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North Korea's *fait accompli*

Implications of the changing status quo on the Korean Peninsula

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While the world's attention is focused on Russia's war against Ukraine and the intensifying conflict between the US and China, the security situation on the Korean Peninsula has continued to deteriorate. North Korea is steadily advancing the expansion of its military capabilities and recently undertook significant changes in its nuclear doctrine. At the same time, the rapidly changing geopolitical context makes a resolution of the North Korean nuclear conflict even less likely. North Korea's unilateral change of the status quo on the Korean Peninsula poses a serious challenge to the international community, which has few options to counter this threat that is far too dangerous to ignore.

Despite long-term efforts by the international community to prevent North Korea from acquiring nuclear weapons, Pyongyang has continued its development unabated, successively altering the status quo on the Korean Peninsula. Following its last nuclear test in 2017, after which North Korea — officially the Democratic People's Republic of Korea (DPRK) — announced it had “completed the state nuclear force,” the country intensified efforts to further develop and diversify its missile systems. It conducted a record number of over 40 ballistic missile tests since the beginning of this year alone, and it ended the self-imposed 2018 moratorium on long-range ballistic missile tests. The country is investing in the development of new types of missiles, such as launchers capable of carrying multiple warheads, hypersonic missiles, new submarine-launched ballistic missiles,

and more manoeuvrable long-range cruise missiles, as well as solid-fuelled, short-range ballistic missiles. North Korea is particularly invested in further developing those technologies that make missiles easier to transport, faster to launch, and harder to detect. On October 10, 2022, North Korea's KCNA news agency reported that the country had held an exercise of tactical nuclear units, conducting, among other things, “ballistic missile launch exercises simulating the loading of tactical nuclear warheads.”

In addition to the progress in the missile program, corresponding activities at the Punggye-ri nuclear test site indicate that North Korea is also paving the way for further nuclear tests. According to a report by the UN Sanctions Committee, satellite imagery indicates that necessary preparations, such as rebuilding the tunnel network at the test site, have been largely com-



pleted. According to the report, North Korea has also increased its fissile material production capacity at the Yŏngbyŏn facility.

North Korea's changing nuclear posture

In parallel with the further development of its military capabilities, North Korea has also taken steps to modify its nuclear doctrine. Ever since North Korea's first nuclear test, documents, legislation, and individual statements from the regime suggested that the primary mission of its nuclear weapons program was to deter war and secure regime stability. Its nuclear weapons were consequently described as "purely defensive." Despite early claims that it would never use nuclear weapons first — a stance that was also legislatively codified with the 2013 "Law on Consolidating the Position of Nuclear Weapons State" — subsequent statements have undermined this claim. While earlier statements and documents hinted at the possibility that North Korea reserved the right to employ a tactical use of nuclear weapons if provoked, this was made more explicit in April 2022 when Kim Jong Un openly pointed to a "second mission" for North Korea's nuclear weapons. In a speech celebrating the 90th anniversary of the founding of the Korean People's Revolutionary Army, Kim Jong Un not only pledged to strengthen North Korea's nuclear weapons program "in terms of both quality and scale," but also suggested that its use was not limited to the prevention of war.

On September 8, 2022, North Korea's parliament, the Supreme People's Assembly, promulgated a new law "on the state policy of the nuclear forces." Among other things, the law explains the overall purpose, importance, and role of nuclear weapons in North Korea's defence strategy and sets out the conditions under which the country would use them. While certain assurances, for instance regarding non-proliferation, are repeated, two aspects of the new doctrine are particularly significant.

First, the new law emphasises the possibility of first use, including a pre-emptive strike, in North Korea's nuclear strategy. While the 2013 law provided that nuclear weapons could be used to repel an invasion or attack by a hostile nuclear state and to retaliate accordingly, the new law goes beyond this stipulation. It now permits pre-emptive nuclear strikes if an imminent attack with weapons of mass destruction or an attack against "strategic objectives" of the country, including its leadership, are detected.

Second, the law elaborates on the delegation of authority with respect to commanding the use of nuclear weapons. Apparently to undermine the effectiveness of South Korea's "kill chain strategy," a preemptive strategy to take out the North Korean leader(ship) and key military centers if Pyongyang plans to attack South Korea, the law does emphasise that Kim Jong Un would have "all decision-making authority with respect to nuclear weapons." However, in the event of an attack on North Korea's command and control centre, "a nuclear strike would be carried out automatically and immediately."

On the one hand, these developments indicate that North Korea is adjusting its policy in the face of a changing strategic environment, and on the other, it also speaks to Pyongyang's self-perceived normalisation and consolidation of its position as a nuclear weapons state.

Implications of the changing geopolitical context

North Korea's missile program advancements and the changes to its nuclear posture take place in a rapidly changing regional and global context which Pyongyang is obviously trying to exploit in its favour. The increasing tension between the US and China as well as Russia's war against Ukraine provide the DPRK with new room for manoeuvre, which, in turn, will likely further lessen the probability that North Korea will engage in negotiations

with the international community on its nuclear weapons program. In fact, the shifting geopolitical context in Northeast Asia appears to be buttressing Kim's survival strategy for the time being. This was arguably most visible on May 26, 2022, when Russia and China, for the first time since the 2006 inception of the sanctions regime on the DPRK, vetoed a US-led draft to impose new UNSC sanctions on North Korea following its renewed ballistic missile launches.

North Korea's relationship with Russia in particular appears to be gaining momentum as a consequence of the latter's increasing isolation. Pyongyang first provided tangible support to Russia over Ukraine in March 2022, when North Korea was one of just five nations that opposed a UN General Assembly motion condemning the invasion. On July 14, 2022, North Korea officially recognised two breakaway regions in eastern Ukraine, the People's Republic of Donetsk and the People's Republic of Luhansk, as independent states, making it one of the earliest and only countries aside from Russia to formally recognise the entities. North Korean foreign minister Choe Son Hui expressed her country's intention to develop "state-to-state relations" with the two republics. Moscow, in return, labelled North Korea "a very important strategic partner for Russia," signalling that North Korean workers could play a crucial role in rebuilding the Donbas region. However, neither Pyongyang nor Moscow have made any public or official statements about sending, or being prepared to send, any North Korean troops or "volunteer" units to fight alongside the Russians. In early September 2022, US intelligence reports suggested that Russia is buying millions of artillery shells and rockets from North Korea.

In parallel to providing support to Russia's invasion of Ukraine, North Korea has also provided rhetorical support to China's stance on Taiwan. In early August 2022, a North Korean Foreign Ministry spokesperson denounced speaker of the US House of Representatives Nancy Pelosi's visit to Taiwan, accusing Washington of "impudent

interference [...] in internal affairs" and "intentional political and military provocations." While describing Taiwan as "an inseparable part of China," the spokesperson also signalled support for Beijing's stark warnings to the US over Pelosi's visit, stating that "it is the due right of a sovereign state to take counter measures against the moves of the outside forces openly interfering in its internal affairs."

For North Korea, the rivalry between China and the US, as well as Russia's war against Ukraine, provides it with greater Chinese and Russian political support and a noticeable widening of its room for manoeuvre. Conversely, for Russia and China, North Korea's strategic value has also dramatically increased.

Uncomfortable truths

North Korea's transition to a *de facto* nuclear state is a *fait accompli* that has changed the status quo on the Korean Peninsula. Recognising this new reality does not mean legitimising North Korea's status as a nuclear power or abandoning the (long-term) goal of denuclearising North Korea. Rather, it is a matter of using military and diplomatic means in an expedient and purposeful manner in accordance with this new reality and the subsequent altered conditions. This, however, requires that the international community acknowledge some unwelcome and uncomfortable political truths in light of this new reality.

First, the international community has a limited ability to contain Pyongyang's plans to build up its military. North Korea has proven willing to pay an extremely high political and economic price, withstand political and economic pressures from both its adversaries and its most important political and economic "partners" (i.e. China), and ultimately link its survival and security strategy to the possession of nuclear weapons.

Against this backdrop, it must be recognised that, second, all previous attempts by the international community to divert

North Korea to a path of denuclearisation have failed. Neither diplomacy nor political and economic pressure have led to the desired goal of a complete, verifiable, and irreversible destruction of North Korea's nuclear program.

Therefore, third, it must be acknowledged that North Korea will not give up its nuclear weapons for the time being. This is both reflected in its official rhetoric and informal statements, and its actions. Since the collapse of the February 2019 Hanoi Summit with former US President Donald J. Trump and a subsequent working-level meeting in Stockholm, Sweden, in October that year, North Korea has been reluctant to return to the negotiating table. Kim Jong Un's bet on being able to negotiate with the US didn't pay off and, since then, Pyongyang has gone all-in on expanding its nuclear and missile programs. A comprehensive five-year defence modernisation plan, first announced in January 2021 and in which tactical nuclear weapons development also plays a critical role, is being implemented unabated. In early September 2022, Kim Jong Un expressed defiance about the prospect of ever disarming, indicating that North Korean denuclearisation would only occur when nuclear weapons were eliminated worldwide.

Against this backdrop it is hardly surprising that all recent US and individual EU member states' proposals to DPRK officials to re-engage in denuclearisation negotiations have been rejected by the North Korean side. As North Korea has acquired nuclear weapons and is currently not willing to abandon them, it is to be assumed that any dialogue format and approach that is aimed at or focused on a complete, verifiable, and irreversible denuclearisation is currently doomed to fail. This, in turn, raises the question of what options remain for the states involved and what aspects of the current strategy for dealing with North Korea need to be adjusted in light of the new status quo on the Korean Peninsula.

(Limited) options for the international community

There is no doubt that the current situation is extremely complicated and that the international community's options for action are limited. However, in view of the continually worsening military and security threats emanating from North Korea, simply ignoring the challenge is not a realistic option. Rather, current strategy needs to be adapted to the changed realities on the Korean Peninsula.

Two pillars of an adjusted strategy

If we assume that the resumption of a robust dialogue on North Korea's denuclearisation is currently unrealistic as it is more of a long-term aspiration, then it is essential to adopt a more pragmatic short- to medium-term approach. Specifically, two elements of the current approach should be modified to take into account the new status quo on the Korean Peninsula: this involves 1) taking targeted steps towards strengthened extended deterrence and defence cooperation between South Korea and the US as well as between South Korea, the US, and Japan; and 2) shifting the focus of engagement with North Korea from denuclearisation towards managing the threats posed by Pyongyang.

Strengthening deterrence and regional defence cooperation

Given North Korea's steadily growing capabilities, it is crucial for the US, South Korea — officially the Republic of Korea (ROK) — and Japan to enhance the credibility of extended deterrence on and around the Korean Peninsula going forward. Accordingly, deterrence measures must reflect the changed status quo on the Korean Peninsula and thus be designed as being directed against a state possessing, not seeking to possess, nuclear weapons. The resumption of both the Extended Deterrence Strategy and Consultation Group (EDSCG) — a high-level US-ROK forum for

comprehensive discussions on strategy and policy issues to strengthen alliance deterrence on the Korean Peninsula and stability in the Indo-Pacific region — as well as joint US-ROK military exercises are crucial steps in that direction. The US needs to clearly affirm its long-term commitment to South Korea's security and communicate to North Korea that it would immediately retaliate should Pyongyang use (tactical) nuclear weapons against its regional allies.

Strengthening deterrence also requires the continued and regular deployment of US strategic assets in defence of the ROK, to which the US again committed after North Korea passed its nuclear law in early September 2022.

Extended deterrence measures must be accompanied by a serious debate on alliance modernisation, which will be a necessary component for the future security cooperation mechanism. Respective discussions will likely include the details and components of a further strengthened US-South Korea counter-missile strategy and defence system to better detect North Korean missiles and launchers, better defend against those missiles with adequate missile defence systems, and destroy the launchers and missiles themselves. This, however, would require Seoul and Washington to significantly invest in and employ a range of capabilities, including sensors, advanced command and control systems, intelligence, surveillance, and reconnaissance technology, and different weapons systems.

Equally important is a strategic adjustment of the joint military exercises between the ROK and US. In order to identify vulnerabilities, if any, and to better prepare for a conflict that might include the use of (tactical) nuclear weapons, the scenarios underpinning joint military exercises must be modified to reflect the changed status quo on the Korean Peninsula.

The US will likely face challenging trade-offs as it weighs competing priorities in simultaneously implementing military postures in Europe and Asia. As a result, Washington will likely expect greater contribu-

tions from its Asia-Pacific allies in order to execute an “effective multi-theatre strategy in an era of great-power rivalry.” Hence, Seoul will need to further increase its investment in the development of indigenous capabilities that can counter the multiple threats originating from North Korea.

Lastly, greater trilateral security cooperation between the US, the ROK, and Japan must be built to further enhance regional deterrence. Although there are limits to this cooperation in the short- to medium-term due to ongoing and complicated historical disputes, focus should be placed on areas where trilateral cooperation is imperative to extended deterrence. Both high-level dialogue and Track 1.5/2 consultations can be helpful to build both trust and broader support for sustained security cooperation regardless of shifting political dynamics.

Shifting the focus of diplomacy

As diplomatic re-engagement with Pyongyang on denuclearisation is currently unrealistic, it is necessary to shift the focus to discussing tangible ways to manage the nuclear threats posed by the country in the short-term. Focusing on managing the threats emanating from North Korea's increasing capabilities is all the more pressing as the country has continued to develop its nuclear and missile programs free from international scrutiny since 2009 when all International Atomic Energy Agency seals and surveillance cameras were removed from the Yŏngbyŏn central facility. Since the Six-Party Talks agreements of 2007, there has been no arrangement with North Korea to halt the development of its programs, as neither the Obama administration's Leap Day agreement (2012) nor the Trump administration's Singapore Joint Statement (2018) were implemented.

In order to begin closing the knowledge gap that has emerged in the wake of North Korea's national lockdown and intense decoupling from the international community, but also to evaluate the possibility of resuming official contacts with North Korea to explore potential topics, and to consider

what incentives, if any, might be realistic, informal Track 1.5 talks could play an important role, that is, once Pyongyang decides to end its self-imposed lockdown. European think tanks in particular have repeatedly played a central role in fostering informal channels of communication with North Korea in the past, especially when official government exchanges were blocked. Potential topics and issues that may prompt North Korean re-engagement could include discussions of nuclear non-proliferation, improvement of the overall transparency or safety of the DPRK's nuclear program, and (eventually) arms control. China may also have an interest in participating in such talks and Europe should coordinate closely with Beijing on these matters. In particular, the issue of non-proliferation could well be the most likely topic to offer realistic opportunities for the resumption of informal contacts with North Korea. Article 10 of the September 2022 nuclear law states that "the DPRK [...] shall neither deploy nuclear weapons in the territory of other countries nor share them and not transfer nuclear weapons, technology and equipment concerned and weapon-grade nuclear substances." Such statements could constitute the foundations from which direct engagement with North Korea emerges, particularly as it relates to these and other non-proliferation-related issues.

Arguments against accepting a new status quo

To be sure, accepting, even temporarily, that the status quo has changed and then subsequently shifting the primary objective of diplomacy with North Korea away from denuclearisation to other issues would constitute a major policy change, especially as so many international decision-makers have declared that they would never tolerate a nuclear North Korea. As such, there are substantial arguments that can be levelled against changing course.

First, accepting a new status quo on the Korean Peninsula could have adverse implications for the global non-proliferation

regime and further harm the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). While it is true that a nuclear-armed North Korea weakens the NPT, simply disregarding the fact that the DPRK has changed the status quo on the Korean Peninsula and that we have less knowledge about the program than before, certainly doesn't bolster the Treaty's credibility. Conversely, it further increases the security risks on the Korean Peninsula and beyond, and makes the resumption of contacts with North Korea, especially on the subject of non-proliferation, all the more urgent.

Second, accepting a new status quo could send the message that bad behaviour is rewarded, as an illicit nuclear program is conferred with legitimacy. In other words, after years of North Korea disregarding UN Security Council resolutions demanding it to halt the development of its nuclear and missile programs, any acceptance of the status quo could imply recognition and send the message (to North Korea and others) that such (illegal) actions effectively have no consequences. Pyongyang could therefore be tempted to continue to engage in other illicit activities without fear of retribution from the US or the international community at large. However, recognising the new realities on the Korean Peninsula and thus accepting, for the time being, the fact that North Korea is a *de facto* nuclear power, would not legitimise the country's status as a nuclear power nor would it automatically reduce pressure on Pyongyang. North Korea would continue to face a comprehensive international sanctions regime that deprives it of most imports and exports. Further, Pyongyang would be faced with an enhanced deterrence strategy implemented by Seoul, Washington, and Tokyo.

Third, accepting a new status quo could encourage other countries in and beyond the region to push ahead with their own nuclear programs. On the one hand, states such as Iran may be tempted to think that such programs are the best way to prevent an invasion by a foreign power. However, it is more than questionable the extent to

which North Korea's path to nuclear weapons can even be considered as an "example" for other countries. No other country seems to be willing take this course that would cause it to pay such a high political and economic price while linking its very survival so intrinsically to the possession of nuclear weapons. On the other hand, some warn that a nuclear North Korea could tilt the balance in favour of those in South Korea and Japan who advocate for Seoul and Tokyo to develop their own nuclear arsenals. Yet, whether Seoul and Tokyo decide to pursue their own nuclear weapons programs ultimately depends primarily on the credibility of the US's deterrence rather than on the temporary acceptance of a new status quo.

Final thoughts

"The time for dialogue on denuclearisation is over." This is how a North Korean official recently put it in Europe during an informal exchange. Indeed, the likelihood of resuming denuclearisation negotiations with North Korea is extremely low at the moment. This reality is clearly discernible when observing not only North Korea's unabated implementation of a military rearmament program but also its efforts to (re-)position itself within the competition among great powers and the changing geopolitical constellations of Northeast Asia. Whether the international community wants to admit it or not, North Korea is a de facto nuclear power and has made the strategic decision to fully link its survival strategy to the possession of nuclear weapons. Therefore, a modified approach to North Korea must consider the changed status quo on the Korean Peninsula. This does not mean legitimising North Korea's nuclear program, nor does it mean abandoning the long-term goal of its denuclearisation. Rather, it means using the military and diplomatic means of the states involved

in a more targeted and purposeful way, based on a sober assessment of the actual political reality on the Korean Peninsula. Militarily, this means targeted deterrence measures against a de facto nuclear state. Diplomatically, the short- to medium-term focus should be shifted to specific challenges just below the threshold of denuclearisation.

European actors can play an important role in communicating this strategic re-adjustment toward North Korea and provide the necessary channels for dialogue at the informal and official levels. They can also play an important role in communicating this strategy to China. Even if such a step might be politically controversial and its success all but guaranteed, progress on the North Korea issue is hardly conceivable so long as the international community continues to proceed on the basis of unfounded expectations and assumptions. This includes the delusion that North Korea can somehow be persuaded or forced to abandon its nuclear weapons.

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