

## **Position Paper #1**

### **Past and current burden-and responsibility-sharing arrangements**

#### **Republic of Korea**

The Republic of Korea commends the UNHCR for taking the initiatives to develop the *Comprehensive Refugee Response Framework (CRRF)* and the *Global Compact on Refugees* amid the unprecedented humanitarian crisis that generated more than 22 million refugees. We expect that the *Global Compact on Refugees*, which would contain a range of non-binding and voluntary principles and commitments, will provide a comprehensive and predictable guidance on addressing global refugee crisis.

We understand that the *Global Compact on Refugees* is, rather than creating a new framework, building on and should be guided by the understandings and commitments in the existing instruments. This will help encompass more relevant stakeholders and secure stronger universal support. Engaging key stakeholders such as UN agencies, civil society organizations, the private sector and employers' and workers' organizations is crucial to developing comprehensive principles and guidelines on refugees.

The *Global Compact on Refugees* must hinge on protection and respect for human rights of refugees as well. Almost all example arrangements presented in the Concept paper endorse the centrality of protection for refugees and are adaptable to present situations in this sense. In particular, we recognize the need of special protection for refugees in vulnerable situations - women, girls, unaccompanied children and persons with disabilities. To address their special needs, states should consider expanding humanitarian assistance targeted to them alongside host communities.

Finally, we would like to stress the importance of the principle of non-refoulement. The principle forms part of customary international law and is binding on all states including those that have not yet become party to the *1951 Convention Relating to the Status of Refugees* and/or its 1967 Protocol<sup>1</sup>. In this context, we reaffirm that the *Global Compact on Refugees* should include the obligation to comply with the principle of non-refoulement by all states including those of transit and first asylum.

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<sup>1</sup> Para. A.1(8) of the *UNHCR Guidance Note on Extradition and International Refugee Protection* (April 2008)

Furthermore, in light of respect for universal human rights<sup>2</sup>, all states should consider applying the principle to asylum-seekers found not to be refugees under the refugee status determination but still at risk of persecution when extradited to their countries of origin. /END/

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<sup>2</sup> Para. A.9 of the *UNHCR Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol* (January 2007); Article 3 (1) of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*: "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture"