Avoiding Normalization Without Denuclearization
Keynote Address by Senator Cory Gardner

As prepared for delivery at “Implications of the U.S.-North Korea Summit” on Thursday, March 7 at CSIS.

Last time I appeared here at CSIS was on June 18 of last year, immediately following the first summit between President Trump and Kim Jong Un in Singapore. As President Reagan used to say: “There you go again.”

Alas, in the aftermath of the second summit in Hanoi last week, much of what I said then also remains true today. Let’s hope the next time you host me here, I won’t have to repeat myself a third time.

So, I will keep my remarks relatively brief today, and focus on a few salient points, particularly on the role of Congress with regard to North Korea policy.

At the outset, we should commend the Trump Administration for moving beyond press-release diplomacy in a genuine attempt to resolve a serious national security issue that has bedeviled multiple Administrations, Democrat and Republican alike.

Dealing with Kim Jong Un and the Kim family playbook of mendacity and deception is certainly no easy task. Our team, led by Secretary Pompeo and Special Representative Biegun, deserve much credit for attempting to move the ball forward.

Likewise, the Administration was right to walk away from a potentially very bad deal in Hanoi. But the question remains: Why was such a non-starter offered in the first place? Did they believe it was in earnest? Did they believe that President Trump would take it? Did it show a level of willingness to actually deal?

Trading the Yongbyon complex, even if we could agree on what constitutes the extent of that complex, for the entirety of the international sanctions regime against Pyongyang would have been a disastrous outcome.

As Mr. Biegun himself stated in a speech at Stanford University on January 31, 2019: “Of course, the purpose of diplomacy is not more meetings. The purpose of the meetings is to produce outcomes and progress.”

For the Kim regime, it is a time of choosing – continue the failed game plan of father and grandfather or open a new chapter of opportunity? This is where we are unfortunately falling short – but make no mistake, the blame for the lack of progress lies squarely with Pyongyang.
While there has been no missile or nuclear testing for 15 months, North Korea still remains a nuclear threat to the United States. This incontrovertible fact was most recently confirmed by the Administration’s own 2019 Worldwide Threat Assessment, released by the Director of National Intelligence on January 29th.

As the DNI also noted, we are not any closer to our objective of denuclearization, stating: “We continue to observe activity inconsistent with full denuclearization. In addition, North Korea has for years underscored its commitment to nuclear arms, including through an order in 2018 to mass-produce weapons and an earlier law—and constitutional change—affirming the country’s nuclear status.”

Two leader summits later, Pyongyang still has taken no concrete, verifiable, and irreversible actions to dismantle even an iota of its vast arsenal of nuclear, missile, biological, radiological, and chemical weapons programs – as required by United States law and numerous United Nations Security Council resolutions.

In fact, as CSIS has consistently reported, North Korea has instead continued to advance its illicit programs and improving nuclear and missile infrastructure during these sensitive diplomatic negotiations.

Just today, Victor and his team uncovered that North Korea has rebuilt and returned to operating status a key launch facility. As your report stated: “The rebuilding activities at Sohae demonstrate how quickly North Korea can easily render reversible any steps taken towards scrapping its WMD program with little hesitation. This poses challenges for the U.S. goal of final, irreversible and verifiable denuclearization.”

Likewise, last week, the researchers at the private cybersecurity firm McAfee uncovered an 18-month long campaign of cyber-attacks against U.S. and European targets by individuals associated with the North Korean regime, which “include efforts to hack into banks, utilities and oil and gas companies.” The report specifically highlighted that these attacks were being conducted at the same time as the Hanoi Summit.

Surely, these are not signs of a regime interested in either negotiating in good faith, or negotiating with a shared goal of denuclearization and peaceful coexistence in mind.

Let us also not forget that the neo-Stalinist regime in Pyongyang remains the world’s leading violator of human rights.

In 2014, the United Nations said in a landmark report that the regime is committing genocide against its own people. It is still doing so to this day.

This is a serious problem for Kim Jong Un because according to U.S. law, progress on
human rights is as much a requirement to the lifting of sanctions against North Korea as is CVID.

We must also never, ever forget that the North Korean regime brutally tortured and intentionally murdered U.S. citizen Otto Warmbier. Otto’s blood will forever be on Kim Jong Un’s hands. We will never forget Otto, as I’ve told his wonderful parents, Fred and Cindy Warmbier.

This leads to the fundamental question we face today: where do we go from here?

My answer is that we must always remember that the goal of any negotiations with Pyongyang must only be to bring the regime into compliance with its international obligations – no more, no less.

This is also United States law, as enshrined by the North Korea Policy Enhancement Act and the Asia Reassurance Initiative Act, both legislative efforts that I led in the Senate.

Until such time as the regime chooses to comply, we must pursue the policy of maximum pressure, including full sanctions enforcement, robust military posture, and regime isolation, in coordination with our allies and partners around the globe.

North Korea’s enablers must recognize the destabilizing effect and proliferation risk of a nuclear North Korea.

That has been my main message both to the Administration and especially to our friends in Seoul, who seem especially eager to advance the cause of inter-Korean cooperation without a tangible change in behavior from Pyongyang.

We must immediately ramp up the maximum pressure campaign against North Korea.

The North Korea Sanctions and Policy Enhancement Act mandates -- not simply authorizes -- the continual identification and designation of new entities for sanctions, which unfortunately has slowed for months now.

According to research conducted by the Foundation for Defense of Democracies, since March 31, 2017, the Trump administration sanctioned 182 persons and entities for North Korean sanctions violations.

However, since February 2018, the Treasury Department has issued only 26 new designations.

North Korea is still only the 4th most sanctioned country by the United States, after Syria, Russia, and Iran.
We must do better – especially with clear evidence of pervasive sanctions violations with regard to illicit ship-to-ship transfers of sanctioned goods, financial transactions that illegally benefit the regime, and North Korea’s malicious activities in cyberspace.

This is why in the near future, I will re-introduce with Senator Ed Markey our legislation called the Leverage to Enhance Effective Diplomacy or the LEED Act.

The LEED Act would impose a mandatory trade embargo against Pyongyang and impose sanctions against all those violating that embargo -- among other new provisions to increase pressure on Pyongyang.

It is also my sincere hope that we will maintain a robust military deterrent to guard against any future provocations by Pyongyang.

The United States should not sacrifice joint military readiness with our allies to appease Kim Jong Un. The reason why these exercises are necessary is because of North Korea’s historically hostile behavior and repeated violations of international law.

Likewise, removing any U.S. troops from the Korean Peninsula in the near future would be a profound mistake.

I sincerely hope that a pathway to a diplomatic resolution remains open.

However, it is clear that this pathway can only result in one outcome: a historic decision by Kim Jong Un to denuclearize, abide by international law, and to show respect for the basic human rights of his people.

I fear that additional high-level summits without concrete outcomes will only serve to legitimize a two-bit dictator with an economy one-tenth the size of its neighbor South Korea.

In this unsavory, difficult, but necessary task, we cannot allow any appearance of moral equivalency between a brutal dictatorships and free societies that seek to stop their abuses and change their behavior.

We should not have a significant difference in our approach toward the mullahs in Tehran or the Maduro regime in Venezuela, to the way we approach a 34-year old hereditary dictator of one of the world’s most repressive states north of the 38th parallel.

There can be no normalization without denuclearization for North Korea – full stop. And we should all unite behind this common-sense goal.
Thank you for hosting me here today.

*Senator Cory Gardner*, United States Senator (R-CO); Chairman, Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy, U.S. Senate Committee on Foreign Relations