

# **International Association of Refugee Law Judges (IARLJ)**

## **Inter-Conference Working Parties Process**

### **Coordinator's Report for the IARLJ World Conference Tunis, Tunisia, October 22<sup>nd</sup>-24<sup>th</sup>, 2014**

#### **Introduction**

It is now more than three years since our 9<sup>th</sup> IARLJ World Conference that was held in Bled, Slovenia. The period between our 9<sup>th</sup> and 10<sup>th</sup> IARLJ World Conference in Tunis, Tunisia, has been an active one for the Inter-Conference Working Parties Process within our international Association. Understandably, there was little activity immediately following the Bled IARLJ World Conference and there was a hiatus throughout much of 2012 and in 2013. The Inter-Conference Working Party Process became engaged fully, once more, throughout this current year leading to the Tunis IARLJ World Conference. Clearly, without the discipline of knowing the date and timing of the IARLJ World Conference, it is difficult to sustain the interest and focus of the IARLJ Working Parties. The preparations of the IARLJ Working Parties for the World Conference in Tunis have been intense.

The number of IARLJ Working Parties has remained consistent throughout this period. The ten IARLJ Working Parties still operate, but, with wide variations of activity and output. This can be attributed to a variety of reasons, but, suffice it to say that all have made genuine efforts to engage the IARLJ membership with some succeeding far more than others.

Despite the availability of SKYPE, Google+, and other video and audio computer systems, the Inter-Conference Working Parties Process continues to rely on teleconferences due to the continued unreliability of VoIP (Voice over Internet Protocol), due to service providers' bandwidth variations, or its unavailability to those who must take these calls at their place of employment, court offices and/or international organization offices. As these internet provider issues become resolved and government and international organizations access policies with respect to the use of these types of internet options become more open then the IARLJ Working Parties will be able to stay in contact with their members and their colleagues across all ten IARLJ Working Parties much more easily than at present. This has been a cause of

**much frustration to those IARLJ members who are outside government than within. Finding an appropriate time to accommodate everyone's convenience is a further perpetual frustration given varying continental time zones, competing work schedules, and the heavy work demands of all IARLJ members.**

**Despite all of these challenges, among many others, it is remarkable that the IARLJ Working Parties remain so productive and integral to the Association's activities between its IARLJ World Conferences and its Regional Chapter meetings, which are taking on seemingly a greater salience within the IARLJ.**

**Working Parties have again risen to the occasion and that seven of the ten IARLJ Working Parties plan to hold meetings at the 10<sup>th</sup> IARLJ World Conference in Tunis. And, among the seven that will be holding meetings at least six have prepared materials for distribution to those who will be participating at the World Conference. All IARLJ members will be able to access the IARLJ Working Parties' materials for the Tunis World Conference on the IARLJ website.**

**The IARLJ Inter-Conference Working Parties Process will be holding its Tunis World Conference face-to-face breakfast meeting on Thursday, October 23<sup>rd</sup>, at 7:15 AM. This meeting is intended to provide the IARLJ Working Party Rapporteurs and Associate Rapporteurs with an opportunity to consider what has worked over the last three years and what has not worked and to consider possible improvements, if not wholesale changes, to the Inter-Conference Working Party Process. It is also the occasion on which to consider what IARLJ Working Parties ought to be changed, that is, winded down or, indeed, any new IARLJ Working Parties that should be added.**

**Overall, it is perhaps fair to say that the IARLJ Inter-Conference Working Party Process will make its contribution to the Tunis World Conference and will continue to fill its important role in the examination of specific problematic areas of international refugee law in an effort to resolve any divergences, contradictions, and/or anomalies, that are the cause of any injustices to those who are seeking international protection from a well-founded fear of persecution within their country of nationality and/or former habitual residence.**

### **Active IARLJ Working Parties**

**Although the IARLJ has ten Working Parties not all have been active or engaged with the members of the Association. The ten IARLJ Working Parties are as follows:**

**Human Rights Nexus;  
Membership in a Particular Social Group;  
Expert Evidence;  
1951 Convention and Subsidiary Protection;  
Vulnerable Persons;  
Asylum Procedures;  
Country of Origin Information and Country Guidance;  
Exclusion Clauses;  
Statelessness;  
African Asylum Systems.**

**Among these ten IARLJ Working Parties, the most active during the last three years have been: Human Rights Nexus; Vulnerable Persons; Expert Evidence; Country of Origin Information and Country Guidance; Asylum Procedures; Exclusion Clauses; African Asylum Systems; and, Statelessness.**

**From my own perspective, the most active IARLJ Working Parties participated regularly in our teleconference calls, had highly active and dedicated Rapporteurs and Associate Rapporteurs leading their Working Party; remained in regular contact with their Working Party members; and, managed to pull together a consensus amongst their members on how to produce their Working Party's Conference Research Paper and/or other materials for the IARLJ World Conference in Tunis.**

**The overwhelming burden of leading the collaboration among the members of the IARLJ Working Parties rests with its Rapporteurs and Associate Rapporteurs. Much too often, a disproportionate share of the workload of the IARLJ Working Parties falls on the Rapporteurs and Associate Rapporteurs. This is perhaps inevitable for a number of reasons, including, how busy sitting appeal judges and other refugee law adjudicators are with their heavy caseloads, and given the relative limited free time that they have to be able to devote to the IARLJ Working Parties.**

**Sustaining the interest of IARLJ members in the work of their Working Party requires effort, time, and creativity. All Rapporteurs and Associate Rapporteurs who have been able to do this deserve the unstinting admiration, recognition, and thanks of the IARLJ Executive and Council and the members of the Association at large.**

### **Record of Activity Over the Last Three Years**

**The Inter-Conference Working Party Process has held a number of teleconference meetings and many individual and group email exchanges. In the last three years, there have been nine teleconference calls, there was a call to all members of the Association to fill vacancies in the Rapporteur and Associate Rapporteur positions on the IARLJ Working Parties; there have been a number of contributions to the *IARLJ Newsletter* on the IARLJ Working Parties; and numerous telephone calls between myself and the IARLJ Administrator, Liesbeth van de Meeberg, to ensure that our teleconference calls ran smoothly and without a glitch. Any failure to include all Rapporteurs and Associate Rapporteurs on pre-arranged teleconference was not entirely our fault. On several occasions, IARLJ Working Party Rapporteurs and Associate Rapporteurs failed to follow instructions or missed calls through other errors. Sadly, no system is perfect, particularly, when it involves international meetings and settings. But, despite a few opinions to the contrary, the teleconference system worked well and was effective in ensuring that those who needed to be on the calls joined us at the appropriate times.**

**The following IARLJ Working Parties will be presenting either a conference research paper, report, and/or other materials for the World Conference in Tunis:**

**Human Rights Nexus;  
Expert Evidence;  
Vulnerable Persons;  
Country of Origin Information and Country Guidance;  
Exclusion Clauses;  
Statelessness.**

**The activities of the IARLJ Working Parties have been concentrated on the IARLJ World Conferences and Regional Chapter Conferences. Inevitably,**

**the work of the IARLJ Working Parties is concentrated in the period leading up to and at the IARLJ World Conferences. World Conferences and Regional Chapter meetings become the focal point for the IARLJ Working Parties. There is a naturalness to this due, in part, to the opportunity that a biennial World Conference affords the IARLJ Working Parties and their members. It gives the IARLJ Working Parties and their members a chance to present their work and get feedback on its relevance, responsiveness and receptiveness; that is, whether the members of the IARLJ are prepared to accept it as the best way forward. It is an opportunity for the IARLJ Working Parties to influence their colleagues and, thereby, the course and future development of, through its repeated consistent application and interpretation, international refugee law.**

**The IARLJ Working Party Rapporteurs and Associate Rapporteurs teleconference calls are necessary to help ensure that the IARLJ Working Parties stay on schedule for completing their conference research papers and are ready to make their contribution to the IARLJ World Conference. Without constant vigilance, on the part of the Rapporteurs and Associate Rapporteurs with their IARLJ Working Party members, then, it would be impossible for them to stay on task and complete their chosen assignment for presentation to the IARLJ members at large and to the participants at the IARLJ World Conference.**

### **Areas of Concern**

**The loss of key members on individual IARLJ Working Parties can have a serious impact on the work of these small transnational groups of refugee law decision-makers. These types of members are difficult to replace. Accordingly, it creates a need to find a suitable replacement as quickly as possible. If this occurs prior to an IARLJ World Conference it could have a devastating effect, obviously, on the IARLJ Working Parties' capacity to present materials at the IARLJ World Conference.**

**Staying in regular contact and sustaining ongoing communications with IARLJ members on the Working Parties can be difficult. Memberships on IARLJ Working Parties change over time and new members are not easy to recruit.**

Trying to find more effective ways to arrange meetings with the IARLJ Working Party Rapporteurs and Associate Rapporteurs is also not simple and straightforward. As noted previously, continental time zones, and the availability of Rapporteurs and Associate Rapporteurs varies widely and, accordingly, finding the right time that suits everyone is an entirely difficult, if not impossible task.

Finding an appropriate publication outlet for the IARLJ Working Parties work has been a challenge. In the past the IARLJ Working Party papers were published in the World Conference proceedings. However, as this became more costly and unworkable, given the relative size of the conference proceedings publication, other alternatives were sought. I am happy to report the *Refugee Survey Quarterly*, a top rated scholarly journal in the field, has agreed to undertake the publication of the IARLJ Working Party conference research papers provided, of course, that they pass the journal's rigorous double blind peer review process. This is an important step forward and we hope that it will develop into a sustaining relationship between *RSQ* and the IARLJ.

The IARLJ is also in the process of developing an ongoing relationship with a reputable academic publisher to print and to distribute its biennial World Conference proceedings. This too is an important development in the Association as the publication and dissemination of World Conference proceedings has been a major concern for a number of years now.

### Moving Forward and Concluding Reflections

As noted in previous IARLJ Inter-Conference Working Parties Process Coordinators' reports, the IARLJ Working Parties Process engages a large portion of the members of the IARLJ, in all parts of the globe, in a meaningful and significant necessary activity that is vital to the overall purpose of the Association. For example, if there are ten IARLJ Working Parties that average ten IARLJ members each then there are 100 members of the IARLJ who are involved with the IARLJ Working Parties. This is perhaps about one third of the total members of the IARLJ. This is a remarkable level of participation amongst the members of our Association.

But, even more to the point, while the IARLJ Inter-Conference Working Parties Process may engage fully about a third of the Association's

membership at any given time, it probably draws upon and involves all of the members of the IARLJ at certain times. Consequently, given the function and contributions of the IARLJ Inter-Conference Working Parties Process in engaging the members of our Association, it is clearly one of the most valuable and important activities that the IARLJ undertakes on behalf of its members. This is also evident from the response and feedback that the IARLJ Working Parties have received to their work that have been published not only in the IARLJ World Conference Proceedings publications but in prestigious scholarly international refugee law journals.

The IARLJ Inter-Conference Working Parties Process is now entrenched clearly and firmly within the operations of the Association. The IARLJ Working Parties are very much part of the IARLJ and it would be very odd, indeed, to be without them. The IARLJ Working Parties will be, undoubtedly, with the Association for the foreseeable future. Moreover, as long the IARLJ Working Parties fulfill the mandate and vision of the IARLJ, they will continue to play an essential role in the core functions and operations of the Association.

Accordingly, the IARLJ should continue to resource properly the Working Parties to ensure that they can conduct their teleconference calls, their face-to-face breakfast meetings at the IARLJ World Conferences, and to sponsor their regional meetings where they may be proposing a particular set of guidelines or specific recommendations respecting the application and/or interpretation of the 1951 Refugee Convention. The IARLJ Working Parties should be allowed to continue to play a vital role in the work of the Association.

The IARLJ Working Parties are essential to all aspects of the Association's work and ought to be recognized as such.

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**October 17, 2014**