

United Nations High Commissioner for Refugees (UNHCR) - UPSC Notes

The United Nations High Commissioner for Refugees (UNHCR) is an important programme under the United Nations. Such international bodies and programmes are very relevant for the [UPSC exam](#). In this article, you can read all about the UNHCR, its functioning, mandate, objectives and India's relations with it.

United Nations High Commissioner for Refugees (UNHCR)

UNHCR, the UN Refugee Agency, is an international organisation working to saving lives, safeguarding the rights and providing a better future for refugees, forcibly displaced communities and stateless people.

- The organisation's target audience includes refugees, people who are forcibly displaced from their homes, asylum seekers, internally displaced persons and stateless people.
- The UNHCR was established in 1950 in the wake of the mass displacements caused due to the Second World War in Europe.
- Since then, it has provided relief to thousands of refugees and displaced persons in many parts of the world.
- The UNHCR has also won the Nobel Prize for Peace twice (1954 and 1981).
- The chief legal document that governs the work of the UNHCR is the 1951 Refugee Convention.
- The organisation works in 135 countries and in India, has offices in New Delhi and Chennai. It first established its presence in India in 1981.
- The UNHCR is headed by the High Commissioner for Refugees.
- Its parent organisation is the United Nations General Assembly (UNGA).
- The UNHCR gives the Nansen Refugee Award annually to people who work in the field of refugee rights and protection.

UPSC Prelims Facts for UNHCR

UPSC Prelims Facts - UNHCR



Name: United Nations High Commissioner for Refugees (UNHCR)

Year of formation: 1950

HQ: Geneva, Switzerland

Sector: Refugee & displaced persons relief

1951 Refugee Convention

The 1951 Refugee Convention is a UN treaty that defines who a refugee is and establishes the rights of such persons and also of those who are granted asylum.

- It is the main legal document that governs the working of the UNHCR.
- It is also called the Convention Relating to the Status of Refugees or the Geneva Convention of 28 July 1951.
- It also talks about the responsibilities and legal obligations of countries that grant asylum status to people.
- Apart from that, the Convention also defines those who are not eligible for asylum status, such as war criminals.
- This Convention is the central guiding document of international refugee protection today.
- The Convention defines a refugee as someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.
- The Convention is both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalization and non-refoulement.
 - **Non-refoulement** is a fundamental principle of international law that forbids a country receiving asylum seekers from returning them to a country in which they would be in likely danger of persecution based on "race, religion, nationality, membership of a particular social group or political opinion".
- The Conventions stipulates that a refugee shall not be prosecuted by a country for illegal entry.
- The Refugee Convention also prescribes some minimum standards for the treatment of refugees with respect to giving them rights of access to justice, education, travel, etc.
- **India is not a signatory to the 1951 Refugee Convention.**

1967 Protocol

The Protocol Relating to the Status of Refugees, alternatively known as the 1967 Protocol, is a major international document for refugee rights.

- The protocol expands the definition of a refugee given in the Convention.
- It also removes the Euro-centricity of the Convention.
- India is not a signatory to the 1967 Protocol.

UNHCR and India

Even though India is not a signatory to the Refugee Convention and the Protocol, and also does not have a national refugee protection framework, it accepts a large number of asylum seekers and refugees into the country.

- Though the country generally follows the principle of non-refoulement as defined in the UNHCR guidelines, India deals with different refugee groups differently, that is, on a case by case basis.
- Security considerations have led to the government granting asylum and refugee rights based on the group of people concerned.
- Most of the government-protected refugees are Tibetans and Sri Lankan Tamils.
- Some of the constraints that the UNHCR finds in working towards their goals in India are:
 - The lack of a national refugee protection framework.
 - Limited understanding among the local population of the plight of refugees results in a lack of empathy and often, exploitation and discrimination towards them.

- The steady rise in the number of asylum-seekers from Myanmar and Afghanistan during the past few years has reduced protection space.
 - Against the broader background of difficult socio-economic conditions for large segments of India's population, a rise in racism and xenophobia have undermined the tradition of tolerance in India.
- Security concerns and steps taken by the government in dealing with this might result in making things more difficult for refugees, especially in regularising their stay in the country.
- In January 2019, a Rohingya family was sent back to Myanmar by the government, and the UNHCR had expressed regret over the decision. The family had been detained in a prison in Assam for illegal entry since 2013. The UNHCR also sought clarification from the government on the return of Rohingya refugees.
- India has had to deal with enormous refugee problems many times in its history since independence.
 - The partition led to millions being displaced from their homes.
 - The 1951 Refugee Convention talked about people who had lost the protection of their state of origin or nationality, which meant that it was applicable to only those who were fleeing state-sponsored or state-supported persecution.
 - This kept out Indians and Pakistanis who were displaced due to the partition, as they were fleeing social persecution.
 - India's apathy towards the Convention can be partly blamed on the international community's rejection of the plea of both India and Pakistan to include internally displaced people.
 - The 1971 war with Pakistan led to a huge influx of refugees from Bangladesh into the eastern border with India.
 - An estimated 10 million people fled to India by the end of 1971. This created a big drain on the resources of the country.
 - India's appeal for financial aid to the UN did not find much success, and the government had to contend with a pittance for a paltry amount.
- Another reason the Nehru Government did not sign the Convention or the Protocol is the fear of unnecessary interference in India's internal matters by international powers.
 - The porous nature of the borders in the subcontinent, the resource crunch, the diverse demography and the political situation at the time made it impossible for India to be a signatory.

