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MEDIA STATEMENT

IDEAS: Reconsider plans to shut down the UNHCR office in Malaysia; Priority should be to establish a legal framework for refugees

Kuala Lumpur, 13 October 2022 - The Institute for Democracy and Economic Affairs (IDEAS) Malaysia expresses concerns over a parliamentary reply on the 7th of October 2022 by then (and now caretaker) Minister in the Prime Minister's Department (Special Functions) Datuk Dr Abdul Latiff Ahmad to shut down the local UN High Commission for Refugees (UNHCR) office, in line with the government's intention to take over the management of refugees in Malaysia. IDEAS urges that greater priority must be given to ensuring that a legal framework governing and protecting the rights of refugees and asylum-seekers is in place before considering any transition plans.

As Malaysia is not a signatory to the 1951 United Nations Refugee Convention and its 1967 Protocol, UNHCR has long been the main actor in safeguarding refugees and asylum-seekers in Malaysia by providing a broad spectrum of protection such as refugee status determination and resettlement. UNHCR also works with various non-governmental organisations to provide assistance in the areas of healthcare, education, financial assistance, shelter, counselling and other welfare needs.

Given the longstanding role of UNHCR in refugee and asylum-seeker management, IDEAS expresses concerns regarding the readiness of the government to take over this role, especially in the absence of a legal and institutional framework that governs and protects refugees and asylum-seekers. "For the government to demonstrate its commitment and readiness to take over refugee and asylum-seeker management, it has to first and foremost ratify the 1951 Refugee Convention or establish an alternative domestic policy and legal framework that aligns with the regulatory and protection components of the Convention to ensure that Malaysia complies to international standards," said Dr Tricia Yeoh, Chief Executive of IDEAS. "Without such a framework, refugees will continue to be excluded from economic opportunities as well as fundamental rights to education and healthcare. More importantly, as a member of the United Nation Human Rights Council, the country has a duty to uphold human rights in line with international standards and to prioritise the rights of vulnerable groups, including refugees and asylum-seekers."

IDEAS also highlights that there needs to be greater transparency and accountability on the transition plans should the government expand its involvement in refugee and asylum seeker management. "There is a need for an in-depth assessment of the government's readiness and the ability to manage and resource the operations at international standards, should the transition take place," said Dr Juita Mohamad, Director of Research of IDEAS. "More importantly, the

government must consult with relevant stakeholders including the refugee community and civil society organisations on the ground with regards to its transition plans as this will have significant implications on the lives and livelihoods of refugees and asylum-seekers themselves.”

Despite not being a party to the 1951 Refugee Convention, Malaysia is still bound by the principle of *non-refoulement*, which is a fundamental principle of customary international law. Under the rule of *non-refoulement*, a state is prohibited from rejecting or returning refugee and asylum-seekers to a territory that will expose the person to risk of persecution, torture or inhumane treatment or degradation, or to threat to life, physical integrity and freedom. Hence, IDEAS believes that Malaysia is obliged to uphold its duty to protect refugees and asylum-seekers under this rule.

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About IDEAS

The Institute for Democracy and Economic Affairs (IDEAS) is a nonprofit research institute, dedicated to promoting solutions to public policy challenges, focussing on three overarching missions – advancing a competitive economy, ensuring trust in institutions and promoting an inclusive Malaysia. IDEAS is Malaysia’s first independent think tank, free of personal interests and partisan influences. For more information, visit www.ideas.org.my.