THE PROBLEMS AND POSSIBILITIES OF THE NEUTRALIZED REUNIFICATION OF KOREA

In Kwan Hwang*

Perhaps one of the most difficult problems facing Korean unification today, because of Korea's unique geostrategic location, is the formulation of a policy that can be acceptable not only to the two Korean regimes but also to the four external powers (the U.S., U.S.S.R., China and Japan) which all have vested security interests in the Korean peninsula. Neither North nor South has yet presented such a policy, and the Korean impasse continues without showing any sign of progress toward national reunification.

Even though both of the Korean governments claim national reunification as their most sacred mission, there has never evolved a practical policy to achieve it. Policy must have a theory to sustain and implement it; we cannot, for instance, have a unemployment policy without some kind of theory of unemployment. It is the purpose of this paper to explore the concept of neutralization whether it may or may not serve as a theory of Korean reunification.

The Basic Principle of Neutralization.¹

Currently, the terms "neutralization," "permanent neutrality," "perpetual neutrality," and "institutionalized neutrality" are frequently used interchangeably with little distinction. However, a review on the general concept of neutrality, from which the practice of neutralization has developed, will be necessary to examine how much it can contribute to the reunification of Korea.

Tracing its origin, neutrality has evolved, during centuries, from a simple political principle into an international legal status comprising rights and obligations for the neutral state as well as for the belligerent state and has, as such, achieved its culmination in the 19th century. Generally speaking, neutrality in international politics means that a state does not take part in a war. International law makes a distinction

* Professor of Political Science, Bradley University.
between occasional (simple or ordinary) and permanent neutrality (neutralization).

1. Occasional Neutrality

This is a term used to describe a voluntary and temporary policy assumed by a neutral state during the time of war only. In other words, it is a legal status which comes into existence only after a war has begun and exists only for the duration of that war; that is, it is terminable at any time by the state declaring its neutrality. Thus the status of occasional neutrality is understood solely in relation to war and does not create any rights and duties in time of peace, for example, the United States between 1914-17 and between 1939-41. In its simple form, occasional neutrality is optional to all nations and exercised at times by every one of them. It is assumed or put off at will, and every independent state may at any time exercise its right of sovereignty, lay aside neutrality, and engage in war. Today the rights and duties of occasional neutrality are more or less clearly defined by the Hague Conventions of 1907. According to these rules, a neutral state is bound by two essential obligations. First, it must refrain from taking part in any act of war. Secondly, it is required to maintain an attitude of absolute impartiality towards the various belligerents. In return, it is entitled to certain privileges—territorial inviolability and commercial rights—none of which may be infringed upon by warring states. It is in the development of respect for these neutral rights that we find the origins of the idea of permanent neutrality.

2. Permanent Neutrality

Permanent neutrality is the perpetuation of an attitude of occasional neutrality (including its rights and duties), non-interference and non-aggressiveness in general toward other states. While neutrality in the ordinary sense refers to a state of war between other states only, permanent neutrality consists in a policy consciously followed at all times—in times of war and peace. Theoretically, it can arise only from within a state, and be willed and determined by the state's own national interests. However it can also be institutionalized by international treaties and conventions, known as "institutionalized neutrality," such as one practiced by Switzerland and Austria.

As a variant of simple political neutrality, permanent neutrality became an instrument recognized in the 19th century international law by which great powers brought about a change in the status of certain