

COUNTRY OPERATIONS PLAN 2002

MALAWI

Part I: Executive Committee Summary

a) Context and Beneficiary Populations

Malawi's peaceful atmosphere and the strengthening democracy continues to remain the key attraction for most asylum seekers/refugees. Despite the seemingly poor economy, asylum seekers/refugees have chosen to remain in the country waiting for the lengthy eligibility process. The UNHCR office in Malawi has enjoyed the co-operation of the Government (GOM) in all aspects. This has greatly facilitated the work of LO Malawi.

The Dzaleka refugee camp in Dowa district remains the only designated centre for reception and residency of asylum seekers/refugees. The general security situation in the camp has continued to be good. The camp has assumed a more cosmopolitan feature with all different refugee groups living in harmony. The Government maintains a permanent presence in the camp, including a police post and administrative facilities. The Department for Disaster Preparedness Relief and Rehabilitation (DDPRR), which represents the Government of Malawi on refugee matters, has the responsibility of maintaining law and order and offers the overall administrative response. The surrounding local population has remained generally hospitable to refugees. The harmonious co-existence between the two communities is demonstrated by their participation in some activities like making bricks for the school and other sporting activities in the camp.

Security situation in the Great Lakes Region and the DRC has remained the key variable causing movement of asylum seekers into Malawi. The recent developments in the DRC on the phased withdrawal of foreign fighting forces, do not appear to have convinced refugees in Malawi positively in terms of voluntary repatriation. There continues to be "a wait and see" attitude. Contrary to what would have been expected, the stream of asylum seekers has steadily gained momentum in the past months. Prospects for return appear thus quite remote in the coming year. The LO in Malawi will, however, seize every opportunity to promote voluntary repatriation, and seek to be represented in all initiatives on developing efforts for identifying durable solutions for the refugees of the Great Lakes Regions (GLR), as the situation in the DRC unfolds.

GOM attitude towards refugees/asylum seekers has continued to be positive. This, coupled with the situation of a rapidly increasing caseload in the country will direct UNHCR strategic planning towards an integrated protection and programming interventions through the years 2001 and 2002. Efforts will be made to provide refugees with opportunities for self-reliance in order to remove the long-term dependence on material assistance from UNHCR, particularly, those who have been in the country for over six years. As at 31 December 2000, the Liaison Office in Malawi registered 3900 refugees/asylum seekers under the Care and Maintenance support. During the February 2001 food distribution, 4,794 persons of concern to UNHCR were provided with food and non-food items. The increased number to 4,794 against an estimated figure of 3,900 as of 01 January 2001 is mainly attributable to the continued instability in the Great Lakes region. Most of the new arrivals come from Rwanda and the Democratic Republic of Congo (DRC).

The main border crossing point into Malawi is at the Tanzanian border in Karonga, some 850 kilometres from Lilongwe. Screening and eventual granting of refugee status is done in Lilongwe. LO Malawi intends to establish a regular presence in

Karonga to ensure adherence to the principle of non-refoulement and observance of a good standard of treatment of refugees. This will be closely co-ordinated with the DDPRR and the Malawi Red Cross Society (MRCS). The latter is the main partner charged with the responsibility of maintaining the reception facilities in the country.

The majority of the refugees/asylum seekers come from Rwanda, followed by DRC, Burundi and Somalis. Refugees from several other nationalities are also hosted in the country. Since the establishment of the Care and Maintenance programme in 1994, UNHCR and the Government of Malawi (GOM) have been making efforts towards achieving durable solutions. Since 1997, the GOM and UNHCR embarked on the process of reviewing the Refugee Act, with the aim of eliminating some reservations made to the Act, particularly, on some aspects of local integration vis-à-vis access of refugees to public schools, work or any economic self-reliance activities. From the beginning of 1998, the authorities have become increasingly receptive to issues pertaining to local integration. A more eased attitude on access to public schools by refugees, work opportunities for professionally qualified refugees and petty trading outside the camps was exhibited by the GOM. Also in 1998, 201 hectares of land were made available to support local integration efforts. The capacity of the Dzaleka camp has however raised several concerns vis-à-vis the total number of families now being hosted. The camp administration has indicated that at the current rate of population movement, the centre will not be able to host any more refugees. The Government, MRCS and UNHCR in their programme planning have resolved to conduct an assessment mission to determine availability of suitable area in Karonga to host the additional asylum seekers/refugees coming into the country. It was suggested that UNHCR contemplate the establishment of a Field Office in Karonga area to effectively co-ordinate the refugee emergency in the area.

Protection activities will focus on individual status determination. To that end, LO Malawi will continue to support the Technical Committee and the Refugee Commission to expeditiously adjudicate on the large backlog of asylum seekers requiring status determination. Efforts to admit the asylum seekers from the Great Lakes Region, particularly from DRC on a prima facie basis have proven futile hitherto. At the opportune time, LO will continue to raise the issue with GOM. LO Malawi will continue to press for passing the amended Refugee Act by Parliament to enable UNHCR to implement its programme of durable solutions effectively.

The LO will intensify efforts on capacity building of the implementing partners enabling them to efficiently manage the refugee programme. In a number of discussions with DDPRR, LO has foreseen the establishment of the position of a Legal Adviser within DDPRR to strengthen the department and to improve co-ordination with UNHCR. LO will also continue to be part of the overall UN country team, particularly in joint ventures with other UN Agencies to implement projects that will lay emphasis on the well being of young women, children/adolescents, environmental issues as well as efforts to combat poverty and HIV/AIDS pandemic.

b) Selected Programme Goals and Objectives

The main constraint for the amendment of the Refugee Law is the continued postponement to present the Bill to Parliament. Throughout the year 2000, LO Malawi continued to raise with GOM the issue of the amendment of the Refugee Act. The Commissioner has admitted the issue of inadequate capacity of DDPRR to deal effectively with refugee matters. LO has agreed with the DDPRR to identify a Senior Legal Adviser who will support the Commission with refugee related matters.

Durable Solutions for Refugees

Insecurity still remains the key variable in countries of origin, making prospects for voluntary repatriation remote. LO Malawi will maintain a very close watch on the recent developments in DRC. Local integration will continue to be promoted for the majority of refugees who do not yet have the prospects for voluntary repatriation. Activities in Crop Production, Income Generation and Shelter construction will be promoted. Resettlement to third countries will be pursued for a limited number.

Assistance to all refugees

As part of the care and maintenance assistance, all refugees in the camps will be provided security and material support; including shelter, food, water, non-food items and health services. LO will pursue measures to implement educational activities, including vocational training, and income generating ventures to promote local integration.

Assistance and protection to Women and Children

Refugee children will continue to benefit from the education facilities. Special attention will be placed on the female children/adolescents. Enhanced protection and assistance to refugee women and refugee children through the implementation of relevant guidelines will continue to be focused in 2002. Special attention will be placed on aids awareness and encourage safe sex in the camps. Viable activities for women groups will be identified and essential financial support will be provided.

Rwandese Refugees

The Rwandese is the largest group of the refugee population in Malawi. The caseload will continue to depend on UNHCR assistance in 2002. It is estimated that some 1,000 new Rwandese refugees will flee the unstable situation in Rwanda into Malawi in 2002. Prospects for voluntary repatriation to Rwanda are not envisaged in 2002. Local integration and limited resettlement to a third country will be options to pursue in respect of the refugees.

Congolese Refugees

Congolese are the second largest refugee community in Malawi and will continue to depend on UNHCR assistance in 2002. Due to continued political unrest in DRC, Malawi is likely to experience additional inflow of Congolese refugees to the country. An estimated 1,000 Congolese will seek asylum in Malawi during 2002. Given the recent developments in DRC, it is envisaged that the peace process will gain momentum in 2002. This will pave way for voluntary repatriation to DRC. LO will continue to assist those wishing to repatriate and lobby potential resettlement countries for assistance. It is envisaged that some 500 Congolese will opt for voluntary repatriation if the situation improves.

Burundese, Somalis, Ethiopians, Eritreans and refugees from other countries

It is assumed that the refugees of the above nationalities will continue to be granted refugee status and asylum in their immediately neighbouring countries. Nevertheless, an estimated 800 of them will be coming to Malawi and will be assisted by UNHCR in 2002 through the implementation of durable solutions, such as resettlement to a third country for a limited number, in addition to self-sufficiency.