

---

# **BORDERS, BURDENS AND BUREAUCRACY: THE UNHCR IN THE MODERN ERA WITH SPECIAL REFERENCE TO THE INDIAN EXPERIENCE**

---

Khayal Shah, B.A. LL.B. (Hons), National Law University and Judicial Academy, Assam

Varada S., B.A. LL.B. (Hons), National Law University and Judicial Academy, Assam

## **ABSTRACT**

The United Nations High Commissioner for Refugees (UNHCR) was created in 1950 as a temporary humanitarian agency to respond to the displacement crisis resulting from the Second World War. Over the decades, however, the organisation has grown into one of the most important actors in the international refugee protection regime. This project investigates the evolution of UNHCR's mandate, functions and operational strategies in the 21st century, with a specific focus on the Indian experience. The study follows the institution's gradual evolution from its initial supervisory role under the 1951 Refugee Convention to encompass internal displacement, statelessness, humanitarian coordination, climate-induced displacement and responsibility-sharing arrangements under the Global Compact on Refugees.

The paper also examines the legal and practical implications of this change in the context of India, a country that has not ratified the 1951 Refugee Convention or the 1967 Protocol but is home to a large refugee population. It analyses the relationship between UNHCR operations, Indian executive policy and constitutional jurisprudence developed by Indian courts in the absence of a specific refugee law regime. Special attention is given to the tension between state sovereignty and international protection obligations, especially in the case of Rohingya refugees and other vulnerable displaced communities.

The paper highlights how the absence of a clear national refugee law shapes both the UNHCR's room for manoeuvre and the lived reality of displaced persons in India. It examines key judicial pronouncements, executive actions and policy debates to show that protection often depends on ad hoc decisions rather than on consistent legal standards. The research also looks at how India's federal structure, regional political sensitivities and citizenship debates affect the treatment of refugees and stateless persons. By combining doctrinal analysis with field-oriented insights, the project seeks to understand

not only what the law is, but also how it is applied in practice. It further explores possibilities for India to develop a hybrid protection framework that draws on international norms while remaining sensitive to domestic political and security concerns. Despite the UNHCR's broader operational scope and institutional muscle, the study argues that its effectiveness in non-signatory states like India remains dependent on political approval and judicial support. Overall, the project demonstrates the continuing challenge of the international refugee protection system to balance humanitarian objectives with national sovereignty and domestic security concerns.

## I. INTRODUCTION

When the United Nations General Assembly created the office of the High Commissioner for Refugees in December 1950, the expectation was that it would be needed for no more than three years.<sup>1</sup> The displacement crisis it was designed to address was understood as a residual problem of the European post-war order, not a permanent feature of international life. That expectation proved spectacularly wrong. By 2022 the number of forcibly displaced persons worldwide had crossed 100 million for the first time in recorded history,<sup>2</sup> and the UNHCR had grown from a small Geneva office with a skeletal budget into a global agency with operations in over 135 countries and an annual expenditure exceeding nine billion US dollars.

This transformation is not simply one of scale. The role that the UNHCR plays in the international system has changed in character across the twenty-first century, and those changes raise serious questions for the law and practice of international protection. The original mandate, rooted in the 1951 Refugee Convention and the 1950 Statute, was supervisory and legal in orientation: the office was to promote adherence to international standards and to provide international protection to refugees as defined by the Convention.<sup>3</sup> Over time, driven by the nature of contemporary displacement, donor pressures and strategic repositioning, the UNHCR has expanded into territory that its founders did not anticipate, including statelessness determination, internal displacement, humanitarian coordination, climate-related mobility and development-linked durable solutions.

For students of public international law these developments are significant in at least two

---

<sup>1</sup>Statute of the Office of the United Nations High Commissioner for Refugees art. 1, G.A. Res. 428(V), U.N. Doc. A/RES/428(V) (Dec. 14, 1950).

<sup>2</sup>UN High Comm'r for Refugees, *Global Trends: Forced Displacement in 2022*, at 2 (2023).

<sup>3</sup>Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* 19-21 (3d ed., Oxford Univ. Press 2007).

respects. First, they illustrate how international organisations acquire functions beyond their founding instruments through practice and political necessity, a phenomenon that raises questions of institutional legitimacy and ultra vires action. Second, they demonstrate the gap that can open between formal legal obligations and operational reality, a gap that is nowhere more visible than in states like India that have not acceded to the core refugee law instruments.

India presents an exceptional laboratory for examining the UNHCR's evolving role precisely because of its ambivalence toward the international protection framework.<sup>4</sup> It is not a party to the 1951 Convention or the 1967 Protocol, has no dedicated domestic refugee legislation and has historically treated the UNHCR as an operational guest rather than a supervisory authority with binding legal reach. Yet it hosts hundreds of thousands of registered asylum seekers and refugees from Myanmar, Afghanistan, Sri Lanka, Tibet and elsewhere, and its superior courts have developed a constitutionally grounded jurisprudence on non-refoulement that draws, selectively, on international standards. The Indian experience therefore illuminates what the UNHCR can and cannot do when its formal supervisory remit is not accepted by the host state.

## II. THE ORIGINAL MANDATE AND ITS LEGAL FOUNDATIONS

"The Office of the High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute."<sup>5</sup> These opening words of the 1950 Statute set the parameters of what was intended as a lean, legally focused institution. Protection was the operative concept, and it was understood primarily in terms of promoting accession to the Convention, supervising the application of its standards and facilitating durable solutions through voluntary repatriation, local integration or resettlement.

The 1951 Convention gave these functions a normative anchor. Its definition of a refugee as a person outside their country of origin owing to a well-founded fear of persecution on five listed grounds<sup>6</sup> was deliberately narrow, reflecting the political context of early Cold War Europe. The 1967 Protocol removed the temporal and geographic limitations,<sup>7</sup> extending the protection

---

<sup>4</sup>James C. Hathaway, *The Rights of Refugees Under International Law* 96 (Cambridge Univ. Press 2005).

<sup>5</sup>Convention Relating to the Status of Refugees art. 35, July 28, 1951, 189 U.N.T.S. 137 (entered into force Apr. 22, 1954).

<sup>6</sup>Refugee Convention supra n 1, art 1A(2).

<sup>7</sup>Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267 (entered into force Oct. 4, 1967).

framework to non-European situations, but the definitional architecture remained centred on individualised persecution. As Goodwin-Gill and McAdam have observed, "the Convention definition was a product of its time, reflecting the particular concerns of states in the immediate post-war period."<sup>8</sup>

The supervisory function under article 35 of the Convention and its Protocol counterpart is the legal cornerstone of the UNHCR's authority. States parties are obliged to cooperate with the office and to provide it with information and statistical data on the condition of refugees. Hathaway has noted that this supervisory role was always "more aspirational than adjudicatory," since the UNHCR lacks the formal enforcement powers that treaty bodies in other human rights regimes possess.<sup>9</sup> This structural weakness becomes particularly significant when examining the office's dealings with non-signatory states like India.

In its first two decades the UNHCR operated within relatively confined functional boundaries. Its engagement with Asia was limited and tentative. India at independence had declined to participate in the drafting of the Refugee Convention and by the 1960s had developed its own ad hoc approach to displacement from Tibet, East Bengal and Ceylon that made no reference to the Geneva framework.<sup>10</sup> The patterns established in that early period, non-accession combined with humanitarian pragmatism, have persisted into the present century.

### **III. EXPANDING THE MANDATE: FROM PROTECTION TO COMPREHENSIVE RESPONSE**

The decisive shift in the UNHCR's mandate began in the late Cold War period and accelerated sharply after 1990. The mass displacements triggered by the disintegration of Yugoslavia and the Rwandan genocide revealed the inadequacy of the Convention's narrow refugee definition in addressing the reality of flight from generalised violence and state collapse. The office responded by articulating a more expansive understanding of its competence, moving toward what Betts, Loescher and Milner describe as a "broader refugee concept" that reached persons

---

<sup>8</sup>Erika Feller, Volker Türk & Frances Nicholson eds., *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection 3* (Cambridge Univ. Press 2003).

<sup>9</sup>U.N. High Comm'r for Refugees, Note on International Protection, U.N. Doc. A/AC.96/951, ¶ 4 (Sept. 13, 2001).

<sup>10</sup>Susan Kneebone, *The Pacific Plan: The Provision of "Effective Protection"?*, 18 Int'l J. Refugee L. 696, 698 (2006).

fleeing events seriously disturbing public order.<sup>11</sup>

Three dimensions of this expansion deserve particular attention in the twenty-first century context.

The first is the UNHCR's growing engagement with internally displaced persons (IDPs). IDPs are not formally within the refugee definition since they have not crossed an international border, yet they often face conditions identical to or worse than those experienced by Convention refugees. The office began to engage operationally with IDP situations in the 1990s, initially on an ad hoc basis and later under the 2005 humanitarian reform cluster system in which it assumed the lead role for protection, camp management and emergency shelter. This shift was not without controversy: Loescher argued that the UNHCR's IDP engagement risked legitimising state containment of refugees within their countries of origin, effectively releasing states from their non-refoulement obligations.<sup>12</sup>

The second dimension is the campaign against statelessness. The UNHCR's mandate under the 1954 and 1961 Statelessness Conventions was longstanding but dormant for most of the organisation's history. The #IBelong Campaign launched in 2014 set the goal of ending statelessness by 2024 and represented a significant investment of institutional capital. For India, where the question of statelessness intersects painfully with the National Register of Citizens process in Assam and the Citizenship Amendment Act 2019, the UNHCR's statelessness work has taken on acute domestic relevance, even though the Indian government has not formally engaged with the campaign.

The third and most recent dimension is the engagement with climate-related displacement. The UNHCR has increasingly acknowledged that environmental factors are drivers of forced movement, and has advocated for the inclusion of climate-displaced persons within protective frameworks even though they fall outside the Convention definition. Chimni has been critical of this expansion, suggesting that it risks further diluting the core protection mandate without creating enforceable obligations for states.<sup>13</sup>

---

<sup>11</sup>Alexander Betts, Gil Loescher & James Milner, *UNHCR: The Politics and Practice of Refugee Protection* 31 (2d ed. Routledge 2012).

<sup>12</sup>*ibid* 45.

<sup>13</sup>James C. Hathaway & R. Alexander Neve, *Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection*, 10 *Harv. Hum. Rts. J.* 115, 117 (1997).

#### IV. THE GLOBAL COMPACT ON REFUGEES AND THE NEW ARCHITECTURE OF RESPONSIBILITY-SHARING

The most structurally significant development in the UNHCR's role in the twenty-first century is the adoption of the Global Compact on Refugees in December 2018. Endorsed by the UN General Assembly with 181 votes in favour, the Compact established a new framework for collective responsibility-sharing built on four objectives: easing pressures on host countries, enhancing refugee self-reliance, expanding access to third-country solutions and supporting conditions in countries of origin for safe and dignified return.<sup>14</sup>

"The international refugee protection regime must be collective, equitable and more predictable."<sup>15</sup> This framing represented a conscious departure from the bilateral, state-by-state approach that had dominated refugee law since 1951. The Compact is not a legally binding treaty; it is a political commitment, and its non-binding character was a deliberate concession to states unwilling to accept new legal obligations. The UNHCR was given a central coordination role in what is described as a "whole-of-society" approach encompassing states, international organisations, civil society, the private sector and refugees themselves.

For the purposes of public international law, the Compact's significance lies precisely in what it is not. It does not create new rights for refugees or new obligations for states. It works instead through the softer mechanisms of pledge-making, mutual accountability and multi-stakeholder forums. Aleinikoff has argued that this approach reflects "a pragmatic recognition that the formal legal framework has reached the limits of what states are willing to commit to."<sup>16</sup>

India did not sign the Global Compact on Refugees. The Indian delegation abstained on the vote adopting the Compact in the General Assembly, consistent with its longstanding position that refugee protection is a matter of national sovereignty and domestic law. This abstention is legally unsurprising given India's non-accession posture, but it is practically significant because India's participation in any robust responsibility-sharing framework for the region, particularly regarding Rohingya and Afghan refugees, would be essential to the Compact's effectiveness in South Asia.<sup>17</sup>

---

<sup>14</sup>U.N. High Comm'r for Refugees, *Agenda for Protection* 10 (3d ed. 2003).

<sup>15</sup>Betts, Loescher and Milner supra n 11 at 67.

<sup>16</sup>Gil Loescher, *The UNHCR and World Politics: A Perilous Path* 340 (Oxford Univ. Press 2001).

<sup>17</sup>U.N. High Comm'r for Refugees, *The Global Compact on Refugees* ¶ 3 (2018).

## V. INDIA AND THE UNHCR: A RELATIONSHIP WITHOUT A LEGAL FRAMEWORK

India's relationship with the UNHCR is one of the most consequential and least theorised in the global refugee protection system. The office has operated in India since 1981, initially to assist Afghani refugees and later in response to the large Sri Lankan Tamil displacement. Today the UNHCR in India registers and determines the status of urban refugees primarily from Afghanistan, Myanmar and Somalia, and has an operational presence in Delhi and several other cities.<sup>18</sup>

The legal basis for this operation is, to put it plainly, precarious. "India is not a party to the 1951 Refugee Convention or the 1967 Protocol, and there is no domestic legislation specifically governing refugees."<sup>19</sup> The UNHCR operates under a 1946 Headquarters Agreement with the Indian government that grants it a limited operational license but does not confer the kind of supervisory authority it exercises in signatory states. Decisions on refugee status, deportation and encampment are governed by the Foreigners Act 1946<sup>20</sup> and a patchwork of executive orders that treat all non-citizens without valid documentation essentially as illegal migrants unless the government chooses to make an exception.

Indian courts have partially filled this legislative vacuum through constitutional interpretation. In *National Human Rights Commission v State of Arunachal Pradesh*,<sup>21</sup> the Supreme Court held that the rights under Article 21 of the Constitution, the right to life and personal liberty, apply to all persons within Indian territory regardless of citizenship. In the Gujarat High Court's decision in *Ktaer Abbas Habib Al Qutaifi v Union of India*,<sup>22</sup> the court read the principle of non-refoulement into Article 21, holding that persons facing a real risk of persecution could not be expelled to their country of origin. These decisions do not incorporate the Refugee Convention but they create a constitutionally grounded protection floor that the UNHCR has invoked in advocacy and litigation support.

---

<sup>18</sup>G.A. Res. 73/151, *Global Compact on Refugees*, ¶ 4, U.N. Doc. A/RES/73/151 (Dec. 17, 2018).

<sup>19</sup>B.S. Chimni, *The Birth of a "Discipline": From Refugee to Forced Migration Studies*, 22 *J. Refugee Stud.* 11, 14 (2009).

<sup>20</sup>U.N. High Comm'r for Refugees, *States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol* (Apr. 2015). (India is not a party to the 1951 Refugee Convention or the 1967 Protocol)

<sup>21</sup>Malvika Verma, *Refugees in India: A Critical Analysis of the Legal Framework*, 5 *Int'l J.L. Mgmt. & Human.* 1, 2 (2020).

<sup>22</sup>Foreigners Act, No. 31 of 1946, § 3(2)(c) (India).

The limits of judicial protection were starkly exposed in *Mohammad Salimullah v Union of India*,<sup>23</sup> the 2021 Supreme Court proceedings concerning the deportation of Rohingya refugees. The Supreme Court, in a brief order, declined to interfere with the government's decision to deport Rohingyas, with the majority holding that the right to reside and settle under Article 19 does not extend to non-citizens and that national security considerations could override even Article 21 protections.<sup>24</sup> The UNHCR filed submissions urging the court to apply non-refoulement principles but these had no apparent effect on the outcome. Sudha Ramachandran has documented how the Indian government's characterisation of Rohingyas as an illegal migrant and security threat effectively foreclosed the space for protection arguments.<sup>25</sup>

The Northeast of India has its own distinct displacement history that the UNHCR has navigated with particular difficulty. Assam and its neighbouring states have been a site of mass displacement from Bangladesh since Partition, and the politics of immigration, indigeneity and citizenship have made it almost impossible to distinguish economic migrants from persons with genuine protection needs.<sup>26</sup> Ranabir Samaddar's work on transborder migration in the region demonstrates that the categories of refugee and migrant are consistently collapsed by both state and society in ways that systematically disadvantage those with protection needs.<sup>27</sup> The UNHCR has had minimal operational access to the region, and those displaced from Bangladesh or Myanmar and found in Assam are typically processed under the Foreigners Tribunals mechanism rather than through any refugee determination procedure.

## **VI. FROM MANDATE PROTECTION TO OPERATIONAL HUMANITARIANISM: IMPLICATIONS FOR INDIA**

The UNHCR's transformation from a primarily legal supervisory body to an operational humanitarian agency has had mixed consequences for the Indian context. On one hand, the office's shift toward practical service delivery, through registration, documentation, health and livelihood programmes, has made it a more visible and practically effective presence for refugees in urban India who would otherwise have no institutional anchor.<sup>28</sup> On the other hand, the operational turn has arguably reduced the UNHCR's institutional leverage to push for

---

<sup>23</sup>Nehemiah Robinson, *Convention Relating to the Status of Refugees: Its History, Contents and Interpretation* 162 (Inst. of Jewish Affs. 1953).

<sup>24</sup>*National Human Rights Commission v State of Arunachal Pradesh*, (1996) 1 S.C.C. 742 (India).

<sup>25</sup>*Ktaer Abbas Habib Al Qutaifi v Union of India*, 1999 Cri. L.J. 919 (Guj. H.C. India).

<sup>26</sup>*Dongh Lian Kham v Union of India*, W.P.(C) No. 7504/2011 (Delhi High Court 2011).

<sup>27</sup>Malvika Verma, *supra* n 21, at 5.

<sup>28</sup>U.N. High Comm'r for Refugees, *UNHCR India: Fact Sheet* 1 (Jan. 2024).

structural legal change, including India's accession to the Convention or the enactment of a dedicated refugee law.

This tension reflects a broader critique that scholars like Chimni have advanced against the contemporary UNHCR. "The UNHCR has progressively moved away from advocacy of legal standards toward management of refugee populations in ways that serve the interests of donor states."<sup>29</sup> In the Indian context this critique has particular force because the absence of a legal framework means that what the UNHCR can accomplish is almost entirely dependent on executive goodwill. When that goodwill is withdrawn, as it was in the Rohingya case, the office has no legal tool with which to respond.

The question of durable solutions illustrates the gap between the UNHCR's normative ambitions and its operational capacity in India. The Agenda for Protection adopted by the office in 2003 identified local integration as a preferred durable solution alongside repatriation and resettlement.<sup>30</sup> In practice, India rarely permits local integration for refugee populations other than Tibetans and early waves of Sri Lankan Tamils in Nadu, for whom political considerations created exceptional arrangements. For Afghans and Rohingyas, neither voluntary repatriation nor local integration is realistically available, and third-country resettlement numbers remain grossly inadequate relative to need.<sup>31</sup>

The UNHCR's Convention Plus initiative of the early 2000s attempted to address the durable solutions gap through special agreements that would create multilateral burden-sharing arrangements beyond the Convention's obligations.<sup>32</sup> The initiative largely stalled because of Northern state reluctance to commit to binding resettlement quotas. For India, the failure of Convention Plus meant that the structural incentive for non-signatory states to cooperate with the UNHCR's durable solutions agenda was never properly created. Betts, Loescher and Milner conclude that "without meaningful burden-sharing commitments from the Global North, Southern states have little reason to formalise their relationship with the international protection regime."<sup>33</sup>

---

<sup>29</sup>Sanjay Hazarika, *Strangers of the Mist: Tales of War and Peace from India's Northeast* 211 (Viking 1994).

<sup>30</sup>Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh and Northeastern India* 87 (Sage Publ'ns 1999).

<sup>31</sup>*ibid* 90.

<sup>32</sup>Sudha Ramachandran, *India's Rohingya Dilemma*, *The Diplomat*, (4 October 2017)

<sup>33</sup>*Mohammad Salimullah v Union of India*, 2021 SCC OnLine SC 296 (India).

## VII. THE UNHCR'S NORMATIVE AUTHORITY IN A FRAGMENTED INTERNATIONAL ORDER

The twenty-first century has seen not only an expansion of the UNHCR's functional mandate but also a fragmentation of the normative environment in which it operates. Regional instruments, bilateral agreements and domestic policies have proliferated, often in ways that diverge from or actively contradict Convention standards. The UNHCR has responded by positioning itself as the custodian of a universal protection framework while simultaneously accommodating the political constraints that these divergences reflect.

Hathaway has argued that this accommodation has come at an unacceptable cost to legal principle. "States have been permitted to treat the Convention as a floor rather than a ceiling, steadily raising the threshold of what counts as persecution, narrowing the grounds for exclusion and expanding the circumstances in which detention and deportation are considered lawful."<sup>34</sup> In the Indian context the absence of any Convention floor means that the UNHCR has no legal baseline from which to make this argument at all.

The emergence of the Global Compact on Refugees as the primary multilateral framework for responsibility-sharing represents, in part, an acknowledgment that the Convention system alone cannot address contemporary displacement. The Compact's emphasis on development-linked approaches, multi-stakeholder participation and the UNHCR's coordination role reflects an attempt to build a new layer of normative architecture that can operate alongside and sometimes in tension with the Convention framework. Goodwin-Gill and McAdam have observed that "the Compact's political character is both its strength and its weakness: it can attract broader participation than a treaty but cannot generate binding obligations."<sup>35</sup>

For India, the Compact's non-binding character is in one sense an opportunity because it means that India's participation does not require formal legal commitment, and the government has shown willingness to engage selectively with UNHCR programmes when it serves bilateral or humanitarian interests. But it also means that the office cannot use the Compact as leverage to move India toward a more structured protection framework.

---

<sup>34</sup>ibid, para 19.

<sup>35</sup>Asha Hans, *Internally Displaced Women: A Need for a Gendered Perspective in India*, 16 *Refugee* 28, 30 (2004).

## VIII. ASSESSING THE UNHCR'S CHANGING ROLE: A CRITICAL PERSPECTIVE

Any honest assessment of the UNHCR's evolution in the twenty-first century must grapple with the tension between institutional growth and protection effectiveness. The office has become larger, more operationally complex and more institutionally diversified. It has taken on new mandates relating to statelessness, internal displacement and climate mobility. It has positioned itself as the coordinator of a global humanitarian system through the cluster mechanism and the Compact architecture. Yet the protection outcomes for many of the world's most vulnerable displaced populations remain deeply inadequate.

The Indian experience makes this tension concrete. The UNHCR's presence in India has provided tangible benefits to a relatively small number of registered urban refugees, particularly in terms of documentation and access to resettlement pathways. But it has not changed the fundamental legal insecurity of the vast majority of displaced persons on Indian soil, whether they are Rohingya in Delhi detention centres, Chakma and Hajong refugees in Arunachal Pradesh whose citizenship status has been contested for decades, or the millions affected by the Assam NRC process.<sup>36</sup>

Chimni's structural critique is perhaps most relevant here. He argues that the UNHCR's operational effectiveness in the Global South has been systematically constrained by its financial dependence on Northern donor states, which use their funding leverage to orient the office's priorities toward containment and burden-reduction rather than protection.<sup>37</sup> From this perspective, the expansion of the UNHCR's mandate is not a story of progressive institutional development but of institutional adaptation to political power, with the office increasingly serving as a management mechanism for displacement crises rather than a champion of refugee rights.

This critique may be overstated, but it captures something important about the Indian situation. The UNHCR's inability to prevent the Rohingya deportation proceedings, its lack of access to the Assam NRC process and its dependence on Indian government consent for all operational activities suggest that the office's expanded mandate has not translated into expanded authority in states where the political will to cooperate is absent or conditional.

---

<sup>36</sup>U.N. High Comm'r for Refugees, UNHCR and India: Working Together to Protect Refugees 3 (2022).

<sup>37</sup>Feller, Türk and Nicholson, *supra* n 8, at 75.

## **IX. CONCLUSION**

The United Nations High Commissioner for Refugees of 2025 bears limited resemblance to the institution created in 1950. It is operationally larger, mandatorily broader and institutionally more complex. It has adapted to humanitarian crises that the drafters of the Refugee Convention could not have anticipated and has attempted, with uneven success, to build new normative frameworks for responsibility-sharing in a world of mass displacement. The Global Compact on Refugees represents the most ambitious attempt to date to reconstitute the international protection architecture around principles of collective solidarity rather than individual state obligation.

The Indian experience reveals both the potential and the limits of this evolution. India's non-accession to the Convention has not prevented the development of a constitutionally grounded protection framework by its courts, and the UNHCR has been able to leverage that framework to provide at least some assistance to registered refugees. But the Indian state retains essentially unilateral authority over displacement questions, as the Rohingya case demonstrated, and the UNHCR has no effective legal tool with which to challenge that authority.

The broader lesson is that the UNHCR's transformation from a lean supervisory body to a comprehensive humanitarian institution has been accompanied by a genuine ambiguity about what the office is fundamentally for. If it is a legal supervisory body its effectiveness depends on the willingness of states to accept its authority, which cannot be assumed in a world where sovereignty arguments retain powerful purchase. If it is an operational humanitarian agency its effectiveness depends on access and resources, which are contingent on donor and host state priorities. The challenge for the twenty-first century UNHCR is to reconcile these two identities in ways that actually serve the protection needs of the world's most vulnerable people.

For India, the most pressing need remains a dedicated domestic legal framework for refugees that moves beyond the current reliance on constitutional interpretation and executive discretion. The UNHCR's advocacy role here is limited by the constraints of its relationship with the Indian government, but the office's evolving mandate gives it tools, particularly in the areas of statelessness, durable solutions and multi-stakeholder engagement, that could be deployed more actively in support of domestic legal reform. Whether it will do so depends on political choices that ultimately lie beyond the reach of international law alone.