

UN Refugee Convention 1951

The UN Refugee Convention is an important document that defines refugees and related matters. India has not yet signed the convention nor its 1967 protocol. In this article, you can learn all about the Convention Relating to the Status of Refugees (UN Refugee Convention) and why India has not yet signed it. This is an important topic for the [UPSC exam](#) international relations segment.

What is the UN Convention on Refugees?

The UN Convention on Refugees is an international convention that pertains to refugee protection worldwide. It was adopted in 1951 and entered into force in 1954. There has been one amendment to the convention in the form of the 1967 Protocol.

Background

- The process of assembling guidelines and laws pertaining to the protection of people who had been displaced from their homes and become refugees began largely with the League of Nations in the aftermath of the [First World War](#).
- The problem of displaced persons and refugees amplified after the Second World War and in 1951, a diplomatic conference in Geneva adopted the Convention relating to the Status of Refugees.
- The 1951 Convention was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe.
- The 1967 Protocol removed the geographical and temporal boundaries of the convention and made it universally applicable.
- The Convention is also known as the Geneva Convention of 1951. It is a legally binding document.

UN Refugee Convention

The Convention spells out clearly who a refugee is and what kind of assistance, rights and legal protection a refugee is entitled to receive. It also lays down the obligations of refugees towards the host countries. The Convention also specifies certain categories of people, such as war criminals, who do not qualify for refugee status.

Who is a refugee according to the convention?

The 1951 convention defines a refugee as a *“person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him— or herself of the protection of that country, or to return there, for fear of persecution.”*

- People who satisfy the above criteria are eligible to receive the rights and protection accorded under the convention.
- The refugee status is not permanent and ceases to exist if the person repatriates to his/her own home country because of a betterment in the situation there, or when he/she takes up citizenship or permanent residence in the host country.

- Refugee status is also not given to people who are guilty of war crimes, crimes against humanity, or a serious non-political crime outside their country of refuge. People guilty of acts contrary to the purposes and principles of the [United Nations](#) are also not accorded refugee status.
- Under the Convention, all contracting States should appoint a central authority to assess applications for refugee status, and ensure procedural safeguards are in place for the same. The [United Nations High Commissioner for Refugees \(UNHCR\)](#) helps countries to establish these procedures. The UNHCR serves as the 'guardian' of the 1951 Convention and its 1967 Protocol.

What is the difference between a refugee and a migrant?

Refugees are people who are forced to leave or flee their own countries because of a threat of persecution or threat to life or freedom. Migrants are however those individuals who leave their countries voluntarily for the purpose of education, employment, etc. and not because of persecution.

A migrant continues to enjoy the protection of his or her own government, even when abroad.

Rights of Refugees under the 1951 Refugee Convention

The foundation of the 1951 Convention is the **principle of non-refoulement**. As per this principle, a refugee should not be returned to a country where they face serious threats to life or freedom. Refugees also are guaranteed other rights under the Convention such as:

- The right not to be expelled, except under certain, strictly defined conditions.
- The right not to be punished for illegal entry into the territory of a contracting State.
- The rights to work, housing, education, public relief and assistance, freedom of religion, access courts, and freedom of movement within the territory.
- The right to be issued identity and travel documents.
- The right to be protected from refoulement apply to all refugees.

Refugees also have an obligation towards the country that provides them with asylum which is respecting measures taken for maintaining public order.

Under the convention, contracting States cannot discriminate between refugees.

How many states have ratified the Refugee Convention?

149 countries are parties to either or both the 1951 Convention and the 1967 Protocol.

Has India signed the UN Refugee Convention?

No, India has not signed the 1951 Refugee Convention or its 1967 Protocol. India remains one of the few liberal democracies not to have signed, supported or ratified the international convention. India does, however, host a large number of refugees in its territory. In fact, it houses the largest refugee population in South Asia. Refugees in India are chiefly Tibetans, Sri Lankan Tamils, Buddhist Chakmas from the Chittagong Hill Tracts of Bangladesh, Muslim Rohingyas from Myanmar, Bhutanese from Nepal, and small populations from Somalia, Sudan and other sub Saharan African countries.

Why won't India sign the Convention or the Protocol?

- Although there is no official explanation for India not signing the convention, it is believed that the chief reason is related to security issues. South Asian borders are porous and any conflict can cause a huge displacement of people. An influx of people during such times can put a lot of strain on the resources of the local economy and also, it can cause an imbalance in the delicate demography of the region.
- Another line of argument is that India already houses many refugees and in many cases, without the support of the UN, so what is the need to sign this anyway?
- Signing the convention would have meant allowing international scrutiny of 'India's internal security, political stability and international relations'.
- Also, during the Bangladeshi Liberation War in 1971, when millions of refugees came into India, the government had to support a sick refugee population at a time when India's own economy was not in great shape. Calls for international support and financial aid were met with measly dole outs. Even the UN was not helpful enough which made India sceptical about the impartiality of the UN. The 1971 war had made India distrustful towards the UNHCR.
- Another reason why India has not signed the Convention is the narrow definition of refugee under it. For instance, it does not include deprivation of economic rights as an eligibility criterion.