



Mains Practice Question

Q. Discuss the reasons behind India's decision not to sign the 1951 Refugee Convention and its 1967 Protocol. Also, discuss the current refugee challenges that India faces. **(150 words)**

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Approach

- Introduce with 1951 Refugee Convention and its 1967 Protocol.
- Mention reasons for India's decision not to sign the convention and its protocol.
- Delve into current refugee challenges faced by India.
- Conclude with a forward looking approach.

Introduction

The 1951 Refugee Convention, a UN treaty, defines **refugees, their rights, and state obligations for their protection**. The 1967 Protocol expanded its scope globally.

- Together, they form an internationally recognized legal framework for refugee protection, including non-refoulement and minimum standards for treatment in areas like courts, employment, and education.
- It was opened for signature in Geneva in July 1951, but India has not signed it.

Body

Reasons for India's Decision Not to Sign the 1951 Refugee Convention and 1967 Protocol:

- **Security Concerns:** India has porous borders with its neighbors, and any conflicts or crises in the region can lead to **mass influxes of refugees**.
 - This could **impact local infrastructure** and upset the demographic balance in border areas, which are already sensitive.
 - There are concerns about potential threats from **terrorists, militants, or other anti-national elements** infiltrating as refugees.
- **Resource Constraints:** As a developing country, India already struggles to provide basic amenities to its own population.
 - Taking on legal obligations to provide for a large number of refugees could further **strain limited resources** and hamper development efforts.
 - **Example:** The 1971 influx of over 10 million refugees from Bangladesh led to a **cholera outbreak** due to the drain on resources.
- **Retaining Policy Flexibility:** Signing the Convention would legally bind India to principles like **non-refoulement (no forced repatriation)**, which could limit its ability to manage refugee flows based on ground realities.
 - India prefers to **retain flexibility in its refugee policies** to address unique regional challenges and domestic compulsions.
- **Humanitarian Tradition of Refugee Protection:** Despite not being a signatory, India has a long history of providing refuge to displaced people on humanitarian grounds.
 - **Tibetan refugees**, for instance, have found shelter in India for decades. India argues that

its existing practices demonstrate its commitment to refugee protection.

- **Focus on Bilateral Agreements:** India prefers to handle refugee situations through **bilateral agreements with neighboring countries**. This approach allows for more tailored solutions considering the specific circumstances of each situation.

Current Refugee Challenges faced by India:

- **Rohingya Refugee Crisis:** India hosts a significant number of Rohingya refugees who have fled persecution in Myanmar.
 - Their legal status and rights remain contentious, with concerns about potential security threats and the burden on resources.
 - **Example:** UNHCR says nearly 79,000 refugees from Myanmar, including Rohingya, live in India.
- **Sri Lankan Tamil Refugee Situation:** India has hosted a large number of Sri Lankan Tamil refugees fleeing the civil war in Sri Lanka.
 - While some have been repatriated or granted citizenship, about 58,000 Sri Lankan refugees are still living in 104 camps across Tamil Nadu.
- **Afghan Refugee Influx:** With the recent **political turmoil in Afghanistan**, India has witnessed an influx of Afghan refugees, including individuals who had previously sought refuge in India during the earlier conflicts in Afghanistan.
- **Lack of Legal Framework:** India's absence from the Refugee Convention and Protocol has led to a lack of a comprehensive legal framework for addressing refugee issues, leading to **ad-hoc policies and inconsistent treatment** of different refugee groups.
- **Challenges in Refugee Camps:** Refugee camps and settlements in India often face issues such as **overcrowding, inadequate infrastructure**, limited access to education and healthcare, and concerns about security and safety.

Conclusion

While India's concerns about **security, resources, and policy flexibility** have shaped its stance on the Refugee Convention, the evolving refugee challenges underscore the need for a robust **legal and institutional framework** to address this critical humanitarian issue effectively and uphold India's commitment to protecting vulnerable populations.