

## ACKNOWLEDGMENTS

Because this book is conceived as a dialog with leading judicial thinking on the refugee definition, we begin by acknowledging our intellectual debt to the many decision-makers around the world – in both specialist tribunals and courts of record – whose thoughtful reasoning provides the foundation for our analysis. While we of course sometimes disagree with the reasoning and results of these decisions, we have learned more than we can say from the often penetrating and thoughtful analysis that judges have brought to bear on the scope of Convention refugee status.

Our ability to engage the transnational refugee law jurisprudence has been immeasurably aided by the strong support provided by the University of Michigan Law School. Under the leadership of Deans Jeffrey Lehman, Evan Caminker, and Mark West – and with the generous support of donors Jane and Ron Olson – Michigan funded the establishment and operation of the Refugee Caselaw Site (<http://www.refugeecaselaw.org>), which provided the core of the research collection upon which we have drawn in writing this book. Equally important, we have benefited from the extraordinary commitment of teams of judges, scholars, and advocates from more than thirty countries who, as National Coordinators of the Refugee Caselaw Site, have selected and indexed many of the decisions referenced here. Without this resource, the writing of this book would have been impossible.

The core funding for this project was provided by a very generous grant from the Australian Research Council (DP1096791) which enabled us to hire many wonderful research staff, invite a talented and committed group of colleagues from around the world to Melbourne for two workshops during which we debated and discussed each of our draft chapters, and provided crucial teaching relief to Michelle Foster to facilitate periods of focused writing time. We are grateful to the Melbourne Law School's Office for Research, especially Lucy O'Brien and Professor Sean Cooney, for their generous assistance in preparing our grant application.

The Melbourne Law School has served as the home for this project over some four years, beginning when James Hathaway was dean of the faculty and continuing through the tenure of Dean Carolyn Evans. We are especially appreciative of the support provided by the Institute for International Law and the Humanities, directed first by Professor Anne Orford and presently by Professor Di Otto. The Institute's administrator – the wonderful Vesna Stefanovski – was crucial to the success of our workshops in 2011 and 2012. We are very grateful to Vesna for acting as travel agent, conference organizer, caterer, and general problem-solver, and for maintaining such professionalism and charm throughout the process.

This project was an extremely ambitious one in research terms. The sheer volume of case law to be researched, identified, summarized, and organized into a workable form

was formidable. We were very ably assisted by the Melbourne Law School Library Research Service, particularly Robin Gardner and Louise Ellis, and by their counterparts at the Library of the Michigan Law School, especially research and faculty services librarians Jenny Selby and Seth Quidachay-Swan. Several research assistants based at the University of Michigan – Reta Bezak, Ian Love, and Tim Shoffner – undertook the complex task of identifying and analyzing judicial citations to the first edition. We also had the pleasure of working with a wonderful and talented group of current and former students of Melbourne Law School who worked for us at various stages of the project. Our heartfelt thanks are extended to Daniel Baker, Louise Brown, Catherine Gascoigne, Jasper Hedges, Anne Kallies, Chris Lum, and Sienna Merope. Sienna deserves particular mention for having served with distinction as Rapporteur of both the 2011 and 2012 workshops.

We were also extremely fortunate to have the assistance of two very talented young lawyers. Adrienne Anderson came to us from the New Zealand Refugee Status Appeals Authority to work full-time in the critical early stages of the project. In addition to possessing magnificent research and analytical skills, Adrienne's language skills ensured that the project was able to engage with a wide range of civil law jurisprudence. We are grateful to Adrienne for sharing her commitment, enthusiasm, efficiency, and brilliance with us over four years. We were also delighted that the wonderful Katie O'Byrne took on a crucial role in the final stage of the project. Katie assisted us with research on issues of treaty interpretation – a role she fulfilled with aplomb – but also displayed enormous generosity of spirit and good humor by taking on the mammoth task of cite-checking and footnoting at the end of the project. Her sharp mind and extraordinary efficiency, as well as her unflappable nature and optimism, were crucial in finalizing the manuscript for submission.

We have received support, advice, and encouragement from many refugee law colleagues throughout this project. Michael Timmins worked with us to design and initiate the research; Maria-Teresa Gil-Bazo introduced us to some crucial Spanish jurisprudence; Martin den Heijer provided helpful translations of important Dutch decisions and generously shared his ideas during his time as a visiting fellow at Melbourne Law School; barrister Mark Symes and Judge Hugo Storey ensured that we had a comprehensive collection of jurisprudence from the United Kingdom; and John Tobin of Melbourne Law School spent hours discussing and debating some core ideas with us, for which we are most grateful.

Perhaps the most novel aspect of our research strategy was to bring together a group of respected experts on refugee law to read, critique, and collectively to debate each draft chapter we produced. Words cannot begin to capture the gratitude we have for the contributions made by Professor Catherine Dauvergne of the University of British Columbia; Rodger Haines, Q.C., former Deputy Chair of the New Zealand Refugee Status Appeals Authority and presently Chair of the New Zealand Human Rights Review Tribunal; Constantin Hruschka of the Office of the United Nations High Commissioner for Refugees; Professor Pene Mathew of the Australian National University; Jason Pobjoy, then a Ph.D. candidate at Cambridge; and Professor Marjoleine Zieck of the University of Amsterdam. This extraordinarily thoughtful and knowledgeable group held us to account for every argument we sought to advance, and made innumerable excellent suggestions to improve both our research and the nature of the arguments made. The generosity of spirit and true collegiality shown throughout many long days of complex deliberation were as remarkable as the substance of the debates themselves. There is no greater gift that a scholar can make than to give unstintingly of himself or herself to improve the work of others; each member of this group has made that gift to us.

Our greatest debt is, however, owed to Jason Pobjoy. We came to know and to respect Jason while he was studying for his LL.M. at Melbourne Law School. Throughout his BCL studies at Oxford, during his Ph.D. residency at Cambridge, and despite the pressures of his present life as a barrister at Blackstone Chambers, Jason has been the single most important and steadfast contributor to our research and writing. We think of Jason as our research director – managing both the research staff and flow of our work, even as he himself took on innumerable tasks, both large and small, to improve our thinking and writing. But the truth is that we relied on Jason for much more than his prodigious intellect, unparalleled work ethic, and unstinting commitment to quality work. Jason commiserated with us as we struggled through difficult times, providing just the right encouragement at just the right time, always finding a way to make the impossible task feasible. We both feel privileged to have worked so closely with such a truly remarkable young scholar of refugee law. And we are proud to call him our friend.

At a personal level, Michelle Foster owes a huge debt of gratitude to wonderful colleagues at Melbourne Law School for their encouragement, intellectual interest in the project, moral support, and friendship. Special thanks are owed to Carolyn Evans, Andrew Mitchell, Paula O'Brien, Adrienne Stone, John Tobin, and Tania Voon. I have had the privilege to teach refugee law at Melbourne Law School for many years, and have been constantly challenged and inspired by my students, whose enthusiasm and acute and pertinent questions have sharpened my thinking on many issues. I am enormously grateful to my closest friends who provided constant support, encouragement, and inspiration: Rai Small, Tanya Segelov, Louise Kenworthy, and Sarah Court. The Derby Street commune provided crucial support – especially of the child-minding variety – and I am indebted to Cazz Redding, and Simon and Anne Adams for their unflinching assistance. The gestation of this book was such that both Alice and Emma Moffat came into this world during its production. Although presenting somewhat of a multi-tasking challenge, I was lucky to have the incredible support of my mother, Therese Foster, who went way beyond the call of duty by moving in with us for significant periods of time so that I could write. My mother-in-law, Robyn Moffat, assisted at crucial times and was an enormous source of positive energy and optimism. The wonderful staff at Queensberry Children's Centre, including many who gave up their rostered days off to work for us at home, provided much appreciated support. My greatest debt however is to the girls – Olivia, Alice, and Emma – for being so patient with their mother and for providing constant inspiration to work towards a more humane world, and to the incomparable Brad whose love, support, and constant belief in me is the reason my contribution to this book was possible.

James Hathaway wishes to acknowledge his support network of amazing friends who have kept him grounded despite his itinerant life. During my time in Melbourne, my "local family" – Tricia and Ruth Harper, and Zak Hanyn – made me feel at home even though I was thousands of miles from everything I had previously known. My special Australian friends Maggie Abernethy, Su Baker, Jenn Bedlington, Luke Hardy, John Lyon, Tony North, Sandy Rosenbrock, Abhay Singh, and John Stokes not only kept me sane while I lived full-time in Melbourne, but continue to make Australia a place to which I am always happy to return. In Tucson, I count for so much on my ever-supportive neighbours Howard and Pat Frederick, and dear friends Adam Ussishkin and Andy Wedel. My special University of Michigan colleagues Laura Beny, Virginia Gordan, John Pottow, and Mathias Reimann always welcome me back to Ann Arbor and ensure that it is a true home for me. Marjoleine Zieck and Edgar du Perron have created a magnificent European base for me in Amsterdam,

and have unfailingly encouraged and supported me. And my summers in Vancouver have been wonderfully happy and productive thanks to the presence in my life of Catherine Dauvergne, Paul Gravett, Mark Hand, Bradley Homick, Diana Lary, Annabel Mackenzie, and Gerri York. Last, but certainly not least, I owe an incalculable debt to a few special friends: to Matt Huett in Tucson; to David Katz in Chicago; to Douglas Pinheiro in London; and to Cyndie Tamaki in Toronto: your unconditional support and encouragement keep me going, and was critical to enabling me to complete this project.

We are both pleased and privileged to work with Cambridge University Press on this book. Finola O'Sullivan has been with us from literally the beginning to the end of this venture: she believed in what we wanted to create, and showed commitment and flexibility beyond what could reasonably have been expected of an editor. More generally, the entire Cambridge team has supported us with enthusiasm – with special appreciation owed to both Diane Ilott and Maureen MacGlashan for their commitment to perfectionism.

M.F.

J.C.H.

October 2013