

At the beginning of this writing assignment, my idea was to compare the similar ambiguity and selectiveness with which both the Indian Act and the European Declaration of Human Rights are applied. When I read Professor Ranabir Samaddar's take and the examples provided in his work "Power and Responsibility at the Margins: The Case of India in the Global Refugee Regime" (Volume 33:1) on how differently the Indian Act is applied to very similar situations of refugee groups, I was reminded of just how differently the 1951 article is applied to the refugee groups in Europe. Of course, all countries which are signatories to the Convention are also primarily guided by their State legal framework.

However, the starkly different handling of refugee individual and group cases still remains, and for someone like myself, whose experience in the field is mainly and predominantly in Europe, and specifically Bulgaria, it is a moral call to point it out. With time and guidance from my module tutor, however, I realized that taking this task on is quite a big one to shoulder at this time. Also, it would be quite a challenge to compare a national legislative document to a whole convention. Still, my idea is to point out that the existence of the 1951 Convention and its subsequent 1967 Protocol alone does not practically cater to the global scene and it is not being applied by the international legal codes it provides.

The 1951 Convention's definition of a refugee is: "a refugee is a person who flees across an international border because of a well-founded fear of being persecuted in his country of origin on account of race, religion, nationality, membership of a particular social group, or political opinion." (Refugee Convention, 1951: Article 1A). This historical definition, based heavily on the events following World War II, does not however, seem to provide an exhaustive scope of what a refugee is. For example, the most recent refugee waves coming into Europe have been due to the wars in Syria and Ukraine. One could argue that the people who fled these countries were not all persecuted per se. The majority were just people who fled for safety in neighboring countries. Still, despite the reason behind their escape, they are nonetheless treated under the Convention,

In contrast, the Cartagena Convention additionally focuses on the expansion of the refugee definition to include Maritime disasters and the African Convention has often been praised for its expansive understanding of a refugee, which also protects people from future regional harm. (International Journal of Refugee Law, "Who Is a Refugee in Africa?" Wood, 2019) Despite the existence of these two conventions and the solace they may provide because of their expansive understanding, it is problematic that the 1951 Convention has not been revised from the time of its adoption.

Yet, 149 states are signatories to it and its subsequent 1967 Protocol. Most of those are not European states and often, such as most recently islands such as the Republic of Nauru, deal with problems which could cause people to flee. Reasons such as floods and droughts caused by the

rapid development of climate change are not included in the 51' Convention refugee definition. Therefore, the Convention is considered eurocentric as it does not provide an all-around inclusive definition of a refugee for all of its signatories.

India is a country which has famously refused to be its signatory. Yet, according to Bhairav Acharya, "because of India's porous borders and accommodative policies, it was estimated that India hosted approximately 330 000 such people in 2004" (The Law, Policy and Practice of Refugee Protection in India, page 1) According to Acharya (Ibid), although not a signatory and guided by the Foreigner's Act of 1946, it has had "relative success (..) guided by political instinct free from legal obligation" (page 2). The author also defines this ad hoc system of refugee and migration law "an archaic legislation that was enacted by a colonial government in response to the needs of the Second World War" (Ibid). Therefore, since the 51' Convention also originates from that time and because of those needs, isn't it just as archaic a document which is also not inclusive? Also, is the Foreigner's Act and India's steadfast rejection of the 51' Convention called archaic and scrutinized just because it won't succumb to a specialized statutory framework which is also highly European ?

- Is the 51' Convention also not soft law ? State law rules.
- There is nothing in place to control the Indian government but is someone really controlling the European states, or is it just the fear that there is no regulatory body over India — like for the right against non-refoulement / it has the NHRC
- The articles in the FA (14, 20 and 21) in Europe the court also does not need to provide a reason for deportation
- Temporary protection for Ukrainians but not Syrians
- Is temporary protection racist ?
- India has signed a number of international conventions
- Why are Ukrainians brothers but not Syrians in Bulgaria – anything to do with the Turkish expulsion from Bulgaria in the 1990s ?
- Bulgarians went to the Romanian, Serbian and Greek borders to collect refugees but pushed Syrians away with electric fences