This year, 2011, marks the 60th anniversary of the *1951 Convention Relating to the Status of Refugees* and the 50th anniversary of the *1961 Convention on the Reduction of Statelessness*. These are important milestones in these key international refugee rights instruments and, especially, of course, the *1951 Convention* that has been called the Magna Carta of international refugee law.⁷ Many events are being planned to celebrate these important high marks in the evolution and development of these seminal international instruments. It would be good for the IARLJ Inter-Conference Working Party Process and its IARLJ Working Parties to keep this in mind throughout the course of this year and to reflect on how their particular issue area has changed since the *1951 Convention* and the *1961 Convention on the Reduction of Statelessness* were first negotiated. It would be important for the IARLJ Working Parties also to keep in mind how their particular issue area is likely to change in the near term and over the next half century or more. Putting things in a broader historical context is always beneficial in providing some perspective on the legal issues under consideration. These important milestones also provide us with an opportunity to celebrate the accomplishments of these significant international refugee rights instruments and the true spirit and intention of international refugee law and practice. Both treaties have made a significant difference in the lives and wellbeing of millions of people in the world from the dates that they first came into force.⁸

The Inter-Conference Working Party Process has experimented with a number of formats, including: working with a common theme for all IARLJ Working Parties; having several IARLJ Working Parties come together to work on a single paper; and, a number of IARLJ Working Parties working on different legal issues but on a common subject area. IARLJ Working Parties do try to keep in mind the title and theme of IARLJ World Conferences when selecting the specific legal issue area when preparing their conference research papers. For instance, the Bled IARLJ World Conference title is “Between Border Control, Security Concerns, and International Protection: A Judicial Perspective.”⁹ However, there will always be few IARLJ Working Parties that will be in a position to be able to address directly the titles and themes of the IARLJ World Conferences. This is due, in part, to the fact that many of the IARLJ Working Parties are working on research agendas and projects that are multi-year endeavours and require more than two years to complete, the typical period between IARLJ World Conferences. Further, legal issues and concerns often arise unforeseen and quickly in international refugee law that may demand the immediate attention of one or more IARLJ Working Party and, consequently, this will draw the attention and focus of the efforts of IARLJ Working Parties away from the themes

⁷ Editorial, “The Refugee Convention at 50...” *Refugees*, Vol. 2, No. 123, 2001, The 50 Anniversary of the 1951 Geneva Convention, The Wall Behind Which Refugees Can Shelter, p. 2.

⁸ *1951 Convention Relating to the Status of Refugees* entered into force on 24 April 1954. *1961 Convention on the Reduction of Statelessness* did not come into force until 13 December 1975. It complements the *1954 Convention Relating to the Status of Stateless Persons* that entered into force on the 6 June 1960.

⁹See the 9th IARLJ World Conference, Bled, Slovenia, website at <http://www.iarlj.org/general/conference-information>. (Accessed August 23, 2011)

of any IARLJ World Conference being held at that time. Accordingly, this makes it rather difficult for IARLJ Working Parties to follow the themes of IARLJ World Conferences, even though the IARLJ Working Parties are aware of IARLJ World Conference themes and would like to ensure that their work not only resonates with, but also makes a contribution to the theme and title of the IARLJ World Conference. Moreover, it is difficult frequently for IARLJ Working Parties to work together on a common or similar topic because of the different areas of international refugee law and practice that they are mandated to examine. The substantive legal issue areas delegated to each of the IARLJ Working Parties to study and to examine vary widely and substantively. Furthermore, the IARLJ Working Parties' continuous drive to stay current and relevant to their mandated areas of concern militates against the possibility of more than only two or three IARLJ Working Parties ever working together on a common legal problem in international refugee law.

Three areas, in particular, will preoccupy, likely, the ten individual IARLJ Working Parties and the Inter-Conference Working Party Process as a whole. One will certainly be the publication of the IARLJ Working Party papers that are presented at IARLJ World Conferences. The other is the use of online tools and computer technologies to facilitate the work of the IARLJ Working Parties such as the ability of groups of people to work together on a common document, online computer telephony systems like SKYPE, with real time messaging features, and wikis and blogs. The impetus amongst IARLJ Working Parties to consider and to develop guidelines for IARLJ members, so that they are able to take the proper judicial and, perhaps more importantly, a "just approach" when seeking to address especially difficult and troublesome legal issues and concerns in international refugee law.

The Inter-Conference Working Party Process is already considering various options for the publication of its IARLJ Working Party conference research papers and materials that will be presented at the Bled IARLJ World Conference and thereafter. The IARLJ Working Parties have been exploring the publication of an edited volume with Ashgate Publishing. Professor Satvinder Juss, King's College London, and a Part-Time member of the Upper Tribunal of the Immigration and Asylum Chamber, London, UK, has approached the editors at Ashgate Publishing and he has had a favourable response to his overtures in this regard. There are other possibilities for publishing ventures as well. Some of these are in-house, within the Association, and some outside the Association with various printing houses and firms.

With few exceptions the conference papers and materials of the IARLJ Working Parties have always been included in the IARLJ World Conference proceedings that were published after every IARLJ World Conference. This seemed to work well for a period of time, but, as the IARLJ Working Party papers continued to increase in length and scope, depending on the legal research tasks they assumed after canvassing their members and/or that they were assigned by the IARLJ Executive and Council, it became ever more impractical to incorporate the IARLJ Working Party conference papers within the same volume as the IARLJ World Conference materials. In the past, some IARLJ Working Parties conference papers and supporting materials ran into hundreds of pages and, thus, demanded either substantial revisions to reduce their length or a separate publication entirely. It is important to note in this regard that the cost implications are a critical consideration when the IARLJ Executive and Council must decide what it can afford to publish and to distribute to IARLJ delegates who attend IARLJ World Conferences.

Obviously, publications that are shorter in length are clearly more cost effective for the Association.

However, the contribution of the IARLJ Working Parties to IARLJ World Conferences cannot be denied. It is undoubtedly of comparable quality to anything that is presented at the IARLJ World Conferences. Indeed, many of the IARLJ Working Party Rapporteurs and Associate Rapporteurs are the same individuals who are invited to make presentations as senior officers within the Association or as panel participants and main panel presenters at IARLJ World Conferences. In addition, the work of individual IARLJ Working Parties has been recognized in their own right and have been cited frequently in legal scholarly publications, prestigious academic legal journals, and utilized in court judgements pertaining to refugee law.¹⁰ Given the evident demand to publish the IARLJ Working Party conference papers by various legal scholarly publishers, there does not appear to be any impediments to doing so, save the approval the IARLJ Executive and Council and its Publications Committee.

The question pertaining to how and where the IARLJ Working Paper conference papers and materials ought to be published and disseminated must be carefully considered by the IARLJ Executive and Council. The main consideration, in my view, ought to be whether the publication of the IARLJ Working Party conference papers will benefit, in the end, the IARLJ members and further the progressive development of international refugee law. Moreover, in my opinion, any royalties from the publication of the work of the IARLJ Working Parties ought to accrue to the Association for the support of the work of the IARLJ Working Parties and not to its individual Working Party members or participants or the principal authors of the IARLJ Working Party conference research papers, that are typically the Rapporteurs and/or the Associate Rapporteurs. The IARLJ is a non-profit professional organization that consists of like-minded refugee law decision-makers who ascribe to the ideals and values of the Association and who offer their services and time to each other, and for the furtherance of its vision and ideals, on an entirely voluntary basis.

With the ever growing developments and advancements in information technologies (IT), the IARLJ Working Parties will be utilizing new communication systems technologies in their work. It is anticipated that the meetings of the Inter-Conference Working Party Process will likely go from conventional teleconference *via* ground lines to VOIP systems *via* computer telephony such as SKYPE conferencing. SKYPE applications are now commonly used on mobile devices that allows for greater flexibility in its use. In addition, the development of research proposals and the conduct of legal research and the writing of conference research papers, reports, and other documents is being facilitated by the availability of programmes that allow for the sharing of documents and the opportunity for a number of people to collaborate on writing a common document. This will facilitate clearly the work of the IARLJ Working Parties and change likely the way conference papers are now researched, written and presented within the IARLJ Inter-Conference Working Party Process. The Association should also consider the use of blogs and wikis in furthering its collaborative efforts with its members. The point here being that it would be prudent for the Association to look to developing its IT capacity, and that its Inter-Conference Working Party Process could make an important contribution in this regard.

¹⁰ Indeed, the work of various IARLJ Working Parties has already appeared in academic journal publications.

As the Inter-Conference Working Party Process continues to mature, many of the established IARLJ Working Parties are looking to develop guidelines to assist IARLJ Members in their work as refugee law decision-makers, whether tribunal adjudicators or jurists at all levels of the appeal process. This is a trend that will likely continue to grow.¹¹ The development of guidelines takes considerable time and effort on the part of both the IARLJ Working Party, but also the IARLJ Executive and Council and those who take the time to review and provide comments and suggestions on how the guidelines can be further refined and improved for possible acceptance, publication and dissemination by the Association. The process by which IARLJ Working Parties can propose guidelines and have them reviewed and approved needs to be enhanced in order that the guidelines may be considered, assessed and presented for approval, publication and disseminated in a more timely and expeditious manner. Of course, part of the delay in the processing of any guidelines for approval by the Association will depend on the availability of those volunteer IARLJ members who have been selected for this task. But, it will also hinge on other factors such as how busy the IARLJ Executive and Council may be at any given point in time, the length of the proposed guidelines, their degree of complexity and/or the nature of the legal issues under consideration and whether the points of law are settled or contested. Indeed, the contents, nature, and format of the proposed guidelines may be contentious in and of themselves which might also contribute to undue delays. Irrespective of the factors that come into play in any given proposed set of IARLJ Working Party guidelines, that are presented for adoption by the IARLJ Executive and Council, if not the biennial General Meetings of the Association, the process by which an IARLJ Working Party's proposed guidelines are adopted needs to be outlined and explained clearly for all concerned. The first order of business then ought to be a clarification and a precise explanation of how a set of proposed guidelines from an IARLJ Working Party should be presented to the IARLJ Executive and Council for their consideration, assessment and recommendation for approval.

The manner in which the approved IARLJ Working Party recommendations and/or guidelines are presented on the IARLJ's website and disseminated to the members of the Association and publicly ought to be reconsidered to ensure that once a recommendation and/or a set of guidelines are approved that all the IARLJ members are notified within a reasonable period of time and with the appropriate web links that direct IARLJ members back to the Association's website where all the adopted IARLJ recommendations and guidelines are located in one place and are readily accessible to all IARLJ members and to the public at large.

Conclusions

¹¹ See footnotes 2 and 3 noted above. Also, see "Document Judicial Criteria for Assessing Country of Origin Information (COI): A Checklist Paper for 7th Biennial IARLJ World Conference, Mexico City, 6-9 November 2006 COI-CG Working Party," *International Journal of Refugee Law*, (2009), 21(1): 149-168. At the 3rd IARLJ World Conference that was held in Ottawa, Canada, the Human Rights Nexus Working Party had the following resolution passed at the IARLJ Annual General Meeting, "*The Human Rights Nexus Working Party recommends that the International Association of Refugee Law Judges encourages that the term persecution be interpreted by reference to the international human rights instruments.*" James C. Simeon, "Human Rights Nexus Working Party Rapporteur's Report," *The Changing Nature of Persecution*. International Association of Refugee Law Judges, IARLJ Conference 2000 in Switzerland, 4th Conference, October 2000, Berne, Switzerland, (Berne, Switzerland: Institute of Public Law, University of Berne, 2001), pp. 305-314,

The last few years have been an extremely busy time for the IARLJ Inter-Conference Working Party Process and for its individual IARLJ Working Parties. The Inter-Conference Working Party Process has expanded with the addition of three new IARLJ Working Parties: the Exclusion Clauses; Statelessness; and, African Asylum Systems Working Parties. In addition, there have been a number of new Rapporteurs and Associate Rapporteurs appointed to serve on the ten IARLJ Working Parties. Five of the ten IARLJ Working Parties currently have new Rapporteurs or Associate Rapporteurs who have been leading these IARLJ Working Parties since the 8th IARLJ World Conference in Cape Town, South Africa. It should also be noted that there are currently two vacant Associate Rapporteur positions for the Asylum Procedures and the Statelessness Working Parties.

Between the Cape Town 8th IARLJ World Conference and the Bled 9th IARLJ World Conference the Inter-Conference Working Party Process has held no less than seven teleconference calls to ensure that each of the IARLJ Working Parties is pursuing actively their research agendas in preparation for the presentation of the outcome of their work at the Bled IARLJ World Conference. At the Bled IARLJ World Conference all but one of the IARLJ Working Parties will be presenting a conference research paper, discussion paper and/or other materials for the consideration of the IARLJ World Conference delegates in Bled, Slovenia.

Over the last several years, the Inter-Conference Working Party Process has presented proposed guidelines for the assistance of its members in their work in deciding claims for Convention refugee status and/or other forms of international protection for those who have been forcibly displaced. The Expert Evidence and the Vulnerable Persons Working Parties presented guidelines for the consideration of the IARLJ Executive and Council. Thus far, the Expert Evidence Working Party has had its guidelines approved by the Association. The Vulnerable Persons Working Party is still undertaking revisions to its proposed sets of guidelines for various categories of vulnerable persons. It is anticipated that other IARLJ Working Parties will be presenting proposed guidelines to assist IARLJ members in their work in the field of refugee law, whether national, regional or international.

A number of issues and concerns have come to the fore with respect to the Inter-Conference Working Party Process. The first deals with the publication of the IARLJ Working Parties' conference research papers and other materials. The second with the use of the latest communication technologies and the manner in which IARLJ Working Party members interact, conduct their research and present their findings, recommendations and proposals to the Association. And, third, the process by which IARLJ Working Parties present their proposed guidelines and have these assessed, revised, and approved by the IARLJ Executive and Council and/or the Association as a whole. Related to this is the way in which the IARLJ presents its approved guidelines to its IARLJ members, that is, either directly *via* email or indirectly by posting these on its website on a page that is dedicated specifically for IARLJ approved resolutions, recommendations and guidelines.

It is suggested that the publication of IARLJ Working Party conference research papers should be done separately from the Association's publication of its conference proceedings. However, the manner of this publication ought to be consistent with the basic principles ideals and vision of the IARLJ as a non-profit professional Association. Any royalties that may accrue from such a

publication ought to be directed to the Association for the benefit of the individual and collective work of its IARLJ Working Parties.

The IARLJ Inter-Conference Working Party Process should embrace the new information technologies that are available, in the furtherance of its work in international, regional and national refugee law, and the Association as whole should try to benefit from the experience of its Working Parties in this regard. Presumably, this will not only increase the efficiency and effectiveness of the operations of the Association but also make it more cost effective and economical.

Finally, the process by which IARLJ Working Parties develop and present proposed guidelines and have them assessed, revised and possibly adopted requires a detailed assessment and clarification so that the process is not only delineated clearly and made fully transparent but allows for a more expeditious consideration of any guidelines developed by the IARLJ Working Parties.

We welcome all members of the IARLJ to consider the papers that are on offer at our Bled 9th IARLJ World Conference and look forward to engaging with IARLJ members and others on the legal issues and concerns dealt with therein. We see this as an ongoing dialogue on the legal issues that have come to the fore in international refugee law and as an effort to further the goals and the mission of our Association that includes that international refugee law instruments be applied fairly and consistently and that the determination of refugee status and its cessation be subject to the Rule of Law.