

**Malaysia
2003**

Country Operations Plan

Part I: Executive Committee Summary

(a) Context and Beneficiary Populations

Political Context

The implementation of new laws in August 2002 aimed at deterring the estimated 650,000 illegal migrants from remaining in Malaysia led to a significant increase in persons applying for asylum at UNHCR's office in Kuala Lumpur. Some 700 persons, the majority of them Acehnese from Indonesia, approached UNHCR's office in July 2002 alone. Due to the crack-down on illegal migrants it is expected that the number of persons in need of UNHCR's protection and assistance will increase substantially in the latter half of 2002 and in 2003. Prior to the implementation of the new laws the majority of asylum seekers in Malaysia did not approach UNHCR unless their immigration status or security conditions required them to do so. In mid-2002 the number of recognised refugees in Malaysia was approximately 350. UNHCR will remain involved in seeking durable solutions for Muslim Myanmarese ("Rohingyas") and for the estimated 50,000 Filipinos located in the Malaysian state of Sabah. Following the imposition of the new laws tens of thousands of Filipinos were reported to have left Malaysia for the southern Philippines..

Security Situation

During 2002, the UNHCR office in Kuala Lumpur was occupied on several occasions by asylum seekers. While all the occupations ended peacefully it did underline the desperation felt by many asylum seekers, particularly the Rohingya caseload. In August 2002, over 100 asylum seekers were arrested by Malaysian authorities outside the UNHCR office. It is anticipated that with the introduction of new laws in Malaysia which include fines, gaol sentences and "flogging" for illegal migrants and for persons who harbour them that the security situation will remain fragile around the UNHCR office. UNHCR is currently reviewing the possibility of relocating the office premises to a more secure site, while at the same time looking at establishing an "outreach" program throughout Malaysia which would make the organisation more accessible to those in need.

UNHCR's Role

As Malaysia is not a signatory to the 1951 Convention Relating to the Status of Refugees nor its 1967 Protocol, one of the few durable solutions available to recognised refugees is resettlement. Annual resettlement from Malaysia is less than 100, although UNHCR will seek the support of resettlement countries to increase this level in 2003.

The number of applications for refugee status is expected to rise during the planning year. It is expected that at least some 1,500 to 2,000 applications will approach UNHCR Malaysia in 2003 unless there is a significant positive change in terms of human rights records or conflict-oriented situation in respective countries of origin. Before the recent crack-down on illegal migrants it was estimated that there were more than one million undocumented Indonesians in Malaysia, 7000 of whom were deported monthly to Indonesia. Tens of thousands of them have fled conflict-affected areas in Indonesia and could potentially avail themselves of UNHCR protection. As part of its new protection strategy, UNHCR Malaysia will seek to find ways of making itself more accessible to asylum seekers in Malaysia.

In 2003, a number of awareness efforts will continue to be a primary element of UNHCR's activities, aiming at significantly increasing the number of sympathetic supporters of UNHCR and the international refugee issue. UNHCR Malaysia will work on the potential for including an element of refugee education in school curriculum

Overview of beneficiary groups

In addition to the estimated 50,000 Filipinos (pre-August 2002) there are approximately 10,000 "Rohingyas" from Myanmar's Northern Rakhine State in Malaysia. The majority of this

group do not possess any travel documents or legal status in Malaysia. They are potentially de facto stateless persons due to their unclarified citizenship vis a vis Myanmar. Since 1997 some 1,700 persons have gone through individual status determination process. In the coming year, UNHCR will seek to mitigate the effects of this situation, particularly in cases of extreme hardship. UNHCR will also continue to encourage the Government of Malaysia to maintain a flexible and humanitarian position regarding the caseload until a solution can be found either through voluntary return or local settlement. In addition, several hundred Myanmarese of Chin origin, who are part of a larger group of some 5,000 are expected to continue to approach UNHCR in Malaysia seeking refugee status.

The total number of Indonesians working in Malaysia prior to August 2002 was estimated at some 200,000, many of whom originated from Aceh. It is expected that the number of persons originating from Aceh who will seek assistance from our office in 2003 will continue to be substantial. It is expected that the number of new arrivals from non-neighbouring countries (such as African states, Pakistan and Afghanistan) will decrease as Malaysia implements tighter visa requirements and the feasibility of gaining access to Australia through smuggling routes declines.

Policy Issues

The implementation of new laws relating to illegal migrants and the implication on asylum seekers and refugees will continue to be closely monitored by UNHCR. UNHCR will also seek to develop strategic partnerships with other UN and civil society agencies in order to promote the interests of asylum seekers and refugees.

Linkages to other countries with a defined “situation”

UNHCR Malaysia will work in close co-ordination with a number of offices in the region. As the office is attached to the Regional Office in Indonesia, links are close. The office will also be in constant dialogue with RO Jakarta about Indonesian refugees in Malaysia, potential outflows and returns. UNHCR Malaysia will also communicate frequently with RO Bangkok about common caseloads such as Muslims from Myanmar and the Acehnese. The office will also maintain links with the e-Centre, which is supporting Malaysia’s training initiatives. The office will also enjoy operational co-ordination with OCM Myanmar, BO Bangladesh and OCM India about common protection concerns.

Capacity and presence of implementing partners and UN agencies

In 2003 UNHCR will increase the level of monitoring of asylum seekers in detention and building relationships with regional border, immigration and security authorities. This networking effort will assist UNHCR monitor protection needs as well as assist its design and targeting of training. UNHCR will build its links with the recently established Commission on Human Rights, which is attached to the Office of the Prime Minister. Another important initiative is the expansion of emergency training. With the support of the Head of National Security in the Prime Minister’s Office and the e-Centre in Tokyo and RO Jakarta, UNHCR Malaysia is providing emergency training with a component of protection, which includes a train-the-trainers course. A similar training effort is being extended to national NGOs. UNHCR will continue to offer protection-oriented seminars and workshops to the senior staff of nearly a dozen national NGOs. These activities are specifically designed to improve the government’s perception and appreciation of UNHCR as well as to increase the organisation’s national standing. Through these measures, UNHCR Malaysia will lay the foundation for its entire range of advocacy and protection efforts.

(b) Selected Programme Goals and objectives

Name of Beneficiary population: #1 Urban Refugees	
Main Goal(s): All asylum seekers and refugees in Malaysia would receive adequate and qualitative protection as required under existing international refugee regime.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> ▪ All asylum seekers be provided with prompt & fair access to UNHCR at all times. ▪ All refugees be given adequate and qualitative temporary protection pending durable solutions. ▪ All refugees be assisted in searching 	<ul style="list-style-type: none"> ▪ A basic asylum system will be established that can serve as the basis for a national system in the future.

for durable solutions.	
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Name of Beneficiary population: #2 Muslims from Myanmar	
Main Goal(s): Identification of practical measures on durable solutions either through voluntary repatriation or local integration	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> ▪ Citizenship issues be clarified . ▪ Legal status obtained/regularised in Malaysia for access to minimum social and economic welfare services pending durable solutions. 	<ul style="list-style-type: none"> ▪ A flexible and humanitarian position will be maintained and cases of extreme hardship will be addressed.

Name of Theme: #1 Public Information and Fund Raising	
Main Goal(s): Both public and private sectors in Malaysia fully appreciate global refugee protection need, and engaged in fund-raising for UNHCR	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> ▪ Develop strong public understanding & support for UNHCR activities. ▪ Develop substantial fund-raising opportunities from Malaysia Public Information and Fund Raising. 	<ul style="list-style-type: none"> ▪ Networking among the government and civil society, will produce a more positive asylum environment in Malaysia.

Name of Theme: #2 Contingency Planning and Emergency Preparedness and Response	
Main Goal(s): Adequate and timely response mechanism in place in Malaysia for population displacement in need of international protection.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> ▪ Well designed contingency plan developed at UNHCR and GoM. ▪ Training and contingency planning capacity available within government and non-Governmental sectors. ▪ Regional co-operation framework developed. ▪ UNHCR protection mandate fully reflected in the training. 	<ul style="list-style-type: none"> ▪ More solid co-operation between UNHCR and GoM to improve refugee reception, ensure broader protection coverage, and influence immigration policy.