

March 3, 2004

The Honorable Sam Brownback  
United States Senate  
303 Hart Senate Office Bldg.  
Washington, D.C. 20510

Dear Senator Brownback:

We the undersigned representatives of U.S. private voluntary organizations working in North Korea or concerned with refugee conditions world wide, write to share our concerns and interest on humanitarian assistance to North Korea, particularly with respect to S. 1903 "The North Korean Freedom Act". We share the goal of improving the lives of ordinary North Koreans through humanitarian assistance and increased attention to their human rights. Through our experiences of working inside North Korea, we also believe strongly in the importance of continued humanitarian engagement within North Korea as a means of alleviating the extreme hardship of its citizens and of supporting citizen to citizen contact, with the goal of promoting the ability of North Korea to join the community of nations.

Therefore, we welcome legislation addressing these important issues. We appreciate the care with which the issue of monitoring humanitarian food aid has been addressed in Sec. 104 and Sec. 403 (a) in "The North Korean Freedom Act" (S 1903). However, we are concerned that with the legislation's omnibus approach, key goals and provisions of the bill could be lost. We outline below some concerns that other of the provisions that may indeed be counterproductive to the achievement of the general purposes stated.

## **Title II**

Section 201, "Pursuit of First Asylum Policy," recognizes the international legal obligations owed to North Korean asylum seekers under the Refugee Convention and customary international law, as well as U.S. domestic obligations under the Refugee Act of 1980. We therefore support this provision and believe that it is sufficient to protect North Korean refugees and asylum seekers. While we believe that existing U.S. law, if appropriately implemented, is sufficient to protect North Koreans, organizations with the expertise would be happy to discuss other Title II provisions with you to determine if any could be revised to fill potential gaps in protection or assistance. Sec. 202 regarding North Korean orphans could raise false hopes at a time in which inter-country adoption from North Korea is impossible.

## **Section 303**

Section 303, a Sense of Congress provision, needlessly antagonizes our allies in the region at a time when all countries need to be working together to address both humanitarian and security concerns in East Asia.

## Sections 402 and 403 (b)

Sec. 402, a Sense of Congress provision that further conditions the removal of economic sanctions, and Sec. 403 (b), which prevents non-humanitarian assistance to North Korea until certain criteria are met, appear superfluous under existing law. North Korea has been under extensive U.S. economic sanctions that bar “trading with the enemy” since the Korean War began in 1950. The Export Administration Act of 1979 continues to block the release of some of North Korea's seized financial assets. The 1979 act continues the Trade Act of 1974 denial of North Korea Most Favored Nation status regarding tariffs on imports from North Korea. Additional sanctions are provided in the Arms Export Control Act, the Export-Import Bank Act of 1945 (low interest loans to finance exports to North Korea), Foreign Assistance Act of 1961, and still more were added North Korea was put on the International Terrorism list in the 1980's. Despite phasing out a small number of sanctions between 1994 and 2000, all substantial barriers to bilateral trade and financial transactions remain in place. Furthermore, Sec. 403 in particular could limit the Administration's diplomatic options regarding the elimination of North Korea's nuclear weapons program.

We share your concern about how best to encourage transformation in North Korea at the fastest pace possible and how to provide urgently needed protection for refugees. However, we fear that this bill politicizes and complicates urgent humanitarian issues. We recommend an approach that encourages refugee protection and improvement in human rights. However, we fear that these sections of the bill politicize and complicate urgent humanitarian issues, and could put refugees at risk.

Yours sincerely,

American Friends Service Committee	AmeriCares Foundation, Inc.
Church World Service	Friends Committee on National Education
Holt International Children Services	International Action
The International Strategy and Reconciliation Foundation	
KASM	Mennonite Central Committee
Mercy Corps	Operation USA
World Concern Development Organization	World Vision, Inc.

CC: Senator Richard D. Lugar	Senator Joseph R. Biden
Senator Chuck Hagel	Senator Paul S. Sarbanes
Senator Lincoln Chafee	Senator Christopher J. Dodd
Senator George Allen	Senator John F. Kerry
Senator Michael Enzi	Senator Russell D. Feingold
Senator George V. Voinovich	Senator Bill Nelson
Senator Lamar Alexander	Senator John D. Rockefeller IV
Senator Norm Coleman	Senator Jon S. Cozine
Senator John E. Sununu	Senator Barbara Boxer