

**Enact refugee protection laws, Bar Council tells government**  
**The Malaysian Insider**  
**September 01, 2011**  
**By Clara Chooi**

KUALA LUMPUR, Sept 1 — With Australia's highest court having declared the "Malaysia Solution" illegal yesterday, the Bar Council has now urged the Malaysian government to "grow up" by enacting municipal laws granting protection rights to refugees.

Council president Lim Chee Wee wrote in his Merdeka message today that the federal government should learn from the experience and, after enacting laws, should also accede to the 1951 Convention on the Status of Refugees and the 1967 Protocol.

Lim said Malaysia needs to show respect for the rule of law and the right treatment of people. — File pic

"Ultimately, Malaysia has to cease being a laggard when it comes to respect of human rights of both its citizens and non-citizens. If not, other attempts at international co-operation may well suffer the same embarrassing fate," he said.

Lim said the "non-law-based" approach used in the "Malaysia Solution" had been "immature", adding that the country needed to show respect for the rule of law and the right treatment of people.

"It is not enough that we celebrate one national birthday after another, patting ourselves on our backs, congratulating ourselves on how we have done well as a country and not rent ourselves asunder through racial and religious intolerance and civil unrest.

"Merdeka must also mean maturing in our profession and practice of the rule of law and the protection and promotion of the rights of humanity. In these respects it is clear that much more can and needs to be done," he said.

In a 6-1 decision yesterday, the Australian High Court declared the Malaysia-Australia refugee swap deal as illegal with Chief Justice Robert French saying that the declaration had been made "without power and is invalid".

The court barred asylum seekers held by Australia from being sent to Malaysia, a ruling that will likely derail the swap deal to send 800 boat people to Malaysia in exchange for 4,000 already-processed refugees to Australia.

The move was put on hold earlier this month after Melbourne lawyer David Manne won a High Court injunction to prevent deportations pending a decision on the deal.

French argued that Australian-held asylum seekers had rights to refugee protection assessed in Australia, and that the High Court could review Australian Minister for Immigration and Citizenship Christopher Bowen's declaration that Malaysia was a suitable destination for offshore processing.

Lim pointed out today that the deal, inked between Bowen and Home Minister Datuk Seri Hishammuddin Hussein on July 25 here, was thrown out by the court after the Australian judiciary held that the former could only "remove asylum seekers to a third country to process their claims" if the country is legally bound by international or its own domestic law.

"In addition to these criteria, the Australian Migration Act 1958 required that the country 'meet certain human rights standards in providing that protection'," he said, noting that Malaysia does not yet have laws governing the protection of refugees or asylum seekers.

The Malaysian Insider

Copyright © 2011 The Malaysian Insider

Source:

<http://www.themalaysianinsider.com/malaysia/article/enact-refugee-protection-laws-bar-council-tells-government/>