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Statement by Erika Feller, Assistant High Commissioner – Protection, UNHCR

I have followed the progress of the International Association of Refugee Law Judges for almost a decade. It has been a privilege for me to count as colleagues, and in some instances close friends as well, many eminent and inspiring members of this body. As important, perhaps, I have witnessed the birth and growth of the Association and now, if I may say so, its "coming of age". With precious little funding, a generous spirit of "volunteerism", and the drive and imagination of successive Presidents, in particular your current President Justice Tony North, the Association has developed from a loosely connected group of judges with differing expectations and purposes, to an international body of members joined by common goals and making a noted and professional contribution to improving asylum systems and decision-making in a number of parts of the world. The growth in Chapters of the Association is a welcome development, the continuation of which we would encourage in the years to come. I am particularly pleased to see that UNHCR is now turning to the Association with greater regularity for a practitioner's viewpoint and for practical assistance. This can only improve the authority of our guidelines, the performance of status determination systems, including our own and, ultimately, respect for and proper application of the 1951 Convention system. In the traditional spirit of using the occasion of such biennial conferences to provoke thinking on issues very much on UNHCR's agenda, I want to take the opportunity of this address to report on some current concerns for the Office and to put some questions to you, which the deliberations to come perhaps will help find answers to.

Two years ago in Mexico City I had the pleasure of addressing the 7th World Conference of the Association. Prior to coming here, I reviewed what I then said – and was appalled to see that today I could have made a very similar speech about the challenges facing refugee protection and the actions necessary to meet them. I am not sure how I should assess this insufficient progress when it comes to our concerns at the time - widening asylum space, promoting stronger political will to take on refugee protection issues and capacity building of more responsive and effective asylum systems. I am tempted to cast blame all around : on the refugee producers who continue their ways in blatant disregard of human rights obligations and the safety of their populations; on governments more generally for being blinkered about their national interests and restrictive when it comes to international responsibilities; and on the international community, writ large and including UNHCR, for programs and responses which are more reactive than pro-active, and often just insufficient, measured against the needs.

The needs will continue to outstrip the response, absent new approaches and new partnerships which is of course what this Conference, with its focus on Charting the Future Course of International Protection, promises to be about. It is also the subject of my following presentation.

SETTING THE SCENE

FACT 1, the scale and scope of forced displacement remains significant. Overall, persons of concern to UNHCR number some 32 million people, of whom over 11 million are refugees under UNHCR's mandate. UNHCR also has specific responsibilities for close to 14 million persons displaced inside their own countries and an estimated 12 million stateless persons worldwide. Big as they are, these figures are not representative of the totality of global displacement. They do not include, for example, the more than 4 million Palestinian refugees supported by a separate UN agency, UNRWA. As for internally displaced persons, the estimated overall total stands at around 26 million persons.

FACT 2, the refugee plight cannot be approached as one or other country's domestic problem only. I recently addressed a European Conference on the theme: "Refugees as Global Citizens". This set me down an intriguing path of quasi-legal, quasi-political analysis which went something like this: In fact and at law, refugees are a global problem and a global responsibility. The defining feature of refugees is that they have been forced to flee their home countries, having temporarily lost their capacity to exercise the rights and duties of national citizenship. Flight and external displacement have effectively "de-citizenised" them. In response, international law, international institutions and third countries are all engaged in the effort to protect them through an alternative protection and assistance structure, to enable basic rights to be protected until a national system reclaims that responsibility. International protection is a temporary substitute for the protection of national citizenship, meaning that global citizenry is indeed a relevant concept. However, it has some way to go.

As to how far, and this is FACT 3, much credit is of course due! Many States do honour and deliver upon their responsibilities. Millions of refugees have been able to enter third states, stay at least temporarily and even durably, or otherwise ultimately find the appropriate solution. Last year more than 700,000 were able to return home, while close to 100,000 persons benefited from resettlement opportunities made available by an ever growing and diversifying group of resettlement providers. New laws were enacted in a number of countries which put in place good regulations on key protection issues such as providing for refugee status in the context of sexual and gender-based violence. The right to a nationality was given stronger legal underpinning through long advocated legislation requiring the documenting of births, deaths and marriages, or expediting the process by which refugee populations might acquire the host country nationality.

As always, though, there is another side of this picture. FACT 4 is the still disturbing number of refugees who do not enjoy the rights which international refugee law and its national equivalents formally guarantee them. Developments over recent years have placed quite a strain on protection systems. Providing asylum can be costly, in monetary and other terms. Population displacement is a humanitarian, but also a serious political and security challenge for some states. Movements of refugees do have the capacity to dislocate and change economic and social systems within a short period. In the current climate, where national security is high on the agendas of governments, concerns about international crime and terrorism have made states particularly wary about unauthorized arrivals, with asylum viewed through a security prism in many parts of the world. This has made borders a particularly shadowy place, with interception, turn-arounds and *refoulement* taking place outside the frame of any proper

scrutiny. Detention, including arbitrary detention of children, is quite prevalent, and the possibilities to challenge this through, for example, habeas corpus or judicial review, is not always provided. Asylum seekers are left in legal limbo in such circumstances.

In my 2006 speech, I reported on the problems, at that time, of preserving access to, and the quality of, asylum. Against this background I suggested there was a need 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. I advocated a more" purposive", rather than a strict "constructionist", approach to interpreting international law, so as to keep the focus on the victim and the palliative purpose of protection.

Would you say – and this is my first question to you- that this is how refugee status issues are approached in your respective court rooms? Has this reasoning, this plea, made any difference to the way asylum cases are adjudicated? We would be most interested to have views on this.

REGIONAL PROTECTION FOCUSES

To update you a little on where our own efforts regionally have been focused, in Africa, UNHCR programmes have traditionally centred on large-scale movements and camp-based activities, with refugees protected and assisted on the basis of *prima facie* group determinations. Urban refugee claimants are now also growing, calling not only for adjustment in our programmes, but also the asylum arrangements in host states. A particular concern is the lack of integration of asylum laws and structures into the mainstream of the national legal system, with refugee laws operating in isolation from the immigration, administrative and constitutional law frameworks. There are also many examples of laws without implementing regulations to support them. UNHCR's revised guidelines on urban refugees will be issued for discussion during the High Commissioner's December Dialogue on Protection Challenges.

In other parts of the world it is not the adequacy of the framework but the absence of one which has been the bigger problem. In the region covered by the MENA Bureau, there is a marked reluctance on the part of most states formally to commit to the international legal framework for refugee protection, with accession to the 1951 Convention and its 1967 Protocol limited to seven states. Of parallel concern is the fact that states which have acceded have taken only limited steps to develop their domestic asylum systems. The strong and deeply rooted tradition of hospitality in these countries unfortunately goes hand in hand with a reluctance to establish more formal legal frameworks. This has meant, in a number of countries at least, an over-reliance on UNHCR as the protection provider.

There are comparable problems elsewhere, including in parts of Asia, where a number of governments refuse to distinguish between refugee arrivals and other irregular entrants. The fear is that establishing formal asylum procedures could create a pull factor, would be too expensive to run, and will anyway provoke problems with neighbouring countries. In this regard, there has been a notable overall deterioration of the protection environment in Central Asia. Although RSD mechanisms and procedures exist in all countries – except Uzbekistan – political sensitivities are a barrier to access

for asylum seekers from neighbouring countries. In other parts of Asia, including in many countries in SE Asia, refugees have no official status other than that of illegal immigrants, with most governments still preferring to rely primarily on UNHCR to determine refugee status, assist refugees and identify solutions for them.

The IARLJ has been supporting UNHCR's capacity-building activities. My question here would be what scope is there for this to grow? Perhaps it would be useful to meet with your executive to discuss possibilities and priorities particularly in this area?

GLOBAL CHALLENGES

An enduring one is that of disentangling refugees from migrants. This is a problem which presents itself equally at sea, land and air borders, even if sinking boats and drowning people are more likely to attract media attention. Safeguards in place together with controls at land borders and airports are less prevalent when it comes to sea borders, and most often absent in the context of the increasing number of "virtual" or "offshore" border controls, which include visa-requirements, interception practices, carrier sanctions and outposted immigration officials. Foreign search and rescue zones seem to be becoming a new point of reference when it comes to deciding where disembarkation of "boat people" and first asylum should happen. This is starting to compete with the more traditional criteria of flag state and coastal state responsibilities and has been hailed by some[1] as a new form of extra-territorialisation of migration control, or as "jurisdiction shopping" in order to alter the locus of international protection obligations. Often the very purpose of extra-territorial controls is to keep regulatory mechanisms outside the ambit of regular judicial review.

The current situation in the waters off Thailand, where we have recently seen particularly aggressive examples of interception and "turn-back" policies, illustrates the necessity of this. The "new" boat people in the region, Rohingyas, originally from Myanmar, have been encountering a very tough response from Thailand, whose authorities have refused them entry and towed boats back out to sea with little or no food or water. Hundreds have reportedly perished after being set adrift. Others who have been intercepted are currently being held in detention on remote islands off the Thai coast.

Have you had to adjudicate extra-territorial protection responsibilities and what positions have you taken? What can be done here about the limits to the jurisdictional reach of national legal systems so that as control mechanisms move beyond territorial borders, asylum principles and safeguards migrate with them?

The specter of xenophobia continues to loom large in many regions of the world. Racism and anti-foreigner sentiment are on the rise, including in countries with a solid reputation of support for asylum and refugees. Intolerance has many faces. While it is obviously not solely linked to refugee arrivals, it is part of the asylum equation, in subtle and not so subtle forms. It impacts border control measures, refugee status decisions, resettlement and integration programmes, and the sustainability of refugee and asylum policies in many countries. Unprovoked and lethal attacks against foreign communities of the sort witnessed from South Africa to the Ukraine, is one example. More subtly,

[1] See DIIS Working Paper 2008/6.

intolerance takes the form of laws which criminalise asylum-seekers who have arrived 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. In some countries appeals are allowed but have ceased to have a suspensive effect on deportation.

Is deportation allowed before exhaustion of local remedies in your respective jurisdictions – for example does the lodging of an asylum appeal have a suspensive effect – and if not, what role does the judiciary play to reverse this failure of due process?

Intolerance has gone hand in hand, in a number of countries, with a widespread re-characterisation of asylum-seekers and refugees. Globalisation – of migration, of crime, of terrorism – has spawned a marked proliferation of new terms which subtly challenge conventional interpretations of who and why are refugees. These have been thoughtfully analysed in a recent article in the Refugee Studies Journal which provocatively challenges us to reflect on why governments use so repetitively such notions as illegal asylum-seeker, bogus asylum-seeker, economic asylum-seeker, failed asylum-seeker, not to mention overstayers, and the pervasive illegal migrant. The vocabulary is various but chosen to match national priorities and mood, and intended to reinforce the image of a marginal, dishonest and therefore unwelcome person. The refugee concept is deconstructed and reinvented in order to marginalise and discredit the process of seeking asylum, and thereby to underpin and legitimise state strategies to regulate migration. One irony is that this has compounded the problem, not assisted governments to manage their borders. The author argues that the refugee label has become a highly privileged prize which few are held to deserve, many are driven to claim illegally, and which has become an expensive commodity to be bought. This can only contribute to criminalise the process, not clarify it. The proliferation of labels is described as a "messy political response to a confusing problem" for receiving states, which is serving to badly distort the refugee concept.[2]

This leads me to ask to what extent would you agree that the courts have a particular responsibility, and if so how to ensure the accuracy of labels, even if it entails extra-curial commentary so as to preserve and protect the essence of the refugee concept?

Failure to do so has implicitly underpinned the legitimacy of harsh detention policies. Detention remains a concern in a number of situations, from Egypt, across Europe to the US. Both the practice of detention in itself, absent serious reasons to justify it, and the conditions of detention, which can be deplorable, are of concern. Penal conditions, including handcuffs, shackles and plexiglass interviews, are not uncommon, parole possibilities are limited, and in some cases impossible conditions for release condemn people to arbitrary prison stay beyond the expiry of their terms, without the possibility of legal challenge. I do not know if there are any judges here from Egypt, but it is of particular concern there that asylum seekers from one clearly refugee-producing country end up with a 12 month prison sentence for their unauthorised entry, coupled with a $1000 fine, which clearly they cannot pay, thereby leading to months more in prison and most usually deportation thereafter without access to any adjudication of their claims. On Lampedusa in Italy, there are currently nearly 2000 boat arrivals, including many from Somalia and Eritrea, crammed into a reception facility with space

[2] *More labels, fewer refugees*, Zetter, Journal of Refugee Studies, Vol 20, no. 2 2007

for 850, so that hundreds are now sleeping outdoors under plastic sheeting, and unable any longer to access the mainland asylum process. Instead, they have the option of a fast track process where they do not have the possibility of legal assistance and the launching of an appeal before a judge is seriously curtailed.

Detention of children, as a deterrent and a response to irregular entry, is still quite prevalent in a number of countries. There are many places of detention used, from waiting zones in airports, to immigration detention centres, police cells or prisons. In some instances, children may not even have had a chance to apply for asylum due to immediate detention upon arrival. At other times, children may suffer long delays before asylum claims are determined, leading to prolonged detention. In other instances status is recognized but detention is nevertheless the rule. Witness for example the Nong Khai detention centre in Thailand which holds 158 Lao Hmong refugees, including some 90 children, crammed into two dark, dank rooms. Resettlement countries have offered them a new home, but the refugees remain confined after many months, as a legacy of a period of history that ended long before any of them were born.

These are but three examples of a multitude of different permutations of reception and detention regimes, confronting asylum seekers and refugees. It would be particularly interesting to hear your views on the compatibility of harsh or arbitrary detention not only with internationally-endorsed detention standards but also with the Article 31 requirement of non-penalisation for illegal entry?

The process of deconstructing the refugee label has also probably been a major contributor to the perennial problem of diverging interpretations of the refugee definition. Widely divergent recognition rates between states for the same or comparable caseloads can make asylum something of a lottery. Our research shows, for example, that persons from Iraq, Sri Lanka or Somalia have very different prospects of finding protection depending upon in which country their claim is lodged. Sometimes it is not an issue of which country but, in a country, which city receives the claim. The situation in one European country, where the claims of unaccompanied minors are processed in three main towns, is illustrative here. Statistics show that 73% of all claims by UNAMs in one city were accepted, in another some 52% and in the third only 34%. And this is not a feature of the origin of the claimants. To take claims only from Iraqi children, the range was from 92% in one city to 2% in another. Particularly 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.

Aside from consistency in approach, applying the definition throws up quite a number of interpretation challenges we continue to look to the judiciary to help resolve in forward-looking ways. One is the question of diplomatic assurances, the question being when are assurances of safety given by governments sufficiently reliable to enable return of asylum seekers without breaching the Article 33 *refoulement* bar. In the area of exclusion from refugee status, we are currently wrestling with several difficult cases in the context of long-standing UNHCR doctrine requiring an exclusion decision to balance the imperative of exclusion against its consequences. Most recently the Office has been asked to decide whether someone clearly guilty of major financial fraud, with serious human consequences, but who happens also to belong to a discriminated minority, should be excluded because of his crimes. Exclusion will likely mean he could be

returned to a legal system which is known to resort to torture, which may well result in his case, because of his political affiliations.

How practically can we cooperate to promote greater convergence around the definition's application and would you wish to be more integrally associated with efforts to clarify the international law position on matters such as diplomatic assurances or exclusion and proportionality?

FINALLY, THE CHALLENGE OF "MODERNISING" THE SYSTEM

Against this broad-brush background, I want to go more deeply into two particularly topical questions, which I would frame as follows:

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 Convention 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?

[A] THE ADEQUACY OF THE 1951 CONVENTION FRAMEWORK

The most obvious limitation of the system is that there is still no universal sign-on to it. To date there are 147 States parties to the 1951 Convention and/or its 1967 Protocol. And even in countries which have acceded to the Convention framework, there can be quite an implementation deficit. This is partly a political will issue, as I explained earlier, but not exclusively so. The letter of the Convention has gaps.

The scope of the definition can be a limiting factor. Many will argue that the 1951 Convention definition, if flexibly applied, covers most of the forced external displacement situations of today. Inherent in many conflict situations are gross human rights violations clearly within the persecution threshold. That there is a mix of push factors cannot negate this fact. That people use the services of people smugglers, or arrive at State borders side by side with migrants who are not refugees, does not strip them of their own refugee character. Similarly so, their claim does not fall because they pass through several countries en route, benefiting from the many possibilities for inter-continental travel that globalisation has opened up. The emphasis, though, is on flexible interpretation, the absence of targeted persecution, or of one or other of the specific grounds mentioned in the Convention, can be a serious liability for a claim.

It was in recognition of the diversity of reasons why people flee and the limits of the 1951 refugee definition that the refugee concept was formally extended in Africa and Latin America to encompass victims of violence [i.e. conflict and public order disturbances] as well as victims of persecution. This so-called broader definition is the one with which UNHCR works. Many national legal systems remain, however, doggedly pegged to the traditional definition. While UNHCR makes all best efforts to promote flexibility – and lawyers can make a lot of money litigating this – the fact remains that the current global architecture for refugee protection heavily rests on a definition which allows governments so inclined to restrict the scope of their refugee responsibilities. This is a weakness in the protection architecture.

Greater solidarity with refugees is most likely to be forthcoming when it is underpinned by solidarity among states. Burdens and responsibilities are unfairly spread, with a majority of refugees in countries without the resources to meet their needs. The 1951 Convention is predicated on international solidarity, or the notion that states should address refugee problems collectively, sharing responsibilities to balance the burdens. There have been a number of tentative, but ultimately shelved attempts to articulate general benchmarks for burden or responsibility sharing, with the result that the system survives tenuously on undependable funding and promises of cooperation. 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.

There are other weaknesses as well. The Convention does not impose a legal duty on States to admit refugees on any permanent basis. The non-*refoulement* principle prevents – or should prevent – return to persecution, but non-return can be achieved in a number of ways short of approving entry.

It is important, here, to distinguish practice from law strictly defined. The finality of asylum is not formally prescribed in the Convention. It is a practice which has evolved, not an article being enforced. State practice consistently steers clear of endorsing that individuals have a right to be granted asylum in any particular country. As refugee law academics remind us, 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. Insofar as a State's refusal to offer at least initial asylum may expose an individual to risk of violation of basic human rights, its responsibility to make this asylum available is duty driven. While individuals may not be able to claim a right to asylum, states have a duty under international law not to obstruct the individual's right to seek asylum. This is a key element of the 51 Convention framework. It also derives directly from the right to seek and enjoy asylum affirmed in Article 14 of the Universal Declaration of Human Rights. Nevertheless, the degree of protection is that required commensurate with the occasion. Here discretion becomes the decision maker. The content of the grant of protection –"whether it embraces permanent or temporary residence, freedom of movement and integration or confinement in camps, freedom to work and attain self-sufficiency or dependence on national or international charity – is less easy to determine".[3] This discretion as regards admission is perhaps the Achilles heel of the international system.

[3] p. 357, Goodwin-Gill

[B] ASYLUM AND NEW FORMS OF DISPLACEMENT

Then there is another singularly important consideration when it comes to assessing the adequacy of the protection architecture - that is the new drivers of displacement and how comfortably they sit with traditional definitions and responses.

Patterns of forced displacement have been far from static over the 50 plus years since the 1951 Refugee Convention was put in place. The Convention's beneficiaries were categorised in a way that matched the profile of those displaced in Europe by the Second World War and its Cold War aftermath of ideological conflict. This approach came under considerable strain when the focus of refugee problems started to shift to the developing world, experiencing major displacements due to decolonization, resurgent nationalism and wars of national liberation. In tandem, impoverishment of large parts of the globe proved a further factor of instability. One only needs to think back to Albania in the 1990s where disastrous economic conditions, high unemployment and food shortages led to widespread social discontent, rioting, and finally large-scale exodus of tens of thousands by boat to Italy.

Displacement scenarios continue to evolve. There is a high probability that patterns of displacement will be increasingly impacted by environmental factors such as population growth, declining resources and inequality of access to them, ecological damage and climate change. Conflict, extreme deprivation and climate change 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. All have low cropland availability per person, half have fresh water availability problems and all are ranked amongst the poorest nations in the world. Darfur is usually quoted as illustrative. Tribal conflict in Darfur is actually centuries old and has long been a response to traditional ways of life made ever more untenable by factors like drought, heightened competition for land or water, accelerated desertification and the breakdown of local mediation structures. [4]

And the international financial crisis and widespread recession in host and refugee producing countries alike has to be factored into this accumulation of adverse factors. Any predictions that extreme poverty is on the decrease were recently thrown into disarray by the bad news from the World Bank this year that the number of people globally below the poverty line is actually increasing.

Clearly these various drivers will impact different groups and regions in varying ways. Not all those displaced as a result will fall within the mandate of an organisation like UNHCR or will need or merit protection through asylum. But there will be serious issues to consider before people can be deemed not to merit this. One need only look at Zimbabwe today to see how compelling this mix of push factors can be. On average there are 400 new arrivals a day at the Musina reception centre at the main Zimbabwe/South Africa border crossing point. The daily presence of Zimbawean nationals in the screening area is some 2000. Since Musina was established in July 2008, 32,404 Zimbabwean nationals have been issued with asylum seeker permits, but of those processed only 50 persons have to date been recognised as refugees. This extremely low acceptance rate translated into only 5 cases recognised in the last four

[4] Reference article in Forced Migration Review – Clark, « Social and Political Contexts of Conflict »

months, with the overwhelming majority of asylum seekers then facing rapid deportation on receipt of their rejection letters. Some 400 plus persons are deported daily at this crossing point. They are being deported back to a major, man-made humanitarian crisis resting on a chaotic mix of persecution, violence and crime, serious shortages of basic necessities like food and drinking water, lack of any means of self-sustenance, in an environment of hyperinflation, a moribund economy, collapsing public services, even a cholera outbreak.

How would you assess the status of persons in circumstances such as in Zimbabwe? Do they have the right to be admitted? Are they protected against refoulement? Should those moving voluntarily and those forcibly displaced be treated differently as regards admission and non refoulement. Should a distinction be made between compulsion to flee because of cumulative adverse circumstances and compulsion to flee because of government policies? If so, against what criteria should such distinctions be made and where do entitlements differ? Can the broader human rights framework provide part of the solution?

There would be other questions to look at as well, were time to allow. For example, in the case of disappearing states – the climate-induced "sinking islands" scenario – questions are already being raised about status of persons who lose their state. Will they be stateless, for example, and would they have a right to be relocated and permanently admitted elsewhere?

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, asylum will have to find its appropriate place. Asylum is not in itself a solution, but an indispensable protection on the road to solutions. It is the key first response which can ensure protection and create the necessary humanitarian space to pursue the best solution. Within the international law framework of the 1951 Convention, asylum has closely accompanied the grant of refugee status to the point where the content of asylum has tended to be quite closely tied to the circumstances and needs of refugees. However, asylum is part of a range of responses increasingly proving suitable to situations which do not neatly fit the refugee paradigm. 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. To take one miscellaneous example, in the Netherlands, approximately 25% of persons that enter the asylum procedure are accepted for stay, but a mere 4% achieve this through the grant of refugee status.

It will be fundamentally important over the coming period to ensure that the international protection regime is not only strengthened in areas where it is still weak, but also that it is made flexible enough to accommodate the 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. With the magnitude, frequency and variety of displacement crises today, perhaps the time for this is rapidly approaching.

POSTSCRIPT

I cannot conclude without a word of heartfelt appreciation to your outgoing President, Tony North. As all good judges should be, I suppose, he has been a superb listener - to UNHCR among others - and has acted decisively where he has felt concerns expressed or suggestions offered merited attention. His vision for the Association has contributed significantly to its professionalisation and, certainly from our perspective, has very much helped to mold it into an entity we are privileged to turn to as a valued asylum partner. I can only say, Tony, please do stay engaged with the Association and our issues. Otherwise would constitute a real loss on both counts!