

CHARTING THE FUTURE COURSE OF INTERNATIONAL REFUGEE
PROTECTION:
A REVIEW OF THE 8TH INTERNATIONAL ASSOCIATION OF
REFUGEE LAW JUDGES (IARLJ) WORLD CONFERENCE IN CAPE
TOWN, SOUTH AFRICA

Centre for Refugee Studies & McLaughlin College Co-Sponsored Seminar
Series

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12:00 Noon to 1:30 PM, McLaughlin Senior Common Room, 140
McLaughlin College

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The 8th World Conference of the International Association of Refugee Law Judges (IARLJ) was held in Cape Town, South Africa, at the Table Bay Hotel, on January 28th to 30th, 2009. The IARLJ World Conference is a biennial event that features some of the world's most prominent Superior and High Court judges and leading legal scholars and academics in the field of international refugee law. It also features senior officials from international intergovernmental organizations, such as, the United Nations High Commission for Refugees (UNHCR) and the United Nations High Commission for Human Rights (UNHCHR).

This year's IARLJ World Conference included keynote and official opening addresses from Navanethem Pillay, United Nations High Commissioner for Human Rights, Erika Feller, Assistant High Commissioner for Protection, UNHCR, Professor Walter Kalin, Special Representative of the Secretary General of the United Nations for Internally Displaced Persons. The Cape Town IARLJ World Conference also included a welcome address from Chief Justice Pius Lange, Constitutional Court of South Africa. Some of the other speakers included:

- The Hon. Catherine Branson, QC, President of the Australian Human Rights Commission, and a formerly a Justice of the Australian Federal Court.

- Justice Nicholas Blake, High Court, United Kingdom
- The Hon. Justice Marshall Rothstein, Supreme Court of Canada
- Justice Professor Harald Dorig, Supreme Administrative Court of Germany
- Justice Sophie Akuffo, Supreme Court of Ghana and the Vice-President of the African Court of Human and People's Rights
- Justice Andrew Nyirenda, Supreme Court of Appeal, Malawi
- The Hon. Justice James O'Reilly, Federal Court of Canada
- Judge Uzi Vogelman, Tel Aviv District Court, Israel, and who served for a time on the Supreme Court of Israel
- Principal Justice James Ogoola, High Court of Uganda

Some of the prominent academics who participated in the programme, included:

- Professor Penelope Mathew, Interim Director, Program in Refugee and Asylum Law, Faculty of Law, University of Michigan, USA
- Professor Michelle Foster, Director, International Refugee Law Research Program, Institute of International Law and Humanities, Faculty of Law, University of Melbourne, Australia
- Professor Kate Jastram, School of Law, University of California at Berkeley, USA
- Mike Kagan, Senior Fellow, American University, Cairo, Egypt
- Professor Peter Showler, Director, Refugee Forum, Human Rights Research and Education Centre, Faculty of Law, University of Ottawa, Canada
- Professor Susan McGrath, Director, Centre for Refugee Studies, York University, Canada, and the current President of the International Association for the Study of Forced Migration (IASFM)

As you can see from this list of prominent jurists and senior academics that Canada was well represented at the Cape Town IARLJ World Conference. There were, in fact, seventeen Canadian delegates at the IARLJ World Conference. Eight of the Canadian delegates were members of the Immigration and Refugee Board of Canada (IRB), including, the Chairperson of the IRB, Brian Goodman, and, four members of the Federal Court (Canada), one recently appointed member of the Federal Court of Appeal who was previously sat on the Federal Court (Canada), Justice

Carolyn Layden-Stevenson, and one member of the Supreme Court of Canada, Justice Marshall Rothstein. Three Canadian academics attended. Interestingly, two of the academics were former members of the IRB. Professor Peter Showler was, in fact, Chairperson of the IRB from 1999 to 2002, and I served on the IRB from 1994 to 2005. I served as a Coordinating Member or a Member Manager at the IRB from 2000 to 2005. Canada had one of the largest delegations in attendance.

The other countries that had comparable numbers of delegates in attendance were Australia, the United Kingdom, South Africa and Nigeria. There were about 40 states represented from all parts of the world.

Background and History of the IARLJ

The IARLJ is an International Non-Governmental Organization (INGO). However, it does not consider itself as a mere INGO, but rather an international professional association of “independent refugee law decision-makers.” The IARLJ consists of about 400 “independent refugee law decision-makers” from around the world. There are a limited number of “Associate Members” of the IARLJ. Associate Members are largely senior academics who specialize in the field of international refugee law. Associate Members do not have any voting rights in the Association and cannot hold any of its elected offices.

The IARLJ Constitution defines an independent decision-maker in the following terms:

Part 1, 3. Interpretation

In this constitution "judge or quasijudicial decision maker" includes any person who

- i) exercises judicial authority in making decisions of law or law and fact in relation to claims to refugee status, whether at first instance, on appeal or on judicial review; or
- ii) not exercising judicial authority, applies legal principles in making findings of law or fact in relation to claims to refugee status;

and who enjoys, or ought to enjoy, independence from the executive arm of government in the exercise of the authority to make such decisions or findings;

(See the IARLJ Constitution at http://www.iarlj.org/general/index.php?option=com_content&task=view&id=33&Itemid=68. Last visited May 17, 2009)

The origins of the IARLJ go back to 1995 and a conference that was held in London on Asylum Law. The London Conference on Asylum Law was the initiative of Immigration Judge Geoffrey Care, Chairman of the UK Immigration Appeal Tribunal, and the founding President of the IARLJ, Rick Towle, a senior UNHCR official who was stationed in London at the time and currently the UNHCR Representative in Australia, and a number of like-minded judges and academics, including, Professor Elspeth Guild, Faculty of Law, Radboud University, The Netherlands, and a Solicitor, at Kingsley Napley, London.

Following the London Conference in 1995, there was a further Conference at the University of Nijmegen, The Netherlands, in 1997, which was followed by a meeting that was held in Warsaw, Poland, in September 1997, where the IARLJ was formally established. One of the founding members of the IARLJ was Nurjehan Mawani, who was the Chairperson of the IRB at the time. Nurjehan Mawani was first appointed as the Vice-Chairperson of the former Immigration Appeal Board in 1986, and subsequently, the Deputy Chairperson of Immigration Appeal Division of IRB, when it was established in 1989 and, then, Chairperson and Chief Executive Officer of the IRB in 1992. After Ms. Mawani left the IRB, she was appointed to serve on the Public Service Commission of Canada for a ten-year-term in 2001. She is presently Head of the Aga Khan Development Network Representation for the Kyrgyz Republic.

I first became involved with the IARLJ shortly after it was established, when Ms. Mawani asked me to serve as the Rapporteur for the Human Rights Nexus Working Party of the IARLJ Inter-Conference Working Party Process. I have been involved with the IARLJ since 1997, and I have attended all their biennial World Conference since the IARLJ was constituted formally. There have six in total, not including the 1995 Conference in London and the 1997 Conference held in Nijmegen:

1998 Ottawa, Canada

2000 Berne, Switzerland
 2002 Wellington, New Zealand
 2005 Stockholm, Sweden
 2006 Mexico City, Mexico
 2009 Cape Town, South Africa

I was very involved in organizing the Mexico City IARLJ World Conference in November 2006 and, only partially, involved in the organization of the Cape Town, South Africa.

The IARLJ has six objects that it seeks to advance and promote. These include:

Part 1, 2. Objects

The International Association of Refugee Law Judges seeks to foster recognition that protection from persecution on account of race, religion, nationality, membership in a particular social group, or political opinion is an individual right established under international law, and that the determination of refugee status and its cessation should be subject to the rule of law.

To these ends, the Association commits itself:

1. To promote within the judiciary and quasijudicial decision makers worldwide a common understanding of refugee law principles and to encourage the use of fair practices and procedures to determine refugee law issues;
2. To foster judicial independence and to facilitate the development within national legal systems of independent institutions applying judicial principles to refugee law issues;
3. To encourage the sharing of information and databases relating to conditions in countries of origin and countries of transit of asylum seekers;
4. To encourage the development of norms of access by asylum seekers to judicial systems that are compatible with international law standards;

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

6. While keeping in mind the independence of the members of the Association in their judicial functions, to co-operate with the United Nations High Commissioner for Refugees and other agencies, both international and national, that are concerned with the promotion of an understanding of refugee law issues. (See the IARLJ Constitution at http://www.iarlj.org/general/index.php?option=com_content&task=view&id=33&Itemid=68. Last visited May 17, 2009)

One of the means that the Association has undertaken to pursue these Objects is the Inter-Conference Working Party Process. The Inter-Conference Working Party Process consists of a number of Working Parties that have been struck to study and to research problematic areas of international refugee law and to provide information, guidance, and practical advice to IARLJ members. There are currently seven active IARLJ Working Parties.

Asylum Procedures

Country of Origin Information and Country Guidance

1951 Convention and Subsidiary Protection

Expert Evidence

Human Rights Nexus

Membership in a Particular Social Group

Vulnerable Persons

The IARLJ Working Parties are led by Rapporteurs and Associate Rapporteurs and consist of small groups of refugee law judges, academics and, from time-to-time, UNHCR officials and the staff of the courts and administrative tribunals of IARLJ members. The IARLJ Working Parties conduct research on particular areas of international refugee law and present their findings at the biennial IARLJ World Conferences in the form of Conference Research Papers and/or Reports. At the 2002 IARLJ World Conference in Wellington, New Zealand, I was appointed the Coordinator of the Inter-Conference Working Party Process and elected to the IARLJ

Council. I continue to serve as the Coordinator of the IARLJ Inter-Conference Working Party Process.

I am happy to report that each of the seven IARLJ Working Parties presented Conference Research Papers and/or Reports at the Cape Town IARLJ World Conference. In fact, two the IARLJ Working Parties, the Expert Evidence Working Party and the Vulnerable Persons Working Party, presented draft guidelines to assist decision-makers in the assessment of expert medical evidence, in cases involving claims to Convention refugee status or refugee protection, and the procedural considerations in the assessment of claims for Convention refugee status or refugee protection for those who are victims of torture, those who fear gender-based persecution, children, the disabled, the elderly, and others. The Inter-Conference Working Party Process has made a substantial contribution to ensuring that there are clear international standards that refugee law decision-makers should follow in deciding claims to Convention refugee status or refugee protection.

Following every IARLJ World Conference the Association publishes the proceedings of its World Conference. The published proceedings also include the IARLJ Working Party Conference Research Papers and/or Reports, along with the IARLJ Inter-Conference Working Party Coordinator's Report. These published proceedings have made an important contribution to the scholarly literature on international refugee law.

The IARLJ Working Party Conference Research Papers and/or Reports are now posted on the IARLJ website at http://www.iarlj.org/general/index.php?option=com_content&task=view&id=241&Itemid=1.

A Highlight of Some of the Keynote Remarks at the Cape Town IARLJ World Conference

There were three keynote addresses, five substantive panel sessions, seven IARLJ Working Party sessions and an IARLJ Working Party plenary session, and four Regional Chapter Meetings, not including the official opening remarks that were presented by IARLJ President Justice Tony North, Federal Court of Australia, M. E. Surty, Minister of Justice, Republic of South Africa, and Chief Justice Pius Lange, Constitutional Court of South Africa. It would be impossible for me to provide you with a summary of the remarks and discussions that took place in these twenty or more sessions that

took place over the three days of the World Conference in the time I have available. Accordingly, I will confine myself to giving you a brief summary of the keynote addresses that were delivered by the United Nations High Commissioner for Human Rights, Navanethem Pillay, and the UNHCR Assistant High Commissioner for Protection, Erika Feller.

By doing so, I do not want to leave you with the impression that the other presentations are not worthy of attention or are any less interesting, relevant or significant. The presentations and panel sessions, as one might expect, were of an extremely high caliber and quality and I particularly recommend these to you whenever they are available in print. Two panel sessions, in particular, stood out, in my opinion. The panel sessions on “The Role of the Judge: Should Judges Engage in Extra Curial Commentary on Human Rights Issues?” and “The Test Applied by the Courts on Judicial Review of Refugee Law Decisions and Recent Developments.” These sessions especially stood out because of the relevance of these topics for the decision-makers who were present from Africa and high caliber of debate and discussion following the presentations by the panelists.

Navanethem Pillay, United Nations High Commissioner for Human Rights, “Promoting a Broader Understanding of Refugee Law: The Jurisprudence of the Human Rights Treaty Bodies as a Source of Interpretation”

It is important to note that Navanethem Pillay is not only a South African, a lawyer, but also a former judge who served on the International Criminal Court (ICC) and the International Criminal Tribunal Rwanda (ICTR), where she served as the Judge President. In 1967, she was the first woman to start a law practice in South Africa’s Natal Province, where she provided legal defence to those who opposed apartheid. She also served for a period as a High Court Judge in South Africa. She is the co-founder of Equality Now, an international women’s rights organization based in New York City. She also holds a doctorate in judicial science from Harvard University.

Ms. Pillay began by stating that the celebration of the 60th anniversary of the *Universal Declaration of Human Rights* last year provided an opportunity to reflect on the importance of “disseminating a broader understanding of refugee law which takes full account of international human rights law.” She also noted that the IARLJ at its 1998 World Conference in Ottawa, Canada, passed a resolution calling on refugee law judges to “utilize

international human rights instruments to interpret the term persecution.” This was the resolution that I put forward as the Rapporteur of the Human Rights Nexus Working Party that was approved by the IARLJ General Meeting in Ottawa in 1998.

Ms. Pillay pointed out that there are still some who claim that international refugee law and international human rights law are separate and distinct fields of international law, a distinction that also should be maintained at the national level. However, she stated that this is not only counterproductive, but actually incorrect. The *1951 Convention relating to the Status of Refugees*, or simply the *1951 Convention*, cannot be interpreted in isolation from international human rights law. She made the point that “human rights thus supplements refugee law, and in the case of States that are not parties to the Refugee Convention (and there are unfortunately still more than forty of them) international human rights law remains the most important source of legal protection for refugees.”

International human rights law can prove to be most useful to refugee law judges in interpreting the provisions of the *1951 Convention*. Ms. Pillay noted that the two bodies of international law complement each other. The *1951 Convention* is after all a human rights instrument. It is an international human rights instrument in the same way that the other major international human rights instruments. It is worth noting the following major international human rights instruments:

- International Bill of Human Rights: *Universal Declaration of Human Rights* (1948); *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) and the *International Covenant on Civil and Political Rights* (ICCPR) (1966)
- *International Convention on the Elimination of all Forms of Racial Discrimination* (1965)
- *Convention on the Elimination of all Forms of Discrimination Against Women* (1979)
- *Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* (CAT) (1975)
- *Convention on the Rights of the Child* (CRC) (1989)
- *International Convention on the Protection of Migrant Workers and Members of their Families* (1990)

The *1951 Convention* is based on the same protection principles as all of the other human rights instruments, and forms part of the broader body of international human rights law.

Each of these international conventions or international human rights instruments has a treaty body that monitors the implementation of its respective international convention. There are seven treaty bodies:

- The Human Rights Committee monitors the implementation of the ICCPR.
- The Committee on Economic, Social and Cultural Rights monitors the implementation of the ICESCR.
- Committee on the Elimination of All Forms of Racial Discrimination
- Committee on the Elimination of All Forms of Discrimination Against Women
- Committee Against Torture
- Committee on the Rights of the Child
- Committee on Migrant Workers

These treaty bodies hear cases and make rulings on individual complaints against States that do not uphold their international treaty obligations for protecting these human rights. It is very valuable for refugee law judges and adjudicators to be mindful of the decisions rendered by these treaty bodies when interpreting the *1951 Convention*.

Ms. Pillay argued that one of the advantages in adopting a human rights framework for the interpretation of the *1951 Convention* is that it contributes to greater consistency in the application of the law not only within but also between national jurisdictions. Refugee law judges around the world are striving to apply common standards, that is, internationally recognized human rights standards, when they are interpreting the provisions of the *1951 Convention*.

Ms. Pillay also stated that her office is making the jurisprudence of treaty bodies more widely available and more accessible to refugee law judges and the public at large. She noted that the Office of the High Commissioner for Human Rights has launched a searchable information tool called the “Universal Human Rights Index” that contains all of the concluding observations issued by the treaty bodies from the year 2000, as well as the conclusions and recommendations of the Human Rights Council’s special

procedures concerning specific countries adopted since 2006. (The “Universal Human Rights Index” is found at the following website <http://www.universalhumanrightsindex.org/>.)

Ms. Pillay concluded her remarks by noting that the *1951 Convention* is a living instrument, capable of evolving to accommodate developments in human rights law.

Erika Feller, Assistant High Commissioner – Protection, UNHCR, “Statement at the 8th World Conference of the IARLJ, Cape Town, South Africa, 28 January 2009”

Erika Feller is an Australian national who served for 14 years as a diplomat before she joined the UNHCR in 1986. In 1999, she was appointed the Director of the Department of International Protection at the UNHCR and January 2006; she was appointed the Assistant High Commissioner – Protection. She previously served as the High Commissioner’s Regional Representative in Malaysia, Brunei, and Singapore. In 2001, she directly managed the UNHCR’s Global Consultations exercise that set the international protection agenda for the 21st Century. This was later adopted by the 53rd Session of the UNHCR Executive Committee in October 2002 as the *Agenda for Protection*.

(See <http://www.unhcr.org/protect/PROTECTION/3e637b194.pdf>.)

Ms. Feller began her opening keynote speech by outlining a number of facts that we are familiar with:

(1) the scale and scope of forced displacement remains significant. The UNHCR estimates that there are some 32 million people of concern in the world today. However, these do not represent the totality of global displacement. This does not include the 4 million Palestinian refugees that are supported by another UN agency, UNRWA (United Nations Relief and Works Agency), or the estimated overall total of 26 million internally displaced persons.

(2) The plight of refugees cannot be approached as one or other country’s domestic problem only. Refugees are a global problem and a global responsibility. International protection is a temporary substitute for the protection of national citizenship.

(3) Many states do honour and deliver on their responsibilities to refugees. For instance, last year some 700,000 refugees were able to return to their homes, while close to 100,000 persons benefited from resettlement opportunities in other countries.

(4) There are a number of refugees who do not enjoy the rights which international refugee law and its national equivalents formally guarantee them. Providing asylum can be costly. Population displacement is a humanitarian as well as a serious political and security challenge to states. With heightened security concerns states are preoccupied with international crime and terrorism and are wary of unauthorized arrivals. This has made borders particularly difficult focal points, with interception, turn-arounds and *refoulement* taking place outside the frame of any proper security. Detention, as well as arbitrary detention of children, is common and *habeas corpus* or judicial review is not always provided. (See Erika Feller, Assistant High Commissioner – Protection, UNHCR, 8th World Conference of the IARLJ, Cape Town, South Africa, 28 January 2009. <http://www.unhcr.org/admin/ADMIN/4989c5a34.pdf>. Last visited May 17, 2009.)

Ms. Feller stated that preserving access to asylum is a major concern to the UNHCR. She also made a plea for “more concerted judicial supervision of executive action, for more creative use of judicial intervention to wind back the gradual curtailment of refugee rights, and in this context for more flexibility when it comes to interpreting Convention definitions and responsibilities.” (Feller, p. 3) She also called for a more “purposive,” rather than a strict “constructionist,” approach to the interpretation of international law.

Ms. Feller also covered a broad range of other challenging topics in her address; including: regional protection, global challenges, the challenge of “modernising” the asylum system, with a focus on two questions: the adequacy of the 1951 *Convention* framework; and, asylum and new forms of displacement.

With respect to regional protection, she pointed out, that urban refugees are now a growing phenomenon in all parts of the world and that the UNHCR has to adjust its programs to meet this need. There is also a particular concern with the lack of integration of asylum laws and structures into the

mainstream of national legal systems, and refugee laws operating in isolation from the immigration, administrative and constitutional law frameworks.

In the Middle East and North Africa, she noted, there is reluctance on the part of most states to commit formally to the international legal framework for refugee protection. The *1951 Convention* and *1967 Protocol* have only been adopted by seven states in this region. Further, those states that have acceded to the *1951 Convention* have only taken limited steps to develop their domestic asylum systems. There is an over-reliance in these states on the UNHCR as the protection provider.

There are similar problems in Asia, where states are reluctant to establish their own asylum procedures out of a fear that it would create a “pull factor” for refugees.

Likewise, in many parts of Southeast Asia, refugees have no official status other than that of illegal immigrants, with most states still preferring to rely on the UNHCR to determine refugee status, to assist refugees and to provide solutions for them.

With respect to the global challenges, Ms. Feller stated that there are growing safeguards in place with controls on land borders, airports and offshore border controls, which include visa requirements, interception practices and carrier sanctions and outposted immigration officials. What is emerging is a new form of “extra-territorialisation of migration control, in an effort to alter the locus of international protection obligations.”

Ms. Feller also noted that the specter of xenophobia seems to loom large in many regions of the world. Racism and anti-foreigner sentiment appear to be on the rise, including countries with a solid reputation of support for asylum and refugees. Growing intolerance has been manifest in laws that criminalize asylum-seekers who arrive irregularly, stripping from them basic due process of law protections, such as their right to complete their asylum process and exhaust all local remedies before deportation.

Detention remains a major concern in a number of states from Egypt, across Europe and the United States. The practice of detention in itself, and the conditions of detention, often in deplorable situations, are of concern. Children are particularly vulnerable and may be placed in detention before they have had a chance to claim asylum.

Ms. Feller also stated that another agonizing concern is the wide divergence in recognition rates between states for the same or comparable caseloads. This can make the asylum process something like a lottery. Research has shown that persons from Iraq, Sri Lanka or Somalia have very different prospects of finding protection depending upon the country in which they make their claim. Indeed, sometimes it is not so much an issue of which country, but, rather, which city the claimant makes their claim for refugee status. For instance, the claims for Iraqi children ranged from 92 percent acceptance rate in one city to 2 percent accept rate in another city. Ms. Feller argues that what is especially “worrying are interpretations of the *1951 Convention* which serve to prevent its application to an entire group on the basis of nationality, paying no heed to the non-discrimination approach of the Convention.” (Feller, p. 6)

Ms. Feller raised a critically important question for the delegates that the Cape Town IARLJ World Conference.

Can the challenges of displacement today really be tackled in an effective manner with the current legal and normative framework? As we commemorate the 60th anniversary of the Universal Declaration on Human Rights, what can be done to safeguard Article 14 of that document which states that “everyone has the right to seek and enjoy in other countries asylum from persecution” and where does asylum fit in when it comes to modern day forms of displacement? (Feller, p. 7)

The most obvious limitation to the system is that there is still no universal sign-on to the *1951 Convention* and *1967 Protocol*. Only 147 states are parties to Refugee Convention and its Protocol. And even amongst the states that have acceded to the Convention framework, there can be an implementation deficit.

The scope of the definition can be a limiting factor in a claim for refugee protection. Many argue that if the *1951 Convention* definition is applied flexibly it will likely cover most of the forced external displacement situations today. However, the emphasis is on “flexible interpretation” and, of course, this is not always applied.

This was addressed in the *OAU Refugee Convention in Africa* and the *Cartagena Declaration* for Latin America that broadened the refugee

definition to encompass victims of violence; that is, conflict and public order disturbances, as well as victims of persecution. Even though the UNHCR works with the so-called broader definition, many states legal systems utilize the traditional definition.

The *1951 Convention* is predicated on international solidarity, or the notion that states should address refugee problems collectively, sharing responsibilities to balance the burdens. Burden sharing is a unifying principle for the refugee protection system, but the absence of clear parameters for burden sharing is another important omission from the protection architecture of today's international refugee protection regime.

Ms. Feller pointed out that it is important to note that the *1951 Convention* does not impose a legal duty for States to admit refugees on any permanent basis. The principle of *non-refoulement* prevents return to persecution, but non-return can be achieved in a number of ways short of approved entry.

Refugee law does not require states to admit refugees as permanent immigrants. It only establishes the right of seriously at-risk persons to cross international borders to seek safety until the threat in their home country is eradicated. Individuals may not be able to claim a right to seek asylum, but States have a duty under international law not to obstruct the individual's right to seek asylum. This is a key element of the *1951 Convention* framework. Ms. Feller pointed out that here is where "discretion becomes the decision maker." She observes that "discretion as regards admission is perhaps the Achilles heel of the international refugee protection system." (Feller, p. 8)

There is also the concern of "conflict, extreme deprivation and climate change" that are tending to act more and more in combination. Some 25 countries – the majority in Africa – have been identified as falling in the highest risk category for civil conflict in the next two decades. (Feller, p. 9)

The legal implications of displacement driven by forces other than persecution, human rights violations and war have yet to be seriously thought through. Whatever might be the responses deemed necessary to displacement generated by climate change or other forms of catastrophe, such as financial disasters, Ms Feller noted, that asylum would have to find its appropriate place.

Various forms of subsidiary or temporary protection have been resorted to so as to help close a noticeable gap between the protection granted to refugees under the Convention and the protection required by the much larger group of persons forced to flee but not for reasons that can be reasonably brought within the *1951 Convention* regime.

Ms Feller concluded by stating that it will be fundamentally important over the coming period to ensure that the international refugee protection regime is not only strengthened in areas where it is still weak, but also that it is made flexible enough to accommodate these new challenges of displacement. In this regard, close to 33 years ago the UN General Assembly was formally invited to reconsider, when the time would be ripe, the re-convening of a conference on asylum. She observed that with the magnitude, frequency and variety of displacement crises today, perhaps the time for this is rapidly approaching. (Feller, p. 10)

Conclusion

The 8th IARLJ World Conference in Cape Town, South Africa, was a great success. It was a stimulating and engaging three-day conference that grappled with some of the most difficult and challenging issues confronting international refugee law today. It featured some of the most prominent superior and high court judges, international intergovernmental organization officials, and legal scholars and academics in the field of international refugee law and practice. Navanethem Pillay's and Erika Feller's presentations were outstanding examples of the quality and scope of the issues raised for consideration and discussion among the delegates in attendance. Indeed, it was a wonderful opportunity for those in the field of international refugee law and practice to come together to exchange information, to debate and to discuss some of the most pressing issues and concerns of the day.

IARLJ World Conferences also underscore the relevance and importance of forums such as these in bringing together refugee law practitioners and policy-makers to address the issues and concerns confronting international refugee law on a periodic and regular basis. Hence, the value of IARLJ as a research and information generation and dissemination, professional development and consensus building organization is not only manifest but reinforced at each of its biennial and regional chapter conferences. The 8th

IARLJ World Conference in Cape Town, South Africa, will be a particularly memorable one indeed.