



INTERNATIONAL ASSOCIATION OF REFUGEE AND MIGRATION JUDGES (IARMJ) AFRICA CHAPTER CONFERENCE

30 NOVEMBER – 04 DECEMBER 2026

PRETORIA, SOUTH AFRICA



Celebrating 75 years of Protection and 20 years of the IARMJ Africa Chapter

I. Introduction and Background

2026 marks the 75th anniversary of the 1951 Convention relating to the Status of Refugee ('1951 Refugee Convention'), the 65th anniversary of the 1961 Convention on the Reduction of Statelessness ('1961 Convention'). These global instruments provide the bedrock upon which Africa's unique normative architecture was built.

This year also marks the 20th anniversary of the creation of the Africa Chapter of the International Association of Refugee and Migration Judges (IARMJ). Africa has, to its credit, developed some of the most progressive legal instruments on refugee protection and internal displacement in the world. The 1969 OAU Refugee Convention's expanded refugee definition encompassing individuals fleeing events seriously disturbing public order remains globally ahead of its time. The Kampala Convention represents the first binding regional treaty on internal displacement anywhere in the world.

It is thus, timely to reflect on how far international refugee law has come, and the reality that it remains as relevant today, in terms of protecting people against persecution, as it did in 1951. Indeed, it is arguable more relevant than ever, as the number of forcibly displaced persons continues to rise every year. Africa continues to face complex and overlapping displacement crises driven by conflict, insecurity, and adverse weather events. The continent hosts some of the world's largest displaced and protracted refugee populations and is also experiencing complex mixed population movements due to protection and socio-economic pressures.

This concept note examines how African States, regional bodies, civil society, and international partners have translated the 1951 Refugee Convention and the 1961 Convention into meaningful protection outcomes within the African regional human rights system.

African judges occupy a uniquely consequential position in this landscape. They are the ultimate arbiters of whether the rights enshrined in regional and international instruments are given life in individual cases — whether a person in fear of persecution is recognised and protected, whether a stateless child is granted identity, whether a climate-displaced family is afforded dignity and remedy. The quality, consistency, and independence of judicial decision-making in displacement cases is therefore not a peripheral concern but the very heart of protection.

This conference responds to that challenge. It brings together judges, senior legal practitioners and academics from across Africa to reflect honestly on Africa's contribution to the development of international refugee law, to learn from one another's experiences and innovations, and to forge a shared judicial vision for the future.

II. Rationale and Justification

The impetus for this conference theme rests on several converging developments.

- To celebrate and reflect upon 75 years of protection under the 1951 Refugee Convention. It is timely to reflect on the judiciary's contribution to the interpretation of the Convention and to look ahead at some of the current challenges, including forced displacement in the context of the adverse effects of climate change and disasters.
- Marking the 65th anniversary of the 1961 Convention on the Reduction of Statelessness highlights a sobering reality: millions on the continent remain without a nationality leaving them without legal identity, exacerbating vulnerability and deprived of rights. Judicial intervention is one tool to combat this issue and ensure that the right to nationality is upheld for all.
- Marking the 20th anniversary of the IARMJ Africa Chapter. The Chapter continues to be central to the capacity- building efforts of the judiciaries on the continent.
- Over the past twenty years, African migration patterns have grown substantially more complex. The conflation of refugees, asylum-seekers, trafficked persons, stateless individuals and economic migrants, has tested the ability of states and regional bodies to apply differentiated legal responses. Border management practices in many states fail to honour the principle of non-refoulement, and administrative detention of asylum seekers remains widespread. Furthermore, the increasing trend of global North countries attempting to externalize their asylum obligations to African states raises profound jurisdictional, ethical, and human rights questions that African courts must now navigate.
- Notwithstanding, the 1969 OAU Refugee Convention's expanded refugee definition and the groundbreaking Kampala Convention, the distance between these normative achievements and lived protection realities for millions of displaced Africans remains vast. Ratification without domestication, and domestication without enforcement, have become defining

pathologies of the system. Furthermore, despite the establishment of the African Court on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child, the body of binding regional jurisprudence specifically addressing the rights of refugees, asylum-seekers, stateless persons and migrants remains thin.

III. Objectives

The conference pursues four interconnected objectives.

- ▶ To provide a structured forum for African judges to critically assess how international refugee and human rights law has been interpreted and applied in their respective jurisdictions over the past two decades.
- ▶ To identify the key doctrinal, procedural, and institutional challenges that impede effective judicial protection of refugees, asylum-seekers, stateless persons and migrants.
- ▶ To build a shared body of judicial knowledge through the exchange of landmark decisions, innovative procedural approaches, and lessons learned from across the continent.
- ▶ To examine emerging challenges, including: forced displacement in the context of the adverse effects of climate change and disasters; digital identity; statelessness; and the rights of unaccompanied minors that require fresh judicial thinking.

IV. Thematic Focus Areas

The conference is organised around five thematic pillars, each forming the basis of dedicated plenary and working group sessions.

Pillar 1 — The Normative Foundation: A judicial assessment of the 1951 Refugee Convention, the 1969 OAU Refugee Convention, the Kampala Convention, the African Charter on Human and Peoples' Rights, and their domestic application. Participants will examine how international and regional instruments interact with national constitutional frameworks and where conflicts or gaps have arisen in judicial practice.

Pillar 2 — Non-Refoulement and the Right to Seek Asylum: The cornerstone principle of refugee law of non-refoulement continues to be challenged in practice. This pillar examines how courts across Africa have interpreted and enforced non-refoulement, the procedural safeguards attached to asylum claims, and the judicial response to summary deportations, and the growing trend of externalizing asylum procedures through third-country processing agreements.

Pillar 3 — Statelessness, Identity, and Access to Justice: Stateless persons represent one of the most legally vulnerable populations on the continent. This pillar examines how courts have engaged with statelessness in the context of birth registration, nationality disputes, and the rights of stateless children.

Pillar 4 — Climate Change: This pillar examines the emerging international and regional jurisprudence on climate-related displacement, considers how African judges can and should interpret existing instruments to provide protection, and explores what, if any, normative innovations are required.

Pillar 5 — Judicial Independence and Institutional Capacity: Effective judicial protection depends on courts that are independent, adequately resourced, and accessible to those who need them. This pillar examines institutional challenges (for example, the administrative detention of asylum-seekers without judicial oversight; the limited reach of legal aid; the vulnerability of judicial independence in contexts of executive pressure) and considers what structural and procedural reforms would strengthen the role of courts in protection.