

The imperative to offer refuge

This month, it is five years since Nargis first arrived in Delhi. The Afghan journalist in Herat, Afghanistan had to flee her country after the Taliban threatened to kill her. But as a refugee in India, she has had no opportunity to earn a living and has been unable to rebuild her life.

Today, India is host to over 200,000 refugees like her who have been forced to flee conflict and persecution in their home countries. On World Refugee Day (June 20), there is a need to reassess India's approach to refugee protection, particularly in light of the regional refugee crisis after the mass exodus of the Rohingya from Myanmar.

Traditionally, India has hosted several persecuted groups such as Tibetans and Sri Lankans. While it is not a signatory to the 1951 Refugee Convention and has no domestic asylum law, it has reiterated its commitment towards the protection of refugees at various international fora, including the UN General Assembly.

One of the most significant affirmations of this commitment was demonstrated by India becoming a signatory to the New York Declaration for Refugees and Migrants, which was adopted by 193 countries in September 2016. In doing so, India has expressed its solidarity with those forced to flee and agreed that protecting refugees and supporting the countries that shelter them are shared international responsibilities that must be borne more equitably.

The Declaration sets the stage for a new framework for refugee protection — the Global Compact on Refugees (GCR). The Compact is a coordinated effort to strengthen international response to protracted refugee situations and comprehensively addresses all stages of refugee protection, from reception to long-term solutions. Two of its key objectives are to ease pressures on host countries and enhance refugee self-reliance. The GCR recognises that certain refugee situations can last for decades and acknowledges that the burden is borne largely by developing countries, that now host over 80% of the refugee population in the world. In light of this, it calls for support from the international community in the form of resources. It also seeks to establish forums to enable expertise-sharing to promote economic opportunities, decent work and job creation not just for refugees but also for the host community. Since the Declaration was adopted, the UN High Commissioner for Refugees (UNHCR) has been engaging with member states, UN bodies, and non-governmental organisations to develop a plan for its practical implementation; this will be finalised by the end of 2018.

Indian context

Although India has hosted refugees of varying nationalities for decades, the country has done little beyond providing asylum. There have been some attempts to introduce a refugee law in the country, the latest being the Asylum Bill 2015, introduced as a private member's bill by Shashi Tharoor. However, none has gone the distance and the government continues to adopt an ad hoc approach towards this group. Given that most refugees have been unable to return to their countries, leading to protracted refugee situations, there is an urgent need for the government to develop a uniform framework for their management during their stay in India.

For instance, due to their unclear legal status and lack of uniform documentation, refugees have limited access to essential services and almost no avenues for livelihood. While some refugees have been able to generate income by working in the informal sector, many of them, especially vulnerable women like Nargis, are at the mercy of touts and traffickers even within their own community. At best, they are forced to rely on income from odd jobs which is an unsustainable livelihood option that often leaves them exposed to exploitation.

The solution to this may lie within the GCR, which calls for States to identify gaps and opportunities for employment and income generation for refugees in a bid to enhance their self-reliance. Moreover, it specifies the need to include the host community in enabling mapping skills, vocational training and capacity-building among refugee populations, thereby fostering understanding and cooperation among the communities and paving the way for a socially cohesive approach.

India's commitment to refugee protection under the GCR is evident in its active participation in ongoing GCR consultations, where it has emphasised the need for a clear mechanism for the refugee response regime. Therefore this is an opportune time for India to reassess the need for a national asylum policy which is compliant with the principles laid down in the GCR. This will not only re-establish India's place as a democratic regional power committed to core humanitarian principles but will also provide refugees such as Nargis a chance to give back to the country that has adopted her.

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