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INSTITUTIONAL PROBLEMS AND PROTECTION OF REFUGEES: MEASURING UNHCR PERFORMANCE

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ABSTRACT

The refugee dilemma of the world has become so much more severe over the last several decades due to military conflicts and political instability, environmental catastrophes, as well as the violation of human rights. The United Nations high commissioner of refugees (UNHCR) is at the centre of ensuring the safety of refugees and ensuring that the international law of refugees is in fact observed, particularly the 1951 Refugee Convention and the 1967 Protocol. Although its role is vital, the organization continues to grapple with several structural and operational challenges that have a negative impact on its performance. Such issues involve scarcity of financial resources, the political restrictions of sovereign states, imbalanced burden-sharing among nations and the increased populations that are in the displacement all around the globe. This article discusses institutional weaknesses UNHCR experiences and how it has been fair to uphold the rights of refugees. It also examines the issue of whether the existing system in global governance of refugees assist the UNHCR to carry out its mandate and offers reforms that could enhance the global cooperation and increase the organizational capacity of the agency.

INTRODUCTION

One of the most pressing humanitarian and legal issues of the modern world is the security of refugees. It is war, persecution, and mass violation of human rights that are forcing millions of people to leave the home and that is why we require the super-effective international protection systems. UNHCR, which was established in 1950 by the UN general assembly is the responsible organization in charge of ensuring the rights and the welfare of refugees and stateless individuals internationally. In a bid to provide protection and long-term solutions of voluntary repatriation, local inclusion, or resettlement, it attempts to provide humanitarian assistance, legal assistance, and

advocacy to those displaced. However, the increasing magnitude of displacement as well as the evolving geopolitics strained the capability of the agency to react in a manner that is effective. The current article examines the institutional issues of the UNHCR and critically assesses its achievement of its mandate in the current international protection system of refugees.

THEMATIC DISCUSSION

1. UNHCR and its institutional Mandate and Legal Framework.

UNHCR is the primary international organization that deals with the protection of refugees and the coordination of the international responses

towards forced displacement. The UN general assembly developed it in 1950 to assist the millions of Europeans who lost their footing after the World War 2. However in the view of the ever-emerging refugee crises all over the world, UNHCR became a permanent humanitarian institution with a broad protection scope.

The legal foundations to safeguard refugees are largely based on the 1951 Convention Relating to the status of refugees and the Protocol of the same year that classify those who qualify as refugees and stipulates their rights and protection. UNHCR oversees the compliance to these international legal instruments by the states. It also intervenes in such areas as registration, documentation, humanitarian support, and identification of long-term solutions, such as voluntary deportation, integration in the country, and resettlement.

Despite such a strong mandate, UNHCR is limited in its structure. The agency primarily operates with the cooperation of sovereign states and hence does not have the power of enforcement on governments. It implies that the capacity of UNHCR to defend refugees frequently relies on the political goodwill of the host states, and the extent of international collaboration they can find. Although the agency has developed a positive image as one of the best humanitarian agencies, the discrepancy between what the law stipulates and what is being done continue to create very severe challenges in regard to effective protection.

2. Reliance on State Sovereignty and Will of Politics.

One of the large institutional issues facing UNHCR is that it depends on the cooperation of the sovereign states. The protection of refugees is very closely related to the national sovereignty, border control strategies, and the domestic immigration policies. Nations have the determination of individuals to be admitted, remain, and undergo protection of the law.

This reliance usually brings about conflict between the humanitarian and national

interests. Most states have concerns in security, demographics, and the economic at the expense of their responsibility towards refugees. As a result, the practices of restrictive asylum, border closures, and detention are gaining prevalence in the world. Absence of coercive powers, UNHCR must look at diplomacy, advocacy and cooperation with governments to ensure states adhere to the international refugee law. Such strategies are effective, although they are not sufficient each time when the governments pursue politics that undermine protection. An example is when certain governments push back asylum seekers at their borders, stop admission to protection processes or establish tight-knit visa regimes. Others also outsource asylum systems to their neighbours. The practices restrict the way UNHCR can enforce the principle of international protection and how state sovereignty limits the effectiveness of the agency.

3. Social Resources and economic constraints.

Financial sustainability is another big problem facing UNHCR. As compared to other UN orgs that rely on mandatory contribution, UNHCR heavily relies on voluntary contributions by states, international organizations and individuals. That kind of funding scheme leaves much uncertainty on whether the resources will be there towards refugee programs. The magnitude of migration in the world has soared up within the recent years. War, political upheaval, climate change and financial crises have significantly enhanced the displaced population in the world. However, these growing humanitarian demands have not been met by funding.

Almost all aspects of the work of UNHCR are influenced by resource constraints, including camp management, food distributions, healthcare, education, and protection surveillance. With reduced budgets, aid is reduced exposing the refugees to poverty, exploitations, and insecurity.

In addition, the priorities of UNHCR could be influenced by the goodwill of the donors. The

donor states can move money according to the geopolitical interests rather than according to the pressing humanitarian demands, which only results in high-disproportionality of providing assistance in crises. There are cases when some refugees achieve extensive support on an international scale and even remain in the shadows. Such financial limitations craft diminished UNHCR ability to satisfactorily fulfil the mandate of protection and shows why long term and equitable means of funding are necessary.

4. International Humanitarian System Coordination Problems.

Our humanitarian studies course has demonstrated that it is a very massive challenge in coordinating among government, IGO, NGO and NGO. UNHCR normally occupies the first line particularly in camps and displacement areas but that is just an iceberg. But real institutional headaches come with dealing with complicated operations that require dozens of stakeholders. Every actor has its mandate, priority, and cash flow that forms a gap and overlap in service delivery that resembles a dishevelly spreadsheet.

As an example, humanitarian entities usually vie in funds and thus give disjointed responses and a futile tug-of-war in the pursuit of funds. This, in fact, translates to stuttering assistance, repetitive work, and on some occasions, abandoned individuals who held their positions wishing to be assisted though to no avail.

The other obstacle is the number of players involved in the refugee protection. In addition to the conventional NGOs, you now have development agencies, commercial corporations and regional institutions all leaving their mark on the assistance packages. The additional hands increase capacity but also result in a coordination experience of attempting to hold a dozen students together on a group project. UNHCR attempted to organize this mess through the cluster approach which assigns leadership to different agencies, such as shelter, protection, and health. Nevertheless, the issue of

coordination remains, and it remains that team that is constantly late.

4. New Refugee Crises and the new trends of displacement.

Persecution is no longer the only concern regarding forced displacement, which is the primary learning we gained in this module. The Convention of 1951 was fantastic with straightforward cases, but we are dealing with generalized violence, ecological calamity, and climatic change, and it does change the legal definition and the actual reaction. Climate-induced displacement is one of the greatest new problems. Rising seas, desertification, extreme weather, the problem is that millions of people are forced out of homes and they are not taken as refugees according to the Convention as they were not persecuted.

Such a legal gap places UNHCR in an awkward situation: on the one hand, they need to save, but the law does not completely back the mission, which provides the organization with the instrumentation half-wired. During our policy course, we discussed the ways in which they are advocating and pushing research towards countering that gap, although without the global legal anchor, advancement is slow. On the same note, drawn-out refugee status is also increasing. Many of them remain years later, and their long lifespan generates another circle of socio-economic problems to the host societies and the non-governmental organizations, which attempt to offer assistance in the long-term. He or she requires continuous support, which is not easy in the case of short-term streams of funds.

5. Inequality in Refugee Hosting and Burden-Sharing.

We have also discussed how the issue of hosting refugees assumes unequal distribution at the global arena. Although the global scale crisis has nearly all the apparent hosts in a developing country close to the frontline, such as Turkey, Pakistan, Uganda, Bangladesh, and Lebanon.

These are formidably challenged in terms of the resources at their disposal in these countries, as

it is demonstrated in our case studies, so offering full protection and support is more of an attempt to give a stadium full of people a single vending machine. Contrary, wealthier states tend to have stricter asylum policies that would limit the number of immigrants. That puts an unfair load on the shoulders of the “good guys: the load is maintained at a low level by the good guys themselves, and the bad guys attempt to shoulder the load. To set the playing field even, the money, resettlement, and community development should have been stimulated in the Global Compact on Refugees that was signed in 2018. However, as we have experienced it, it is poorly implemented; some nations continue to use the old rules in playing it.

6. Security Problems in Refugee Camps.

We also examined the reasons why displacement camps will grow to be more of a quasi-permanent neighborhood than a temporary one. We observed the way that reality introduces new levels of protection in the framework of our field trip simulation. Residents of camps tend to move less, have fewer career opportunities, and their education and healthcare are below the standards, which can put these people in poverty and marginalisation, and where an intervention in the form of aid looks like the band-aid. Camps may too be a breeding area of violence, exploitation and gender-based abuse. Trafficking, forced labor and sexual violence are particularly prone to women and children, and as our gender studies course pointed out, forcefully victimize women and children.

UNHCR establishments protection programmes in such locations, community-based, gender sensitive, child protection programmes but the deficit of financial resources and overpopulation usually intercepts them, and we ask ourselves whether the system can sustain itself. Safety, dignity, and selfreliance of refugees in camps is an intellectual, real, problem and one in which we find it difficult to resolve during lectures, case discussions, and policy suggestions.

7. Considering the Total UNHCR Effectiveness.

Finally, I believed we should see the big picture: UNHCR has gone on hi-tech in ensuring that large expanses of displaced people, whether via assistance or through repatriation and resettlement, have been taken care of, but we still see loose ends. Regarding matters of law, the organization has driven the cause of international displacement law, acted as a disseminator of the word and formulated policies to guide the bigger picture. Nevertheless, smart actions will demand symmetrical collaboration among the states and donors, a reciprocal dependency which is not necessarily obtained.

Success and limits are the real order of the day – funding problems, national sovereignty, displacement dynamics that are in constant shift, operational constraints which hold UNHCR still in check. We have observed studies that political commitment by governments, improved sources of funds, and enhanced cross-border cooperation is one of the major ways of tightening the performance of UNHCR. The future is no exception; institutional reforms are available to pick up the loose ends left by the changing climate and patterns of conflicts. The institutional issues the UNHCR continues to have demonstrate how complicated the current refugee protection process is, and it is a lesson that one problem, even a type of a big giant one, is in reality a union of smaller and more subtle problems that require a multitiered approach. The solution to these challenges demands an all inclusive strategy that goes beyond the normal policy discussion. We should have more collaboration among the international community, more equitable burden-sharing among the states, and new forms of law to address the emerging forms of displacement. The truth of the matter is that unless the global community is fully committed to long-term political dedication and institutional adjustments, the effectual protection of the right and the dignity of refugees is really going to be achieved in a significant manner.

CONCLUSION

The security of refugees remains to be one of the most recent urgent humanitarian and legal matters in the current international law arena. One of the actors that played a significant role in the preservation of the rights and wellbeing of the displaced individuals has been the United Nations High Commissioner in Refugees (UNHCR), who have provided protection, assistance, and long-term resale measures including voluntary repatriation, local integration, and resettlement. By its mandate, the organization has been splashing large in moulding and enforcing international refugee law particularly under the 1951 Refugee Convention and the 1967 Protocol. They do not always succeed though; a series of institutional obstacles tend to derail the efforts of UNHCR. It has funding and human resources constraints, an increasing number of forced displacement and hosting governments, backlash against implementation, and no actual mechanisms of enforcement to turn states to meet the norms of protection of refugees. National sovereignty and security issues often override humanitarian responsibilities in most scenarios and this is an inhibiting factor to what the UNHCR can practically achieve on the ground. Nevertheless, despite all the factors, UNHCR is still an essential component of the international system of refugee protection. Enhancing the international collaboration, raising the effectiveness of burden-sharing, and making states legally responsible are all the important measures to increase its effectiveness. Ultimately however, safeguarding the rights of refugees cannot loosely be left on UNHCR, but it requires a concerted action on the part of the international community to ensure that humanitarian values are upheld and the rights of the displaced persons globally are met with dignity, safety and justice.

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