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Austral Peace and Security Network (APSNet)

Thursday 22 September 2005

Bi-weekly report from the Nautilus Institute at RMIT, Australia.

1. ["Cabinet cops out of military justice"](#)
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 4. ["Games security drill expands beyond Victoria"](#)
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 6. ["Thursday Analysis: DPRK nuclear situation"](#)
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1. "Cabinet cops out of military justice", Financial Review, 2005-09-20The federal government has bowed to Defence Force pressure to reject key elements of a scathing Senate committee report calling for a radical overhaul of Australia's military justice system.
 2. ["\\$200M to secure nation's airports"](#), Jewel Topsfield, The Age, 2005-09-22Almost \$200 million will be spent boosting security at Australia's 11 busiest airports after Sir John Wheeler, a British aviation expert, slammed the policing at the airports as "often inadequate and dysfunctional".
 3. ["Downer addresses UN on terrorism threat"](#), The Age, 2005-09-22Australia's Foreign Minister Alexander Downer urges the international community to commit to a new framework to deal with the threat of terrorism at the 60th session of the UN General Assembly.

4. "[Games security drill expands beyond Victoria](#)", The Age, 2005-09-22 The security exercise, Mercury 05, will be expanded to deal with the threat of co-ordinated terrorist attacks being carried out across Australia during the Commonwealth Games. The exercise will involve Victoria, South Australia, Western Australia and NSW.
5. "[The greening of Howard and Bush](#)", Jon Stanford, The Age, 2005-09-22 The Asia-Pacific Partnership on Clean Development and Climate includes Australia, the US, Japan, China, India and South Korea. It has the potential to build a new approach to climate change after the Kyoto Agreement's likely close in 2012. It meets later this year in Adelaide.

Thursday Analysis

Light Water Reactors at the Six Party Talks: The Barrier that Makes the Water Flow

Peter Hayes, David von Hippel, Jungmin Kang, Tatsujiro Suzuki, Richard Tanter, Scott Bruce

The DPRK took less than twenty four hours to dispel any illusions that the Joint Statement Released at Six-Party Talks on September 19th, 2005 (see Attachment 1) had resolved the nuclear confrontation between the international community and North Korea (hereafter DPRK).

Containing five points, the Joint Statement carefully finessed the issue of provision of power reactors to the DPRK. Under the October 1994 Agreed Framework, the United States took responsibility for provision of two light water reactors (LWRs), which was undertaken but never completed by the Korea Peninsula Energy Development Organization or KEDO. The KEDO LWR project was frozen and all-but-terminated by the Bush Administration as part of its response to DPRK enrichment activity. In previous Six-Party Talks, the United States has simply refused to countenance resumption of nuclear power in the DPRK of any type.

In order to obtain any Joint Statement at all, the US negotiator Chris Hill shifted from the Bush Administration's "never again" position to one of avowing "respect" for the DPRK regaining its sovereign right to acquire LWR technology and to discuss such provision at an "appropriate" time. Hill could not commit to this position, however, until he saw the DPRK commit to the magic word "all" in the Joint Statement, that is, to dismantlement of all DPRK nuclear weapons and "existing" (that is, plutonium and enriched uranium) nuclear weapons programs.

Once the Chinese secured this commitment as delegates were packing their bags to leave empty-handed, Hill was able to agree to discussing provision of LWRs at an appropriate time. By so doing, he did not commit to the United States providing American LWR technology, nor to funding or facilitating this provision. Rather, he simply committed the United States to discussing the modality and date of such provision in the future.

Unsurprisingly, the DPRK has declared the time for such a discussion is now in a Foreign Affairs Ministry statement issued by KCNA on September 20st (see Attachment 2). They have further advanced their view that the right modality for such provision is for the United States to take the responsibility for achieving it. They have not, however, demanded that the LWRs be American, as was practically the case in the LWR transfer undertaken by KEDO.

Here, the story gets a bit arcane. In 1985, the DPRK struck an agreement with the former Soviet Union to obtain two Russian power reactors - also light water reactors of a different technological lineage to American LWRs. Indeed, the Russians surveyed the seismic suitability of the site at which

KEDO began to construct American-style reactors made in South Korea. However, lack of DPRK financing stalled the Soviet's sale of LWRs, and Russia was only a minor player in the KEDO LWR project. The North Koreans also never paid for the survey which was promptly used by KEDO, much to the Soviets/Russians chagrin.

The Joint Statement does not specify the source of the technology nor who would provide it. But the DPRK demand on September 20th that the United States be responsible for the provision implies the following outcomes. First, the institutional vehicle for such provision likely would be KEDO which the United States heads, backed by South Korea and Japan, plus a raft of other smaller donors such as the European Union, Australia, Canada, etc.

Second, given the political and legal near-impossibility of obtaining American congressional approval for American LWR technology exports to the DPRK as is required by the 1958 US Atomic Energy Act, KEDO would switch from American LWRs to Russian LWRs. Thus, the latest DPRK statement is neither impractical nor implausible on these scores.

However, the Foreign Affairs Ministry also indicates the timelines for LWR provision and links them in a manner anticipated by the Statement, "in a phased manner in line with the principle of "commitment for commitment, action for action."

The Foreign Affairs Ministry asserts vaguely that the United States must provide LWRs to the DPRK "as early as possible." But then it drops the bombshell that the United States should "not even dream of the issue of the DPRK's dismantlement of its nuclear deterrent before providing LWRs, a physical guarantee for confidence-building."

Taken at face value, this implies that the DPRK envisages not completing or commencing dismantlement of all its existing nuclear weapons programs before LWRs from Russia are completed in the DPRK - that is, at least five years, which is after the Bush Administration expires and hardly "as early as possible." Obviously, this would be risky for the DPRK as past Administrations have shown no compunction in abandoning past sovereign commitments to the DPRK.

Therefore, one must conclude that the DPRK has a more reasonable position in mind than what this harsh statement implies on first reading. For taken literally, "as early as possible" would mean "never."

To infer what the DPRK might be thinking about a meeting of minds on this score, one must return to the Joint Statement. Therein, the DPRK committed "to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date."

What might constitute an "early date" for the six parties?

Clearly, waiting for LWRs, even Russian LWRs, to be built would not be an "early date." From a practical, and therefore an American perspective, dismantlement could take between 3 months and a year, based on the South African and Libyan precedents.

However, certification that the DPRK is in compliance with its full NPT and IAEA safeguards obligations will take much longer. IAEA certification will require extensive access to sites, lengthy and repeated interviews with North Korean nuclear personnel, and documentation.

To resolve the uncertainty related to the first reprocessing campaign will likely involve drilling into the graphite core of the research reactor at Yongbyon to reconstruct the operating history of the reactor and therefore the plutonium production at various times all the way back to 1987. Stringent certification will take at least one and more likely two or three years.

Thus, an early and appropriate time for a discussion of the timing and modality of LWRs to the DPRK would be after dismantlement but before completion of the compliance certification; with provision of LWRs to commence after certification is complete. The faster the dismantlement, the faster the DPRK would get to the LWR discussion.

The Foreign Affairs Ministry also explains why the DPRK insists that US provision of LWRs is the critical pivot for its willingness to enact the points contained in the Joint Statement. It says that it seeks a "physical" confidence building measure between the United States and the DPRK that goes beyond words to actions that demonstrate that intentions have changed. In this way, the LWR issue is simply the "barrier that makes the water flow" from a DPRK perspective.

Like a pitbull with jaws locked on Chris Hill's leg, the DPRK is determined that the United States will not secure its nuclear disarmament for a pile of carrots or lemons. Rather, it seeks a security relationship with the United States, and it will not give up until it achieves this goal.

Thus, there is nothing inconsistent with the Joint Statement in today's KCNA text. It is the DPRK's prerogative to make maximum demands in the run-up to the next round. Such posturing is the diplomatic equivalent of the piercing scream made by a Korean martial artists readying to make a head kick to disorient and distract the adversary.

For seasoned negotiators used to North Korean "speed" tactics, however, it is also an early warning to observe the DPRK's angle of attack, step aside, and let it pass by harmlessly while steadfastly adhering to the fundamental principles in the Joint Statement.

Attachment 1:

TEXT-Joint statement from North Korea nuclear talks

19 Sep 2005 06:13:23 GMT

Source: Reuters

BEIJING, Sept 19 (Reuters) - Following is the full text of a joint statement issued in Beijing on Monday by the six parties involved in talks on defusing the nuclear crisis on the Korean Peninsula.

"For the cause of peace and stability on the Korean peninsula and in Northeast Asia at large, the six parties held in the spirit of mutual respect and equality serious and practical talks concerning the denuclearisation of the Korean peninsula on the basis of the common understanding of the previous three rounds of talks and agreed in this context to the following:

1. The six parties unanimously reaffirmed that the goal of the six-party talks is the verifiable denuclearisation of the Korean Peninsula in a peaceful manner. The DPRK (Democratic People's Republic of Korea) committed to abandoning all nuclear weapons and existing nuclear programmes and returning at an early date to the treaty on the nonproliferation of nuclear weapons and to IAEA ([International Atomic Energy Agency](#)) safeguards. The United States affirmed that it has no nuclear weapons on the Korean Peninsula and has no intention to attack or invade the DPRK with nuclear or conventional weapons. The ROK (South Korea) reaffirmed its commitment not to receive or deploy nuclear weapons in accordance with the 1992 joint declaration of the Denuclearisation of the Korean Peninsula, while affirming that there exist no nuclear weapons within its territory. The 1992 joint declaration of the Denuclearisation of the Korean Peninsula should be observed and implemented. The DPRK stated that it has the right to peaceful uses of nuclear energy. The other parties expressed their respect and agreed to discuss at an appropriate time the subject of the provision of light-water reactor to the DPRK.
2. The six parties undertook, in their relations, to abide by the purposes and principles of the

Charter of the United Nations and recognised norms of international relations. The DPRK and the United States undertook to respect each other's sovereignty, exist peacefully together and take steps to normalise their relations subject to their respective bilateral policies. The DPRK and Japan undertook to take steps to normalise their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern.

3. The six parties undertook to promote economic cooperation in the fields of energy, trade and investment, bilaterally and/or multilaterally. China, Japan, ROK, Russia and the U.S. stated their willingness to provide energy assistance to the DPRK. The ROK reaffirmed its proposal of July 12, 2005, concerning the provision of 2 million kilowatts of electric power to the DPRK.
4. The six parties committed to joint efforts for lasting peace and stability in northeast Asia. The directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum. The six parties agreed to explore ways and means for promoting security cooperation in northeast Asia.
5. The six parties agreed to take coordinated steps to implement the aforementioned consensus in a phased manner in line with the principle of "commitment for commitment, action for action".
6. The six parties agreed to hold the fifth round of the six-party talks in Beijing in early November 2005 at a date to be determined through consultations."

Attachment 2:

Statement of a Spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.

September 20, 2005

"The second phase of the fourth six-party talks on the nuclear issue between the DPRK and the U.S. that opened in Beijing on Sept. 13, drawing the attention of the international community, closed on Sept. 19.

The talks that started on the DPRK's positive initiative in August 2003 were held several times for the last more than two years, repeatedly going through twists and turns.

The talks, however, repeatedly proved fruitless and unproductive due to the conflicting stands among the parties concerned, contrary to the unanimous expectation of the international community toward the denuclearisation of the Korean Peninsula.

We have approached the talks with magnanimity, patience and sincerity, proceeding from the principled, fair and aboveboard stand to achieve the general goal of the denuclearisation of the peninsula at any cost. As a result, we have at last succeeded in meeting all these challenges, making it possible to agree on the joint statement, 'verbal commitments'.

The joint statement reflects our consistent stand on the settlement of the nuclear issue between the DPRK and the U.S. and, at the same time, the commitments of the U.S. and south Korea responsible for denuclearising the whole of the peninsula.

As already known, the issue over which the DPRK and the U.S. have had most serious differences in the 'verbal commitments' to denuclearise the peninsula so far was the issue of the former's right to nuclear activity for a peaceful purpose, to be specific, the issue of the U.S. provision of light water reactors (LWR) to the former.

It was due to these differences that the first phase of the fourth talks held in August last was compelled to go into recess without yielding any desired fruits.

The present U.S. administration, denying in principle the DPRK the right to nuclear activity for a peaceful purpose which pertains to an independent right of a sovereign state, insisted that it could not provide LWRs in any case under the pretext that the DPRK pulled out of the NPT (nuclear Non-Proliferation Treaty) and is no longer member of the IAEA (International Atomic Energy Agency).

Opposing this wrong stand of the U.S., we made it clear that the basis of finding a solution to the nuclear issue between the DPRK and the U.S. is to wipe out the distrust historically created between the two countries and a physical groundwork for building bilateral confidence is none other than the U.S. provision of LWRs to the DPRK.

We strongly demanded that the U.S. remove the very cause that compelled the DPRK to withdraw from the NPT by providing LWRs to it.

At the talks, all the parties concerned except the U.S. supported the discussion of the issue of respecting the DPRK's right to nuclear activity for a peaceful purpose and providing LWRs to it.

This time the U.S. delegation got in touch with Washington several times under the pressure of the trend of the situation and had no option but to withdraw its assertion.

The six-parties agreed to take harmonious measures to implement phase by phase the points agreed on in the joint statement in accordance with the principle of 'action for action' in the days ahead.

As clarified in the joint statement, we will return to the NPT and sign the Safeguards Agreement with the IAEA and comply with it immediately upon the U.S. provision of LWRs, a basis of confidence-building, to us. As already clarified more than once, we will feel no need to keep even a single nuclear weapon if the DPRK-U.S. relations are normalised, bilateral confidence is built and we are not exposed to the U.S. nuclear threat any longer.

What is most essential is, therefore, for the U.S. to provide LWRs to the DPRK as early as possible as evidence proving the former's substantial recognition of the latter's nuclear activity for a peaceful purpose.

The U.S. should not even dream of the issue of the DPRK's dismantlement of its nuclear deterrent before providing LWRs, a physical guarantee for confidence-building. This is our just and consistent stand as solid as a deeply rooted rock.

We have so far shaped our policies towards the U.S. hardliners and will do so in the future, too.

One should wait and see how the U.S. will move in actuality at the phase of 'action for action' in the future but should it again insist on 'the DPRK's dismantlement of nuclear weapons before the provision of LWRs', there will be no change in the nuclear issue between the DPRK and the U.S. and its consequences will be very serious and complicated.

If the U.S. opts for renegeing on its promise, we will go ahead without an inch of deflection along the road indicated by the Songun line, our faith and signpost."

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