

The Democratic People's Republic of Korea (DPRK) or North Korea formally promulgated its nuclear weapons policy on September 8, 2022. After conducting a string of nuclear weapons and missile tests, Supreme Leader Kim Jong-un announced the decision at the 7th Session of the 14th Supreme People's Assembly¹ (SPA) to make the country's nuclear weapons a permanent fixture and not up for 'bargaining.'² This marked the move towards the irreversible status of the country as a nuclear-weapon state and ended any speculation of negotiations relating to denuclearisation.

The announcement came ahead of the 74th founding anniversary of North Korea, where the North Korean Supremo announced the country's status as a "responsible nuclear weapon state."³ He reiterated that nuclear weapons capability is essential for "defending the sovereignty, territorial integrity, and fundamental interests of the state, preventing a war on the Korean peninsula and in northeast Asia, and ensuring the strategic stability of the world."⁴ This law could be put into effect if Pyongyang feels a nuclear assault is imminent and that dangers to its survival or its nuclear forces' command structure exist. The current law gives North Korea's 2013 declaration of nuclear weapons status a lasting effect, a crucial move following the 'North Korean Crisis of 2017.'

Prior to this development, at the 6th Enlarged Plenary Meeting of the Worker's Party held in early 2021, there were deliberations on testing, expansion of the missile and nuclear arsenal (including ICBMs), and modernisation of the weaponry within five years to attain quick counter-strike capacity.⁵ There was also mention of developing tactical nuclear weapons and accelerating the progress of a military satellite for intelligence-gathering purposes. Further, the need to regularly update the nuclear arsenal to meet the changing nature of international threats also figured prominently.

Highlights of the Nuclear Law of the DPRK

The primary rationale behind sustaining the nuclear weapons capability of North Korea is to possess a functional deterrence mechanism against hostile states that might intend to start a "war on the Korean peninsula and in Northeast Asia,"⁶ as well as destabilise the international security structure. North Korea has constantly proclaimed to possess a wide range of nuclear weapons and weapon-delivery systems, including a robust command and control system. The principle of last resort has been applicable regarding the use of nuclear weapons. The nuclear posture of North Korea is to be at a regular level of readiness, which lets it be prepared to respond to any emergency security situation. It is noted that North Korea has kept the option of using its nuclear weapons in a pre-emptive manner in the event of an ensuing strategic threat and failure of the country's existing deterrence mechanism.

By pledging not to target any nation without nuclear weapons, transfer nuclear weapons, relevant technology and equipment, or nuclear substances with the potential to use as weapons, North Korea maintained its commitment to upholding the non-proliferation standards. This demonstrated Kim Jong-un's willingness to present North Korea as a responsible nuclear-armed state. This is further encapsulated in the nuclear strategy document, which mentions the resolve to maintain the safety and security of the country's nuclear facilities in accordance with national regulations and management systems instead of compliance with an international regulation under the 2013 nuclear weapons law.⁷

Reactions

In his speech to the SPA, at the unveiling of the country's nuclear weapons policy, Kim Jong-un stated that the primary goal of the country's nuclear programme was to successfully deter threats from countries like the United States. Several responses subsequently came about as a result of the publication of North Korea's nuclear policy. On the one hand, North Korea had positioned itself as a responsible nuclear weapon state, but the discussion on any steps toward denuclearisation has come to a stop. Furthermore, following the publication of its nuclear policy statement, North Korea increased the frequency of its missile testing, resulting in more significant nuclear and military concerns in the area.

North Korea's updated nuclear policy has raised national security concerns in Japan and the Republic of Korea (ROK) or South Korea, which are its immediate neighbours. 2022 has seen the highest number of missile test since the 2017 North Korean missile crisis, including "Korea's short- and medium-range systems comprising a host of artillery and short-range rockets, including its legacy Scud-based and No-Dong missiles."⁸ In addition, it has made progress towards developing its long-range missile program, such as the Hwasong-15 intercontinental ballistic missile (ICBM). This has gone hand-in-hand with strides in developing its space program. The numerous missile tests were considered to have come as a response to the US-South Korea military exercise Vigilant Storm, which worked on bolstering regional interoperability. In the recently released 2022 Nuclear Posture Review (NPR) of the United States that came out in October 2022, North Korea has been mentioned as a persistent threat⁹ to itself and its allies in the Indo-Pacific, along with it being "a target for the US nuclear weapon planning."¹⁰ This is because the close allies of the US in the northeast Asian region, such as Japan and South Korea, appear to be within the targeting range of the majority of the North Korean missile launches. On October 3, 2022, North Korea fired "an intermediate-range ballistic missile (IRBM), Hwasong-12, over the Japanese archipelago into the

Pacific Ocean”¹¹ and fired another ICBM in November near Japanese waters that had the range to reach mainland US territories. North Korea has threatened to expand its nuclear and missile arsenals further. Additionally, the belief by the North Korean regime that it can use tactical nuclear weapons to target South Korea to leverage a limited nuclear conflict is misplaced and has the potential to spiral down to a full-blown nuclear conflict.

Consequently, the South Korean government has started discussing plans to work towards being self-reliant for nuclear deterrence purposes, which might imply “the reintroduction of US tactical nuclear weapons, to NATO-style nuclear-sharing programs, to the acquisition of nuclear latency.”¹² According to US Defense Secretary Lloyd Austin, to sustain its commitment to extended deterrence towards its allies in the region, the US has deployed the nuclear-powered aircraft carrier USS Ronald Reagan for the military exercise mentioned earlier. There were also suggestions to restart the dialogues between Japan, South Korea, and the US on trilateral security cooperation and information-sharing, which had been suspended earlier because of rising tensions between Japan and South Korea.¹³

Furthermore, the South Korean government, after being driven up the wall by the nuclear threats from North Korea’s testing and developing advanced missiles and nuclear program, had contemplated acquiring tactical nuclear weapons.¹⁴ However, as South Korea is a signatory to the NPT, it would be a violation of the treaty to acquire nuclear weapons. Instead, President Yoon Suk Yeol has proposed that US tactical nuclear weapons be moved to the peninsula or that South Korea get its own nuclear arsenal.¹⁵ But President Biden responded negatively when Yoon claimed that Seoul and Washington were talking about conducting joint nuclear exercises. Yoon, meanwhile, insisted he has complete confidence in the US’ extended deterrence in an interview with The Wall Street Journal on the outskirts of Davos.¹⁶

These events have dashed the hopes of a diplomatic dialogue between North Korea and the South Korea. North Korea has openly stated its disinterest in maintaining diplomatic relations with the Yoon Suk-Yeol government of South Korea. Meanwhile, the US, the United Kingdom, France, Albania, Norway, and Ireland had called for a UN Security Council (UNSC) meeting on October 5, 2022,¹⁷ to deliberate on the issue of unprecedented North Korean weapon launches. However, given the Russia-Ukraine ongoing conflict and China’s belligerent behaviour and weapon modernisation, the move was blocked by Russia and China, with the rationale that it might further alleviate tensions in the region. It is believed that Pyongyang is attempting to bandwagon diplomatically with China and Russia to balance the presence of the United States in the area.¹⁸

Thus, the ship appears to have set sail with the intention of diplomatically persuading North Korea to denuclearise. However, Kim's strategic vision for the nation is demonstrated by preparations to test yet another nuclear weapon as well as grow and improve the country's nuclear and missile capabilities. Rather, renewed efforts must be made to prevent the North Korean government from engaging in proliferative behaviour with other non-nuclear states.

NOTES:

¹ Mitch Shin, "With New Law on Nuclear Forces Policy, North Korea Says its Nuclear Status is 'Irreversible'", *The Diplomat*, September 9, 2022, <https://thediplomat.com/2022/09/with-new-law-on-nuclear-forces-policy-north-korea-says-its-nuclear-status-is-irreversible/>. Accessed 10 January 2023.

² "North Korea makes Nuclear Weapon Policy 'Irreversible'", *Nikkei Asia*, September 9, 2022, <https://asia.nikkei.com/Spotlight/N-Korea-at-crossroads/North-Korea-makes-nuclear-weapons-policy-irreversible>, Accessed January 10, 2023.

³ "Law on DPRK's Policy on Nuclear Forces Promulgated", *KCNA Watch*, September 9, 2022, <https://kcnawatch.org/newstream/1662687258-950776986/law-on-dprks-policy-on-nuclear-forces-promulgated/>, Accessed 12 January 2023.

⁴ Ibid.

⁵ Hyonhee Shin, "North Korea's Kim unveils new military goals at key party meeting -KCNA," *Reuters*, December 28, 2022, <https://www.reuters.com/world/asia-pacific/north-koreas-kim-unveils-new-military-goals-key-party-meeting-kcna-2022-12-28/>. Accessed January 14, 2023.

⁶ Ibid.

⁷ Jun Bong-guen, "Comparing North Korea's Nuclear Forces Policy Laws," *Asia-Pacific Leadership Network*, November 21, 2022, <https://www.apln.network/analysis/commentaries/comparing-north-koreas-law-on-nuclear-forces-policy-2022-with-the-law-on-consolidating-the-position-of-nuclear-weapons-state-2013>, Accessed January 14, 2023.

⁸ Missile Defense Project, "Missiles of North Korea," *Missile Threat, Centre for Strategic and International Studies*, June 14, 2018, last modified November 22, 2022, <https://missilethreat.csis.org/country/dprk/>. Accessed January 15, 2023.

⁹ "2022 National Defense Strategy of The United States of America," *U.S. Department of Defense*, <https://media.defense.gov/2022/Oct/27/2003103845/-1/-1/1/2022-NATIONAL-DEFENSE-STRATEGY-NPR-MDR.PDF> . Accessed 25 November 2022.

¹⁰ Josh Smith, "New North Korea Law Outlines Nuclear Arms Use, Including Pre-emptive Strikes," *Reuters*, September 9, 2022, <https://www.reuters.com/world/asia-pacific/nkorea-passes-law-declaring-itself-nuclear-weapons-state-kcna-2022-09-08/>. Accessed 2 December 2022.

¹¹ Victor Cha, Ellen Kim, and Andy Lim, "North Korea Tests Missile over Japan," *Centre for Strategic and International Studies*, October 5, 2022, <https://www.csis.org/analysis/north-korea-tests-missile-over-japan-0>. Accessed January 15, 2023.

¹¹ Bong-guen, n. 7

¹² Bong-guen, n. 7

¹³ Joe Gould, "US, South Korea to Extend Military Drills After North Korean Launches," *Defense News*, <https://www.defensenews.com/pentagon/2022/11/03/us-south-korea-to-extend-military-drills-after-north-korean-launches/>. Accessed January 16, 2023.

¹⁴ Choe Sang-Hun, "In a First, South Korea Declares Nuclear Weapons a Policy Option", *The New York Times*, January 12, 2023, <https://www.nytimes.com/2023/01/12/world/asia/south-korea-nuclear-weapons.html>. Accessed January 20, 2023.

¹⁵ Paula Hancocks, "Why are South Koreans losing faith in America's nuclear umbrella?", *CNN*, January 21, 2023, <https://edition.cnn.com/2023/01/21/asia/us-nuclear-umbrella-south-korea-analysis-intl-hnk-dst/index.html>. Accessed January 22, 2023.

¹⁶ Ibid.

¹⁷ Lim, n. 11

¹⁸ Shin, n. 1

