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North Korea Nuclear Status Crosses Point of No Return

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Image: Bloomberg



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North Korea's parliament passed a new law on 9 September that will govern the use of nuclear weapons. Supreme Leader Kim Jong-un described the law as a step in the direction of cementing his country's status as a nuclear weapons state. In a speech delivered on the occasion of the passing of the law, Kim also made it clear that nuclear weapons would not be bargained as North Korea's status as a nuclear power is now "irreversible" and "non-negotiable". "The purpose of the United States is not only to remove our nuclear might itself but eventually forcing us to surrender or weaken our rights to self-defense through giving up our nukes so that they could collapse our government at any time," Kim added further.¹ Kim's rhetoric stands sharply in contrast to the complete, verifiable, irreversible denuclearization (CVID) policy that South Korea and the United States have been following. It also lays the legal groundwork for a no-denuclearisation stance.

The new law spells out five conditions under which Pyongyang would be prepared to push the N-button. Ellen Kim of the Center for Strategic & International Studies (CSIS) summarises these conditions as:

"When a nuclear or other weapon of mass destruction attack has been carried out or is imminent, when a nuclear or nonnuclear strike on the leadership and national nuclear force command body has been carried out or is imminent, when a lethal military attack on important strategic targets of the state has been carried out or is imminent, when it is operationally unavoidable to prevent the expansion of a war and seize the initiative in times of contingencies, and when a situation that causes a catastrophic crisis to the existence of the state and the safety of the people".²

The new law appears to signal that the hermit nation is intending to launch a pre-emptive, tactical nuclear strike against the South Korean and American forces in the Korean peninsula as a means of deterrence. Effectively, it means that North Korea has a "first use" nuclear doctrine. The current law is, therefore, a significant departure from the previous law enacted in 2013, which stated that "the country would use nuclear weapons to deter an invasion or attack from a nuclear state and to make retaliatory strikes, and North Korea would not threaten or use nuclear weapons against non-nuclear states if they do not join the nuclear state to invade or attack the country".³ Comparing the two laws, it is anybody's guess that the current law has remarkably lowered North Korea's nuclear threshold.

This new law communicates a threat to proactively use nuclear missiles in warfare to negate the kill chain strategy of the South Korean Military. Under the strategy, the South would attack the North pre-emptively if Seoul is under the impression that Pyongyang could launch a first strike. The

'Kill Chain' strategy allows Seoul to hit North Korean targets with air strikes and ballistic missiles to take out Pyongyang's nuclear command and control (N2C) structures.⁴ In other words, pre-emptive strikes could target the top leadership of the North, including Kim Jong-Un.⁵ The new law considers non-nuclear strikes on the leadership as sufficient ground for a first strike. On the other hand, stronger conventional forces of South Korea and the United States have forced Kim to rely more on nuclear brinkmanship for deterrence.

Since 2019, North Korea has been expediting its development and testing of nuclear-tipped short-range missiles that can hit targets all across South Korea. In his recent speech, Kim urged his country to "expand the operational roles of its tactical nuclear weapons and accelerate their deployment to strengthen the country's war deterrent".⁶ The Associated Press said, "Those comments appeared to align with a ruling party decision in June to approve unspecified new operational duties for front-line troops, which analysts say likely include plans to deploy battlefield nuclear weapons targeting rival South Korea along their tense border".⁷ The U.S. and South Korean intelligence claim that Kim Jong-un will soon order the North's first nuclear test in five years to signal brinkmanship to the United States in order to corner concessions from a position of strength in future negotiations. Growing brinkmanship from the North may raise calls from South Korea and Japan to enhance the credibility of the United States' extended nuclear deterrence in and around the Korean peninsula.⁸

Interestingly, Pyongyang has also pledged in the law that it will not proliferate its nuclear weapons or technology to other countries. With an explicit statement against denuclearisation and a clearly announced commitment not to proliferate horizontally, North Korea is trying to cement its status as a 'responsible' nuclear weapons state. However, its history of illegal proliferation hardly gives any reason to trust Pyongyang at face value.

NOTES:

¹ Associated Press, “North Korea says it will never give up nukes to counter US”, *Times of India*, 9 September 2022, available at <https://timesofindia.indiatimes.com/world/rest-of-world/north-korea-says-it-will-never-give-up-nukes-to-counter-us/articleshow/94089180.cms>. Accessed on September 24, 2022.

² Ellen Kim, “North Korea States It Will Never Give Up Nuclear Weapons”, *Center for Strategic & International Studies*, September 9, 2022, <https://www.csis.org/analysis/north-korea-states-it-will-never-give-nuclear-weapons>. Accessed on September 15, 2022.

³ Ibid.

⁴ Anubhav S. Goswami, “Playing Fire with Fire, Seoul Backs Pre-Emptive Strike Strategy on North’s N2C”, *Centre for Air Power Studies*, August 9, 2022, <https://capsindia.org/playing-fire-with-fire-seoul-backs-pre-emptive-strike-strategy-on-norths-n2c/>. Accessed on September 16, 2022.

⁵ Ibid.

⁶ “North Korea declares itself a nuclear weapons state”, *NPR*, September 10, 2022, <https://www.npr.org/2022/09/10/1122196021/north-korea-declares-itself-a-nuclear-weapons-state>. Accessed on September 16, 2022.

⁷ Ibid.

⁸ Kim, n. 2.