

demonstration of international resolve needed to further effective diplomacy. North Korean criticism of the exercise was to be expected and can be ignored.

The Korean Peninsula is the last serious flashpoint left over from another era. There are other leftovers from the 1947–1989 Cold War between democracy and totalitarian communism, such as the China–Taiwan dispute, but they are generally not as serious.

Any war on the Korean Peninsula would, of course, be catastrophic unless North Korea imploded quickly with the effort. No matter how catastrophic, however, Australia would be involved. We are a signatory to the 1953 armistice and our alliance with the USA, Japan and South Korea, and our international reputation generally, would be severely damaged if we tried to opt out of our responsibilities.

North Korean threats to use nuclear weapons in its defence continue. No one outside North Korea really knows if that country has nuclear weapons and if so how many. No nuclear explosions have ever been detected and it might all still be bluff. Public estimates by the CIA put the figure at two weapons at most. Other estimates believe it might be higher. The difference is that one or two would constitute a last resort capability only while half a dozen would allow some ability to strike and then counter-strike. No one really knows how much plutonium the North possesses, either processed at its Yongbyon reactor or perhaps smuggled in from overseas.

The most reliable public estimates state that North Korea has about 14.8 kilograms of plutonium derived from Yongbyon in the early 1980s and, on International Atomic Energy Agency (IAEA) figures, at least 8000 spent fuel rods. If (or when) reprocessed, and it's a big 'if' (and even bigger 'when'), the 8000 rods might allow five or six nuclear weapons depending on the state of North Korea's nuclear engineering technology (another little understood subject).

The North's ability to actually deliver a nuclear weapon is also uncertain. While its bombers have some limited capacity to deliver a bomb of such physical dimensions, the technology gap in airpower compared with the US and South Korea mean the chances of this occurring, except through complete surprise attack, must be considered negligible. Similar criteria and the paranoia of the regime make the covert deployment of a nuclear weapon, on a ship for example, relatively unlikely.

North Korea's longest range missile considered capable of carrying a nuclear weapon payload can reach all of South Korea and most of Japan. In 1998 North Korea actually test fired a 'Taepodong' missile over Japan into the North Pacific Ocean.

The recent deployment by the US of a Patriot Advanced Capability missile battery to South Korea is a prudent step in helping contain the North Korean problem. The North, of course, has described it as a 'provocative action to complete US preparations for war', but as Christine Keeler famously said in another context, 'they would wouldn't they'.

The whole problem of North Korea will go away one day. The real problem is that it might not go away soon enough or that its going away through the inevitable collapse of the regime might be very messy. ♦

Weighing the Balance of Terror

As the first anniversary of the terrorist attack in Bali approaches the recent convictions in Indonesian courts of leading perpetrators of the attacks give some confidence for the future.

Since the attacks in New York and Washington in September 2001, all major terrorist attacks have occurred against soft targets in the 'Third World'. This is not to say that Western countries are safe from such attack as the probability is that we will again be surprised at some time. It does indicate, however, that the ability of transnational Islamic terrorist groups to strike at the 'West' with impunity is not as great as first feared, and will remain so if we do not let our guard down.

As argued in the last *Defender*, the strategic centre of gravity of these groups is their ability to recruit. The civilised world must continue to remove the ignorance that the terrorist's bigotry thrives on, and the 'causes', both real and imagined, that motivate their extremism.

The struggle against transnational terror by Islamic extremists requires us to carry the fight, both physical and socio-economic, to the terrorists and the societies that breed and nurture them. The struggle will not be won if we sit behind our military, social and economic ramparts and cede the initiative to the terrorists. ♦

The Road to International Legal Limbo is Paved with Good Conventions

The provisions of international law usually tend to lag well behind the practice. Determining the status, treatment and duration of detention of those detained at the US-administered terrorist prison at Guantanamo Bay in Cuba are a case in point.

The US has agreed to provide the detainees with conditions not less than they would be entitled to if they qualified as Prisoners of War (PW) under the Geneva Conventions. This, at least, largely solves the treatment issue.

Few seem to doubt that the overall status of those detained has outrun the provisions of international law. With the possible exception of some wholly Taliban members, especially Afghan ones, they cannot be classified as soldiers fighting for a lawful belligerent as defined by the Conventions. Nor, as armed belligerents, do they fall under the protection of the Conventions as civilians caught up in the fighting.

International law is fairly clear on what those detained at Guantanamo Bay are not. It is much less clear on what they are. The term unlawful combatant is uncertain in