CHAPTER - VI

CONCLUSION
The dramatic transformation of international politics following the end of the Cold War and the emergence of new refugee problems have seriously strained the existing international regime relating to the protection and treatment of refugees. Like any legal system which has to adapt to the changing realities, international law relating to refugees, or refugee law, in short, also finds itself at the cross-roads today. The new realities demand a new approach, the establishment of new principles and the search for fresh solutions. Social Scientists concerned with refugee law i.e. with principles and norms which govern the world of refugees need, schematically speaking, to perform a two-fold task: critical and practical. The critical moment must be concerned with evaluating the conceptual and theoretical foundations of refugee law and the practical with recommending solutions which are acceptable to a world responsible for the production and plight of refugees. International solutions must be

1. Dr. Shamsul Bari, "International Response to the Contemporary Refugee Problem", paper presented in the One day Seminar in Calcutta on 30th July 1994 on the 'Contemporary Refugee Problem: Existing and Emerging Norms of International Law'. P.3.

found to alleviate the misery of the millions of displaced refugees in the world today. If the world does not act with urgency to deal fairly with the crisis, the sheer magnitude of numbers involved can make any future solution impossible.

It must be recognized that exile is generally an evil, since it is, by definition, an involuntary separation from the homeland. It is not to be confused with voluntary migration. By 'exile' is meant, of course, not the limited concept of formal banishment but the broader one familiar to 'lay' usage of involuntary separation from the country of nationality. Exile necessarily involves the loss of deprivation of almost all rights that are enjoyable solely, in whole or in part, within the country of nationality. Furthermore, conditions of exile today for most of the world's refugees are desperately hard sometimes dire. Relatively few reach heavens of peace and prosperity where they can begin a new and meaningful life. Most are confined to camps on the borders of their countries of nationality, living precarious existences and dependent for their survival on outside charity. Some find themselves in situations worse than they knew at home, with no immediate hope of return. Many of them have been without a solution of their problem of de facto or de jure statelessness for decades. For most, the only solution will be their voluntary return one day to their country of nationality, when conditions permit.

The human and political cost of the contemporary phenomenon of exile is high. Many millions of homeless people are undergoing
traumatic ordeals and not only the stability and peace of regions are being affected, but also the stability and peace of the entire international community. The refugee issue now far surpasses a simple issue of charity: in every sense, it is a major international political issue. In the present situation, it is imperative that international law and co-operation be developed in a broad and balanced way so as to meet the basic issues of freedom, justice and peace which are directly raised by the refugee problem.

However, it is important to note that humanitarian and political initiatives have very different starting points: international political negotiations proceed from the interests and priorities of states; humanitarian actions proceed from the needs of individual human beings. The overlap between the two is considerable, and so, therefore, is the scope and need for co-operation between humanitarian and political organizations. Although the core of the traditional response to refugee problems is humanitarian, it is increasing clear that action to deal with such problems must extend into broader realms if it is to be successful. Both humanitarian assistance and political efforts to resolve the underlying causes of displacement are absolutely crucial to the welfare and security of today's refugees.

The limited success to date of approaches to resolving refugee problems is primarily due to the absence of an appropriate conceptual and structural framework. On the one hand, policy and its
corresponding measures continue mainly to help the victims. In this, they are of a reactive kind, and often cure only symptoms, if at all. Aid is certainly important and will always remain so. At least equally important, however, is a more concerned attempt to deal with causes within the framework of a preventive refugee policy. The most humanitarian solution of all, and the best 'durable solution' is to prevent the creation of circumstances giving rise to refugees. On the other hand, these circumstances are mostly of a political or economic nature and, if not inseparable, in practice they often coexist. Thus, within the framework of a coherent, comprehensive - refugee policy, both political and economic measures are necessary. Strategies to solve refugee problems must take into account all the various factors that compel people to leave their homes. It is likely to begin by tackling the immediate humanitarian needs of the people affected, including the need for asylum at least on a temporary basis. It is, of course true that the minute a person flees across a border and seeks refuge, he becomes a pawn in a high stakes game which considers foreign policy, strategic aims, economic interests, and indeed almost any other consideration as taking precedence over the refugee's human rights. All the principles of international law are bent to accommodate these considerations. This is the main reason why that flight across a border can lead to an exile lasting years, a life in limbo, and even displacement that can become permanent. One of the reasons why refugee crisis are rarely resolved is because the mass flow
of people is inevitably viewed internationally with reflection on the political or economic policies of the country of origin. The originating country then feels itself put on the defensive and often refuses to compensate to ameliorate conditions in order to allow for voluntary repatriation. There is also a perception of hostility towards the refugee by his national government based on the assumption that the refugee has voted with his feet, as the saying goes, to denounce his government. Mr. Jack I. Garvey, in his excellent analysis, asserts that:

"The problem of the refugee is today profoundly different. The persecutors are not defeated and defunct regimes. Instead, the persecutors are existing governments, able to insist on the prerogatives of sovereignty while creating or helping to generate refugee crisis. When labeled as persecutors, they react as governments always react. They assert their sovereignty and castigate as politically motivated the human rights claims made against them. To censure these governments as persecutors is often the surest route to exacerbating a refugee crisis because it diminishes the opportunity to gain their necessary cooperation."\(^3\)

Here it may be submitted that the reason for emphasizing the responsibility of the countries of origin relates to the post World War II definition of a refugee where persecution was adopted as being the essential characteristic of the refugee. As Gervase Coles explains in a very well-written essay, the persecution factor was meant to refer to:

"European asylum-seekers, the majority of whom were from Eastern Europe. Although the extension of the concept of persecution to include political opinion as well as religion and race made it quite broad, it was generally considered that the number of persons eventually involved would pose no problem since it was a time of renewed immigration to the prospering continents of North America and Australia. Neither was the judgemental and polemical character of such a definition, when applied across an entire range of circumstances, seen as posing a serious problem, since it was the time of the Cold War, when such an approach would serve, from the Western point of view, as a useful way of stigmatizing the communist regimes of Eastern Europe as persecutors.\(^4\)

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In his excellent analysis, Mr. Coles explains some of the problems resulting from such an approach. First, "if the entire refugee problem was not to be seen as one of persecution, it was inevitable that countries of origin would not co-operate in any way". Second, this approach guaranteed that "the only solution possible for the refugees would be permanent external settlement". Third, "not surprisingly, many non-Western countries either rejected the Western approach or regarded it as relevant only to the European refugee situation". The traditional definition of refugee has little relevance in the context of an enormous global crisis of mammoth proportions. Attempts by governments in receiving states to force refugees to prove persecution have only served to enmesh the already harassed victim in a tangle of bureaucratic red tape and administrative regulations. The issues raised by these views are of paramount importance when it comes to the question of how to deal with refugees fleeing civil wars. The question whether asylum-seekers fleeing the dangers of civil wars and similar situations of general unrest and violence are refugees in the legal sense is a difficult one. As State practice shows, in this regard two aspects of the refugee definition of Article 1A Para-2 of the Refugee Convention are controversial. On the one hand, in civil

5. Ibid.
6. Ibid.
7. Ibid.
war situations it is often difficult to assess the motives of police, army and other State authorities. Are their actions based on the legitimate need to protect life, liberty and possessions of citizens against militant opponents of the government who are not shrinking from spreading death and terror? Or do they intend to destroy members of particular groups because of their religion, ethnic or political opinions, thus committing persecution as defined by Article 1A, Para-2 of the Refugee Convention? What are the criteria for determining the motivation leading state authorities to take measures against a particular group of person? In this context it is worth to mention that the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status states, "an applicant must normally show good reason why he individually fears - persecution". The element of individually suffered or feared persecution does not require that the concerned person is, or believes that he or she is persecuted because of their individual activities rather than as a member of a persecuted group, but it encompasses the idea that there must be a purposeful discrimination against the persecuted persons for the definition to apply.


Singled out for persecution concerns the question whether someone becomes by purpose the victim of prejudice or whether this happens just by accident. The precise content and meaning of this concept is very controversial. Evidently, the requirement of being singled out for persecution does not create any problem within the context of 'classical' political persecution, where opponents are formally arrested, indicted and sentenced to prison or even the death penalty. Here, there is no doubt that persecution is directly aimed at the persons concerned. However, in civil wars and similar circumstances the situation is often less clear. Undoubtedly, many victims of violent acts become so not because they are identified as enemies by the aggressor but because they are accidentally caught between the frontlines. In such cases they are not singled out for persecution, even if their life is endangered. How should the distinction be made between those who become victims of violence by accident and those whom persecution is aimed at? State measures taken in such situations against members of a group opposed to the government are often seen as lacking the character of political, ethnic or religious persecution. This is justified with the argument that every state has the legitimate right to uphold law and order and to safeguard its territory. For example, asylum was denied to a Tamil asylum-seeker in Switzerland who had supported different liberation movements and feared arrest by Indian troops. Under the circumstances, such an arrest was not considered as
politically motivated because India was obliged, on the basis of the Indo-Sri Lankan Agreement of 29 July 1987, to disarm Tamil militants and to provide for security in the north and east of the island. These and similar decisions seem to be based on the assumption that measures affecting life, limb or liberty of the persons concerned are not politically, racially or religiously - motivated, even if they take place in the context of violent political, racial and ethnic or religious conflicts.

In this context it may be noted that according to a restrictive interpretation of Article IA, Para 2 of the Refugee Convention, refugee law serves to protect against political persecution; it is not its task to offer safeguards against general misfortune arising from war, civil war, revolution or other disturbances. Therefore, civil war-like events and disturbances cannot lead to granting asylum. But at the same time, a liberal interpretation of Article IA, Para 2 of the Convention does not require that everyone coming from a country involved in a civil war or where there is political unrest is a refugee. If people suffer death, injury or destruction of property because their village becomes the place of battle between army and insurgents, then on the basis of liberal interpretation of the provision, their causes may be treated as political persecution.

So, from this above analysis it becomes quite evident that the text of Article IA, Para-2 of the Refugee Convention is too vague
and too open-ended to determine which of several interpretations, including the two described above, is the correct one. Those favouring a restrictive interpretation often rely heavily on historical arguments. They stress that the drafters of the Convention wanted to afford protection only to a limited category of refugees. Considering this overall concern, it is hardly surprising that the drafters of the Convention in fact wanted to exclude refugees fleeing civil wars and the dangers of general arrest in a country.

But, if an in-depth study of the character and purpose of the 1951 Refugee Convention and the 1967 Protocol is made - this would surely establish the fact that a liberal interpretation of these instruments is required because these treaties are not instruments for safeguarding acquired positions of States but have been adopted in order to solve refugee problem in a human rights spirit. This becomes very clear not only from their content but also from the preambles of the two instruments. The Final Act of the 1951 UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons confirms clearly the purpose of the Convention to protect refugees in need. According to its Section E, the Conference expressed in this document its hope that the Refugee Convention 'will have a value as an example exceeding its contractual scope and that all nations will be guided by it in
granting so far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention, the treatment which it provides. Of course, the liberal interpretation of Article IA. Para-2 of the 1951 Refugee Convention affords protection to many persons in need of it and thus, obviously, serves the purpose of solving refugee problems and of affording basic human rights to persons forced to flee much better than the restrictive interpretation. The principle of Art.31, Para-I of the Vienna Convention on the Law of Treaties 1969, that the text of a treaty has to be interpreted "in the light of its object and purpose" is a strong argument for the liberal and against the restrictive interpretation. Of course, it is true that unlike the enlarged refugee definitions of the OAU Refugee Convention and the Cartagena Declaration, the 1951 Refugee Convention requires an individual examination of each case and a showing of well-founded fear of persecutions on the part of every applicant. thus, even a liberal interpretation of the refugee definition in the Refugee Convention is, in the case of persons fleeing civil wars, narrower than the enlarged African and American definitions.

However, in spite of these shortcomings, the 1951 Convention and the 1967 Protocol are instruments of universal applicability and, together with the UNHCR Statute, are appropriate instruments for the protection of refugees throughout the world. The refugee concept as defined in the Convention and the Protocol does not preclude the application of the broader refugee concept. The broader concept should be considered as an aspect of the Convention definition and as an effective technical means of facilitating its broad humanitarian application in large-scale group situations. So, the Convention definition should be literally applied in accordance with its humanitarian spirit and the historical development of its interpretation during the last 43 years. If a viable solution to the refugee crisis is ever to be implemented, the first requirement will clearly have to be a drastic shift in attitudes. This could involve, first, less emphasis on the persecution orientation as part of the definition of a genuine refugee. Second, receiving states and donor nations must acknowledge that friendly states can also produce refugees. The notion that only an enemy government can be a persecutor is completely anachronistic and must be discarded. This idea has generated serious human rights violations and has fortunately tainted the entire process by which humanitarian concern is effectively implemented. Third, exile bias has to be re-evaluated
with greater emphasis on voluntary repatriation through the coordinated creation of conditions that are conducive to return.

Strategies to solve refugee problems must take into account all the various factors that compel people to leave their homes. Protecting people against forced displacement requires a comprehensive and integrated response that deals with such problems in their entirety. It is likely to begin by tackling the immediate humanitarian needs of the people affected, including the need for asylum, at least on a temporary basis. It must also make provision for protection and assistance during re-integration, and link these with broader development and reconciliation plans.

Implementation of a comprehensive response to a refugee problem requires the co-operation of a broad range of actors: the governments of the country of origin and the countries of asylum, donor states, international agencies, NGOs and opposition forces. Humanitarian, non-political action on behalf of refugees must not be held hostage to politics. Just as humanitarian action cannot substitute for political initiative, neither can the political replace the humanitarian. The needs of people have an independent priority. No matter what political condition surrounds it, protection and material assistance must be provided as quickly, efficiently and neutrally as possible. Close co-ordination between
political bodies and humanitarian agencies is therefore needed to ensure that the capabilities, as well as the limitations, of humanitarian work are taken into account.

As humanitarian action becomes dynamically linked to peace-keeping and peace-making in the 1990s, humanitarian organization have to strive to keep the issues of refugees and displacement on the political agenda while preserving non-political approach. The emerging strategy of comprehensive response to refugee crisis emphasises the need to strengthen the state's responsibility for its own citizens, within an international framework and according to internationally accepted standards. The link between state responsibility and the international agenda is human rights. Human rights are an important source for the development of the protection of the refugee within the receiving country. For example, the relevance of the prohibition of cruel, inhuman and degrading treatment to the application of the principle of non-refoulement has already been recognised by human rights bodies and by new international human rights instruments. Moreover, human rights principles are clearly applicable to procedural aspects of the determination of refugee status as well as his treatment in the country of asylum. When in 1982, the UNHCR Executive Committee adopted a significant set of minimum basic human standards for the treatment of asylum-seekers who have been temporarily admitted in a
country pending arrangements for a durable solution, express reference was made within the Conclusion to the fundamental civil rights internationally recognized, in particular those set out in the Universal Declaration of Human Rights. Gross violations of humanitarian law or human rights law can no longer be considered the internal affairs of sovereign states if the result is the arrival on the territories of other states of hundreds of thousands of seekers of safety for survival. Safeguarding human rights is a domestic responsibility of sovereign states, and one of the primacy objectives of the United Nations. It is a goal in its own right, and a necessary condition for the attainment of international peace and security. For both these reasons, it is here that the solution to the refugee problem must begin.

Here it is important to note that the need for international protection of victims of persecution and violence has to be balanced against the principle of nonintervention in domestic affairs of a sovereign state. While the primacy of state sovereignty is unquestioned, the parameters of the derivative principle of nonintervention remains to be developed in a set of rules with precision. It is a well established principle of international law that no state as such has any right of intervention on behalf of non-nationals who are victims of human rights violations in another state. In the case of *Nicaragua V United States* (1986), the International Court of Justice rejected the contention of the United
States in support of its right of intervention for the preservation of human rights in Nicaragua. Later, both the U.N. General Assembly and the Organization of American States (OAS) condemned the U.S. intervention in Panama even when aimed at allowing a democratically elected government in 1989 from exercising its authority in place of an usurper. The same dilemma faces United States in the current scenario in Haiti.

It is absolutely true that those who work to incorporate human rights into the international legal arena face a compelling but difficult mission. In the words of I.R. Gunning -

"The mission is compelling because the cause of human rights often involves individuals or groups facing death, torture or oppression. The mission is also difficult because the human rights cause generally supports individual standing in opposition to their governments, whereas international law has traditionally focussed on the rights of those same nations in relation to each other, to the almost total exclusion of domestic or internal matters".11

However, a comprehensive approach should be carried out, both in theory and practice. The activities of various institutions and

organizations concerned with migration and human rights, as well as with refugee problems, ought to be co-ordinated. Both international and state actions, and long-term and short-term political, economic and legal means should likewise be taken into account. In situations of mass exodus, it is necessary to consider the elements of political and legal responsibility of every relevant party, including the state of origin, the receiving state and third states. The challenge for the 1990s is to rework institutional mandates to use human rights not to define, but to comprehend protection, assistance and developmental needs of people at risk. Human rights can be used as a standard for information gathering and to promote community stability and mediation of conflicts in order to prevent refugee crisis before they occur.

Here it is important to note that the Office of the United Nations High Commissioner for Refugees (UNHCR) is viewed increasingly as the humanitarian arm of the United Nations. The agency's work is being transformed in the post Cold War era by its efforts to respond to the proliferation of conflicts and causes of displacement that have produced nearly 20 million refugees and another 24 million internally displaced persons. From the mountains of northern Iraq to the besieged city of Sarajavo, UNHCR has been required to respond in new ways to new responsibilities. UNHCR's protection responsibility, which is entrusted to it by the
international community, makes it distinct among international organizations. The Office of the UN High Commissioner for Refugees (UNHCR) is the most prominent and extensively operating refugee agency and embodies the same humanitarian premise that underlies international refugee law. The keynote of the UNHCR expressly proclaimed in Art.2 of the Statute, is that the agency is 'humanitarian'. Accordingly, the UNHCR operates under a wholly recommendatory and nonbinding legal mandate. In a tenuous sense, state obligation resides in the undefined duty of states to "cooperate" with the UNHCR. But there is no expressly recognized crisis obligation of states to address impending or ongoing refugee/to the UNHCR or any other international institution, or to abide by any particular procedure. The statute of the UNHCR establishes the agency as a protector of human rights, and this circumscribes its legal status. Thus, it is said, "in exercising international protection on behalf of refugees, the international agency asserts the rights of the refugees". When the UNHCR does become involved,


13. Ibid.
the expelling state can point to the UNHCR's legal mandate as a basis of limitation. The legal mandate of the UNHCR is such that neither the country expelling refugees nor potential states of refugee are under any obligation even to permit the UNHCR to operate in their territories. Compounding the legal constraints, UNHCR depends on voluntary contributions, which have been far short of the need. The lack of a workable legal regime means that refugee relief efforts, whether done by the UNHCR or any other international institution dealing with refugee flows, are characterized by ad hoc and crisis oriented arrangements. These efforts always depend upon the willingness of governments to respond to an essentially humanitarian appeal.

The existence of large-scale refugee problems, requiring the mobilization of resources on the scale of hundreds of millions of dollars and dozens of intergovernmental and private organizations, tend to force an upgrading of UNHCR's political level. Earlier, contacts between the UN Secretary General, the political nerve-junction of the U.N. system, and the High Commissioner rarely took place. Lately, however, the Secretary General has personally taken public initiatives regarding financing of refugee programmes in South Asia and has attempted to lead in securing help for Somalia. Here, another point may be added that the High Commissioner must be a personality who is recognized on the world
scene and who can engage governments on sensitive issues which touch on their most fundamental responsibilities and authorities. There is a reason why the office of the High Commissioner is so highly personalised and is not just another Commission.

It is of course true that protection sensibilities must be better integrated in the programme work of UNHCR. A comprehensive planning process and involvement of the Division of International Protection in formulating responses to emergencies would be crucial. New training programmes should be established for protection officers on human rights and humanitarian law and institutions. In this regard, there should be collaboration among other UN agencies and sections, including the Department of Peace-keeping Operations, the Department of Humanitarian Affairs and the Centre for Human Rights. Specialized agencies such as the United Nations Relief and Works Administration, and non-governmental organizations such as the International Committee of the Red Cross and others, should also be involved. Conflict resolution negotiation, and conciliation techniques should be covered in such training programmes in order to assist protection officers in discharging their new responsibilities.

The 'Forty-ninth Session' of the Commission on Human Rights, which wound up on March 12, 1993, adopted two resolutions of general interest in the field of refugees, one being on internally displaced persons, and the other on human rights and mass exoduses. In
addressing the Commission on March 3, 1993, the High Commissioner for Refugees discussed the links between the work of her office and that of the Commission on Human Rights, and in particular the need for early, effective response to human rights situations which generate refugees or which impede their safe return home. In sum, UNHCR's metamorphosis into the humanitarian branch of the UN must be supported by clear and workable principles derived from law and international politics. In a fundamental sense, this will require reinventing both refugee protection and the Division of International Protection. Law and experience must be synthesized in an on-going process to achieve ordered principles for action. Mr. Nagendra Singh, the former President of the International Court of Justice, rightly observed:

"It is the one institution that is ever-ready to go out of its prescribed way to meet the humanitarian problems of mankind today. It is no exaggeration to say that it has in the past three decades dealt with several of the most acute and distressing problems of our age and it now promises with its vast fund of experience to serve humanity in its future hours of great peril and distress. Its future is undoubtedly linked to the future of the human race." 14

In carrying out its task, UNHCR has, in the final analysis, to rely on the support of governments, be it through scrupulous observance of refugee law, the administration of refugees to their territory or generous financial contribution. The greater the support of governments, the more effective will be the work of UNHCR.

Against this perspective of the international scenario of the refugee problems and the functioning of the various agencies, the Indian practice of international refugee law may be revaluated. The examination of the Indian practice shows that India's position is similar to that of the countries which encounter political constraints in protecting refugees. Whenever it decided to grant-asylum, the countries of origin considered its decision as political or politically motivated decision. So, India's acceptance of the refugees from its neighbouring States invited fierce criticism from the respective countries with the ultimate consequence of an unfortunate deterioration of bi-lateral relations. Though India has not ratified the 1951 U.N. Convention or its Protocol of 1967, India is under an obligation to abide by the norms of the customary international law in relating to refugees. Indeed, it is quite evident from the discussion, made in the preceeding chapters, that Government of India allowed the various refugee communities to stay in India time and again and extended all kinds of humanitarian assistance as per the norms of international law. It aims at solving such problems by bilateral negotiation.
agreements, and by measures calculated to improve the situation of the refugees.

However, recently lot of controversies have been raised against the Indian practice of voluntary repatriation. In the High Court of Madras, two public interest litigation petitions were filed against the Govt. of India and Tamil Nadu Government by two local political leaders of the 'Pattali Makkal Katchi' and 'Tamil National Party' respectively alleging that the State Government was sending back Tamil refugees to Sri Lanka against their wishes\textsuperscript{15}. Many had complained that officials had obtained signatures forcibly on the consent form. The petitioners further contended that the situation in north-eastern Sri Lanka was far from peaceful and the lives of the refugees would be in dangers if they were sent back. The petitioners also sought direction to the authorities to allow the representatives of the UNHCR to visit the refugee camps in the State. Here it may further be added that in August 1994, the Tamil Nadu Government has been asked to send a detailed report on the status of Sri Lankan refugees to the National Human Rights Commission in New Delhi in the wake of the State Government's order banning the entry of Non-Governmental organizations into the refugee camps and placing restriction on the movement of refugees\textsuperscript{16}. Mr. R.R. Kumar, Registrar(Law),

\textsuperscript{15} See The Statesman, August 22, 1994, P.7.

\textsuperscript{16} See The Statesman, August 8, 1994, P.7.
National Human Rights Commission, in a letter to Mr. N. Haribhaskar, Chief Secretary to the Tamil Nadu Government, has said that the commission had taken cognizance of a complaint from the 'Indo-Sri Lanka Friendship Society' against the ban order and had called for a report in this regard. Functioning under the guidance of Mr. Justice V.R. Krishna Iyer, the Indo-Sri Lanka Friendship Society, in its representation to the National Human Rights Commission, said the impugned Tamil Nadu Government order was violative of the fundamental rights of the Sri Lankan refugees. Here it may be recalled that on May 27, 1993, the Government passed the order restricting the movement of refugees and banning the involvement of NGOs in the camps on the pretext of internal security. It is most surprising enough to note that Miss Jayalalitha, who took over as Chief Minister in June 1991, wanted all of the Tamil refugees to be repatriated immediately.

Again, the same allegation against the India Government has been raised by various human rights organizations on the occasion of repatriation of Chittagong Hill Tracts (CHT) refugees from Tripura to Bangladesh. Many refugee leaders openly criticized the India Government by alleging that it had violated the customary norms of international law. Mr. Ravi Nair, Executive Director of the South Asia Human Rights Documentation Centre in Delhi, in a report presented before the 'International Conference on Refugee Affairs' in Oslo, Norway, on June 6, 1994, strongly contended that
India Government was following the indirect pressure tactics in case of the repatriation of CHT refugees from Tripura. In his 15 page report, Mr. Nair alleged that the Chakma leaders were being pressurized by the Indian authorities to continue with the repatriation process. The report further alleged that the Indian Ministry for Home Affairs, in a letter to the Government of Tripura, on June 13, 1993, had given instructions to 'progressively dismantle' the refugee camps in Tripura. To evade adverse national and international criticism, the authorities adopted subtle means through reducing quota of rations, and other supplies to the refugees. The researcher has also made an on-the-spot survey of all the six camps in Tripura and found the allegations true.

On the basis of the above examination of all the present Indian practices - the following suggestions may be placed before the Govt. of India for its immediate consideration:

i) India Government should seriously consider of becoming a party to the 1951 Refugee Convention by ratifying and adopting it. Because, having done so much for refugees in all these years, why should India not ratify the Convention and play a rightful role in the shaping of enduring global policy towards refugees?

ii) In case of its treatment of refugees, India Government should follow the international standard as established by the norms of customary international law and the Conventional international law.

iii) India Government should establish a permanent mechanism and procedure for the determination of refugee status in India.

iv) Finally, India should allow all the International agencies like UNHCR, ICRC etc. to participate in the refugee assistance works in India.

The contemporary refugee problems demand a truly global approach so that the principles of international protection of refugees and the principles of non-interference in the internal affairs of States are able to co-exist and operate in harmony. Dr. Ranee K.L. Panjabi aptly observed:

"Those of us who enjoy the comforts of secure homes, safe countries and economic well-being have to resolve the problem of the homeless lest it engulf our own lifestyle. It is not solely a matter of charitable humanitarian concern. It is a question of self-interest and self-preservation. It would be a tragic mistake
for us to assume that this is really not our problem. Throwing aid money at the crisis will certainly not decrease its intensity, however much it may satisfy our own consciousness. Serious international efforts have to be made to create a secure, financially stable life for the millions of frightened, deprived men, women and children in Third World nations. Without this coordinated, dedicated effort on a global scale, the democratic way of life so prized in North America and Western Europe, and the relative economic comfort of a considerable proportion of the population, will have little chance of survival.\(^\text{18}\).