

CONCURRENT RESOLUTION

Whereas the people of North Korea live in extreme poverty and do not enjoy the freedoms of speech, religion, press, assembly, or association;

Whereas the Government of North Korea imposes severe punishments for crimes such as attempted defection, slander of the Korean Workers Party, listening to foreign broadcasts, possessing printed matter that is considered reactionary by the Korean Workers Party, and holding prohibited religious beliefs;

Whereas at least 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea and because of severe drought and other natural calamities;

Whereas the combination of political, social, and religious persecution, economic deprivation, and the risk of starvation in North Korea is causing many North Koreans to flee to China;

Whereas between 100,000 and 300,000 North Korean refugees are estimated to be residing in China without the permission of the Government of China;

Whereas the presence of so many North Korean refugees on Chinese soil imposes a heavy burden on the Chinese people;

Whereas North Koreans who seek asylum while in China and are refused, are returned to North Korea where they have reportedly been imprisoned and tortured, and in many cases killed;

Whereas the United Nations Convention Relating to the Status of Refugees of 1951, as modified and incorporated by reference by the Protocol Relating to the Status of Refugees of 1967, defines a refugee as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”;

Whereas the Government of China is party to the United Nations Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967;

Whereas China routinely characterizes North Koreans seeking asylum while in China as being economic migrants and returns the refugees to North Korea without adequate due process or regard to the serious threat of persecution they will face upon their return;

Whereas in recent weeks, in response to North Koreans seeking asylum who have rushed several foreign missions, Chinese authorities reportedly have begun an aggressive campaign to locate North Koreans who reside without

permission in China and forcibly to return them to North Korea;

Whereas the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations obligate China to ensure the inviolability of foreign missions and to provide for their security;

Whereas the refugee problem will persist until there is peace and reconciliation on the Korean Peninsula;

Whereas June 15, 2002, marks the second anniversary of the historic North-South Summit in Pyongyang between South Korean President Kim Dae-jung and North Korean leader Kim Jong-il, at which both sides pledged to pursue peace and reconciliation;

Whereas President Bush has pledged to support South Korea's policy of engagement with North Korea; and

Whereas the President of the United States has offered to send a representative to meet with North Korean authorities to address issues of mutual concern, including humanitarian issues: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That Congress—*

3 (1) encourages the Government of China to
4 honor its obligations under the United Nations Con-
5 vention Relating to the Status of Refugees of 1951,
6 as modified and incorporated by reference by the
7 Protocol Relating to the Status of Refugees of 1967
8 by—

1 (A) making genuine efforts to identify and
2 protect the refugees among the North Korean
3 migrants encountered by Chinese authorities,
4 including providing the refugees with a reason-
5 able opportunity to petition for asylum;

6 (B) allowing the United Nations High
7 Commissioner for Refugees to have access to all
8 North Korean asylum seekers and refugees re-
9 siding in China in order to evaluate the asylum
10 claims and to facilitate the resettlement of the
11 North Korean refugees residing in China in
12 other countries; and

13 (C) halting the forced repatriations of
14 North Korean refugees seeking asylum in
15 China;

16 (2) encourages the Government of China to re-
17 spect the inviolability of foreign missions while pro-
18 viding for their security, as called for under the Vi-
19 enna Convention on Diplomatic Relations and the
20 Vienna Convention on Consular Relations;

21 (3) urges the Government of North Korea to al-
22 leviate the suffering of the North Korean people, to
23 respect their universally recognized human rights,
24 and to take concrete steps to implement the North-
25 South Joint Declaration of June 15, 2000, issued by

1 the leaders of South Korea and North Korea on that
2 date; and

3 (4) encourages the United States Government
4 to consider asylum claims and refugee claims of
5 North Koreans arising from a well-founded fear of
6 persecution.

Passed the Senate June 19, 2002.

Attest:

Secretary.

107TH CONGRESS
2D SESSION

S. CON. RES. 114

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Expressing the sense of Congress regarding North Korean refugees in China and those who are returned to North Korea where they face torture, imprisonment, and execution.