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NEUTRALIZATION IN SOUTHEAST ASIA: PROBLEMS AND PROSPECTS

A STUDY

PREPARED AT THE REQUEST OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

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FOREWORD

October 10, 1966.

The Committee on Foreign Relations authorized the conclusion of arrangements for a study of the concept of "Neutralization in Southeast Asia: Problems and Prospects."

After preliminary conversations with several potential contractors, on March 25, 1966, I wrote to Prof. Klaus Knorr of the Center of International Studies of Princeton University as follows:

Dear Professor Knorr: This will confirm conversations which you and Professor Falk had with Carl Marcy regarding a proposal that members of the Center of International Studies at Princeton undertake a project for the Committee on Foreign Relations on the concept of neutralization, with particular reference to its applicability in southeast Asia.

It is my understanding that your work for the committee will in broad context proceed in accord with the two enclosed memorandums, one prepared by Mr. Marcy and the other left with him by Professor Falk. * * *

With that letter, I enclosed a broad outline suggesting the general nature of the study which should be undertaken. That outline read as follows:

Study for the Committee on Foreign Relations

Purpose: To examine the concept of neutralization (including its historical antecedents) and, upon that basis, to frame a plan for the neutralization of southeast Asia and examine objectively the feasibility of such plan.

Statement: Present United States policy toward China is based, in a broad sense, upon containment of the expansion of Asian communism—whether that expansion be by military action, subversion, or wars of national liberation.

In support of this policy, U.S. military advice, aid, and Armed Forces are available to nations in Asia which fear Communist expansion in one form or another. In short, containment implies the drawing of lines which China must not cross militarily without encountering Asian-based U.S. force, directly or indirectly.

On the theory that the maintenance of Western military forces on the territory of a sovereign state in Asia may turn out in the end to be counterproductive and that confrontations between the great powers are more likely to be avoided if their forces are not in the immediate proximity to each other, the concept of neutralization of southeast Asia as between the forces of China and the Western nations, should be explored.

A serious effort should be made to set forth in concise terms planned neutralization in a framework which would be acceptable to interested parties which would include not only the United States, Great Britain, France, and Japan, but Communist China and states bordering on Communist China.

The study should consider historic examples of neutralization and the conditions of equilibrium which they promoted.

After the study had been completed, on June 6, 1966, I wrote the President as follows:

The President,
The White House,
Washington, D.C.

Dear Mr. President: On several occasions during recent weeks, I have suggested that historical experience with the concept of neutralization might offer some helpful suggestions in dealing with the situation in Vietnam. As I wrote you on March 19, that idea has been rejected in some quarters as unthink-

able although it has been put forth at various times by a number of distinguished individuals.

With the thought that the concept should at least be explored, and after ascertaining that no significant work had been done in this field, I made arrangements to have several distinguished professors at Princeton University examine the subject in some depth. I asked them to check their preliminary conclusions with officers in the Department of State, which they did.

The results of this study have now been received and I believe the recommendations, which are sober and sensible, merit the attention of you and your staff.

In brief, the study concludes that "viewed as an alternative to the long-term continuation of a large American military presence in South Vietnam, the idea of neutralization merits serious consideration on the part of the U.S. Government. A policy of neutralization, if reasonably successful, would facilitate the achievement of the American objective of permitting countries to fashion their own destinies without massive interference from the outside * * *."

Illustrating their restrained and pragmatic approach, the authors suggest that exploratory negotiations along the lines detailed in their study "should be conducted * * * as privately as possible" and "premature public attention to the subject of neutralization might well open the way for propagandistic manipulations that would undermine the very possibilities inherent in the notion of neutralization." The authors state, and I concur, that "at a minimum [exploratory negotiations on neutralization] would offer a chance to test existing national policies in regard to southeast Asia. They might also have some positive effects on the attitudes of other nations toward the United States."

Sooner or later conditions will develop in southeast Asia which will require a stable pattern of peaceful relationships among states in that area. The enclosed study suggests one possible pattern and may, if properly pursued, offer a method by which steps can be taken to restore peace in the area without damage to the national interests of the United States.

With best wishes, I am,

Respectfully yours,

J. W. FULBRIGHT, *Chairman.*

Although events in southeast Asia have moved rapidly since this study was made, and the options we have available have been largely given up for the present, I believe the study warrants publication and may contribute to understanding of the problems and alternatives which may face the United States in southeast Asia.

The study was prepared by Profs. Cyril E. Black, Richard A. Falk, Klaus Knorr, and Oran Young of Princeton University.

On August 18, the Committee on Foreign Relations authorized the publication of this study. At the same time it approved a suggestion of Senator Lausche for inclusion of additional material focusing on recent experience in southeast Asia. That material is printed as an addendum.

This study, and the suggestions contained therein, do not necessarily represent the ideas of members of the Committee on Foreign Relations. It is published in order that Members of Congress and Americans concerned with the events in southeast Asia may have available to them historical background and information which may be helpful in promoting peace in that area.

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

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I. The Concept of Neutralization

The purpose of this paper is to explore the contribution that neutralization might make to a settlement of the unstable situation in southeast Asia in the light of the experience with treaties and proposals of neutralization in the recent past.

The concept of neutralization involves two sets of states. One set, the guarantors, undertake certain specified obligations in regard to the other set, the guaranteed states, which in turn undertake certain complementary commitments about their own behavior. In addition, assuming several guaranteed and guarantor states, an act of neutralization may also involve obligations between the members of each set. The key questions are who guarantees whom in regard to what and by which means.

According to past practice, neutralization has usually required the neutralized state (1) to refrain from all hostilities except in self-defense; (2) to abstain from alliances involving the risk of hostilities; and (3) to defend itself against attack even when calling on the guarantors for assistance. It is also clear from past practice that, to be effective, neutralization must be buttressed by the obligations of the guarantors to respect the obligations of the neutralized state and to come to its assistance if its neutrality is violated by outside aggression.

II. The Historical Experience With Neutralization

The practice of conferring a neutralized status on states, parts of states, and territories that are considered by virtue of geographical location or for other reasons as sources of conflict, has been established in international law since 1815. This practice—examined in greater detail in appendix A—has not been widely adopted in the past century and a half, but the historical cases of treaties of neutralization, and of related agreements and proposals for a variety of forms of international guarantee, demilitarization, and enforcement, are sufficient in number to provide some basis for elaborating and evaluating proposals for neutralization as possible solutions to problems arising today.

The principal examples of states neutralized by international guarantee are Switzerland (since 1815), Belgium (1839–1919), Luxembourg (1867–1919), and Laos (since 1962). Neutralization in the first three cases was guaranteed by Austria, France, Great Britain, Prussia, and Russia. Switzerland's neutral status has remained in effect until the present day. Belgian neutrality was repudiated by Germany in 1914, and the neutrality of both Belgium and Luxembourg was terminated by the Versailles peace settlement in 1919. The case of Laos differs from those of Switzerland, Belgium, and Luxembourg in regard to historical background and geographical location, but the conditions of its neutralization—described in section V below—involve essentially the same considerations of international law.

Neutralization should be distinguished from self-neutralization, whereby a state makes a unilateral declaration of neutrality without a guarantee by other states. The leading example of a self-neutralized state is that of Austria, which in 1955 enacted a constitutional federal statute declaring its "perpetual neutrality." The United States has "recognized" Austria's declaration of neutrality. Such recognition constitutes an engagement not to violate this neutrality, but does not constitute an undertaking to guarantee Austria's neutrality against violation by others. This is the essential distinction between a unilateral declaration and a multinational guarantee of neutrality.

There is no precedent for a treaty neutralizing more than one state. For example, the Rapacki plan, the most widely discussed among many plans for disengagement in Europe, was, strictly speaking, a proposal for demilitarization rather than neutralization. It was not proposed that the alliance commitments of Czechoslovakia, Poland, and the two Germanies be altered, but only that nuclear weapons (and, in the second version, foreign occupation forces) be removed.

In assessing the conclusions that may be drawn from historical experience regarding the effectiveness of neutralization, it is important to make a distinction between the cases of Switzerland, Belgium, and Luxembourg, on the one hand, and that of Laos, on the other. The first three states were at a level of development similar to that of the guaranteeing states, and different from them principally in regard to size and geographical location. They took the principal initiative in demanding neutralization, and Switzerland and Belgium maintained military establishments that were significant in proportion to the size of their countries. Moreover, the neutralization of Switzerland, the only case that approximates the stated goal of "perpetual neutralization," has been significantly reinforced by its role as an international center of commerce and banking, and as the seat of international organizations. Laos shares none of these characteristics except its role as a point of contact of conflicting interests. The experience of the European neutralized states thus has only very limited relevance to the situation in southeast Asia.

III. Neutralization and Aggression

It is important to distinguish two main kinds of aggression that might be committed. First, there is direct aggression involving the use of the armies of one political entity against the territory or government of another. Second, there is indirect aggression involving either the inciting of insurgency in a foreign country or intervention in behalf of an insurgency in ongoing civil strife through more or less covert means. The main hazards to American interests associated with neutralization relate to its effects upon the prospects for curtailing indirect aggression, and it is this relationship that must be given special attention.

American objections to the idea of a regime of neutralization in southeast Asia would undoubtedly concern its bearing upon the prospects for the successful commission of aggression by the Asian adversaries of the United States. The argument against neutralization would stress the asymmetrical impact on the security of the area of the withdrawal of the American military presence. It would be contended that the kind of covert military and paramilitary

capability at the disposal of the Communist states could not be effectively regulated by the system adopted to assure neutralization, whereas the offsetting Western reliance on overt military capabilities would be completely eliminated from the neutralized territory. Thus, assuming the existence and continuation of aggressive designs by the Communist states, the prospects for successful aggression under neutralization might well increase.

In general, asymmetries in the vulnerability of southeast Asia to aggression will vary with the extent of the area neutralized. If, for instance, Thailand were to be included in the neutralized zone, it would complicate American military reentry in the event that neutralization broke down. North Vietnam and China, on the other hand, have greater geopolitical access to the neutralized territory and could reenter more easily. Therefore, an incentive for Communist acceptance of neutralization might be to obtain a removal of the land-based component of the current American military presence coupled with an assessment that once this presence is removed it is not likely to be reestablished, even in the event of major violations of the neutralization agreement. In effect, the geopolitical asymmetry might reduce the credibility of the American response, and therefore have effects upon risk-taking and decision-making of the various Communist governments adverse to American security interests.

Direct aggression

There is little reason to suppose that the prospects of direct aggression would increase as a result of neutralization along the lines proposed in section V below. If direct aggression of major proportions should occur, however, it would mean the end of neutralization unless the guarantors could agree to take reasonably effective joint action on behalf of the victim state. In the event that the guarantors were able to act together, the control system should facilitate a strong military response by providing impartial and prompt verification of the allegations of aggression. The degree of confusion surrounding the apportionment of responsibility for commencing a war might be considerably reduced by the machinery of neutralization, and the awareness of this greater clarity in identifying aggressive behavior might actually inhibit direct aggression to some extent.

It is also worth noting that efforts to control direct aggression in southeast Asia might be worthwhile even in the absence of viable controls over indirect aggression. Nationalism is strong in southeast Asia, and the political elites in the area have considerable powers of self-assertion and resilience in the face of external influence so long as they have some assurance against the entry of large-scale hostile forces. This is no less true of Communist regimes than non-Communist governments. It would, of course, be desirable from the point of view of the United States to make every reasonable effort to place appreciable restraints on indirect as well as direct aggression. A neutralization scheme that succeeded only in stopping direct aggression, however, would be no small achievement in southeast Asia.

Indirect aggression

Many problems connected with initiating and maintaining neutralization center upon the phenomenon of indirect aggression. The concept and "stuff" of indirect aggression, however, are difficult to

pin down. The 1956 Report of the Secretary General of the United Nations, "Question of Defining Aggression," states that "the characteristic of indirect aggression appears to be that the aggressor state, without itself committing hostile acts as a state, operates through third parties who are either foreigners or nationals seemingly acting on their own initiative" (sec. 414, A12211, Sept. 11, 1952). In dealing with the practice of indirect aggression, the report excluded consideration "of participation in hostilities in progress" and confined the scope of inquiry to acts "designed to prepare" such hostilities, "to undermine a country's power of resistance, or to bring about a change in its political or social system" (sec. 416). This discussion of indirect aggression in the United Nations focused upon various types of intervention in the affairs of the target state and various means used to incite civil war and insurrection in foreign countries. Such activities encompass both the use of foreign agents purposefully infiltrated into the target state, on the one hand, and the outside recruitment and organized training of nationals of that state for purposes of inducing political change on the other. The discussion also included the view that revolutionary or subversive propaganda and other forms of economic and ideological aid to rebels in foreign countries amounts to indirect aggression. This formulation, however, raises problems by distinguishing indirect aggression, in part at least, from intervention in favor of the insurgents during an ongoing civil war. In the context of neutralization, both problems are important and deserve explicit attention.

Moreover, it is difficult to divorce the subject of indirect aggression from inquiry into the limits of support that outside powers can legitimately give to incumbent regimes. If the objective of neutralization is to isolate domestic societies from the impact of external intervention insofar as possible, then there should be some regulation of outside military assistance to incumbent regimes. While the governments of neutralized states would be entitled to acquire military capabilities needed for internal security and to receive the benefits of collective self-defense arrangements, provided claims of aggression were verified by the control machinery at the earliest practicable moment, they should not be allowed to seek military assistance in order to suppress legitimate political activities. This, however, is an extremely complex subject that would no doubt have to be dealt with when individual neutralization agreements are under negotiation.

In the context of a neutralized treaty it is not clear whether a formal definition of aggression, extended to include indirect forms, would be desirable.[1] One advantage of such a definition would be to provide those administering the verification machinery with an agreed set of criteria by which to identify violations, and thereby possibly enhance the authoritativeness and effectiveness of any conclusions reached. The basic issue posed by the difficulty of agreeing about a definition is whether in the interdependent conditions of the modern world it is possible to identify those occasions of civil strife that can be attributed to impermissible forms of external action. There is also the question of whether the capacity to identify can be transformed into a capability to regulate that compares favorably with the prospects in the absence of neutralization.

[1] For further material on definitions of aggression see app. B.

The overall effect of neutralization on the occurrence of indirect aggression is extremely difficult to calculate. In part this difficulty arises from a fundamental ambivalence about how to treat examples of civil strife in which the insurgent faction includes Communist participation and inclines toward a Communist position. The Castro uprising in Cuba, for example, is a clear case of a civil war which was not seriously affected by outside interference but whose outcome upset political stability in its area and affected the strategic interests of the great powers. External participation in an insurgency may be so invisible that no plausible control machinery would verify its occurrence or may even consist of permissible behavior (e.g., education of leaders, propaganda, financial transfers). Assuming, therefore, that the control machinery could detect significant military aid given insurgent groups, but that there would be no real violation of neutralization in the event of a genuine civil war, one of the most critical problems raised by a neutralization proposal comes into focus.

There are several connected issues here: (1) the prospects for domestic insurgency in the countries constituting the neutralized zone; (2) the prospects for controlling insurgency in the absence of neutralization—via some variant of the Vietnam pattern of response; (3) the reduction of externally abetted incitement of and support for insurgency as a consequence of the control machinery; and (4) the bearing of neutralization upon the capability of incumbent regimes to maintain internal security in the face of a domestic revolutionary challenge.

At present, vulnerability to outside interference seems to be greatest in situations where geographical contiguity provides an opportunity for large-scale, covert infiltration to catalyze or complement domestic unrest. To the extent that the control machinery could eliminate or reduce the availability of such opportunity the net vulnerability of countries in the region to revolutionary challenge would decline. At the same time, the governments of southeast Asia are, to varying degrees, domestically unstable or divided. In some cases, the withdrawal of strong foreign presences, as might well occur as a result of neutralization, could lead to a situation of anarchy and uncontrollable civil strife. Such results would, in turn, generate pressures for a return of the foreign presences as well as opportunities for new forms of outside interference. For these reasons, any analysis of neutralization as a possible solution for the security problems of the area must be sensitive to the possibility that already shaky governments could become even more unstable as a consequence of neutralization.

Existing multilateral regimes designed to reduce opportunities for aggression would, of course, be altered by a treaty of neutralization. In this connection, it might be desirable to give some special international status to the administrative and control apparatus of neutralization. This kind of legal status would acknowledge the primary competence of the machinery of neutralization for preserving peace and security in the zone, but could reserve a role for the United Nations in the event that enforcement action was taken on a collective basis. It would also seem axiomatic that existing multilateral control arrangements would have to be revised at least to the extent of exempting the neutralized states from coverage. Thus the United States might lose some of the freedom of action that it has recently claimed under article IV of the SEATO pact, especially with regard to determining whether aggression by the other side has taken place.

IV. The Maintenance of Neutralization

It is important to discuss the problems of reaching an agreement to establish a neutralization scheme in the first place, but it is equally important to consider the difficulties of keeping it viable once it has been placed in operation. Indeed, the implementation of a neutralization arrangement would raise substantial problems of control and maintenance.

Roles for control machinery

To begin with, it is important to stress that control machinery can never provide a substitute for an underlying configuration of politics, and a proper set of political incentives, within which a neutralization arrangement can function. If the principal parties to the agreement have strong enough incentives to maintain it, control machinery is likely to be unimportant. If they do not, no amount of machinery will save the viability of the scheme. There is, however, a middle area between these extremes in which control machinery might play a valuable role. In ambiguous situations and where the motives of the principal parties are very mixed, it may be possible for machinery to reduce the incentives to undermine the arrangement openly and to shore up the positive attitudes of the parties toward the neutralization regime. In this connection, several roles for machinery deserve mention.

The middle ground between complete trust and extreme duplicity is likely to generate a number of marginal difficulties and ambiguous problems that will significantly affect the viability of the arrangement. Problems of this type include: (1) divergent interpretations of the precise meaning of various obligations (for example, the concept of indirect aggression), (2) conflicting perceptions and evaluations of actual events, (3) accidental or inadvertent acts, (4) alleged violations denied by the accused, and (5) borderline acts and testing behavior. Active control machinery might be able to solve, or at least mitigate, many such problems before they reached the level of rigid political confrontation.

There is also the problem of cheating. To the extent that all the parties have relatively strong incentives to see that the neutralization arrangement does not collapse entirely, the tempting forms of cheating are likely to be circumscribed. Violations of this kind will look most attractive when their visibility is low, sanctions are minimal, and disruptive responses from the other side are unlikely. In such circumstances, a party may hope to obtain the advantages of a neutralization arrangement while prosecuting its own particular interests. Control machinery would have a better chance of checking cheating of this kind than of coping with more massive forms of violation.

A third area of interest concerns the question of reassurance. Given the various fears and qualms that the participants would almost certainly entertain, it would be highly desirable to have means available by which to reassure both the guarantor and guaranteed states that their respective rights and duties were being safeguarded. Such reassurance would be especially necessary in periods of stress and crisis if, for example, a civil war with cold war overtones broke out within the region. This is an area in which inspection and observation machinery with full access to the relevant parts of the region might play a major role in maintaining the viability of the arrangement.

Another set of problems stems from the operation of dynamic political forces over time. Though the initial implementation of a neutralization arrangement may be quite feasible, it must be expected that the balances of political incentives upon which it was constructed may change over time. Such changes may well increase the incentives of various parties to violate, to cheat covertly, and to cast doubt on the viability of the regime from time to time. Here too, control machinery may perform some useful roles in aiding the arrangement to ride out the short-term swings of temptations and advantages. In particular, such machinery may help in physically isolating the neutralized zone from the changing fortunes of external politics and in increasing the visibility of internal violations to the point where they become an embarrassment to the perpetrator.

Control concepts

There is an important distinction between observation and verification, on the one hand, and responses to violations, on the other hand. Observation and verification are essentially intelligence functions. In this connection, it is of great importance both to make authoritative declarations of the absence of violations or cheating, whenever this is the case, and to provide impartial and internationally legitimated evidence of the existence of violations where this is necessary. Response, on the other hand, refers to the steps beyond verification, that is, enforcement procedures, sanctions, and other adjustments.

Observation and verification activities should be removed from the control of the guarantor states as much as possible. If this is not done, individual participants will become the final judge in their own cause and the arrangement will ultimately break down in a welter of contending assertions. Furthermore, reasonably reliable and respected verification machinery could also play a de facto enforcement role in some instances. It would substantially raise the visibility level of many violations and make it difficult to violate without at least a serious possibility of discovery. Though this might not deter determined and hard-core violators, the international embarrassment resulting from disclosure would constitute an important restraint on violators in many instances.

On the other hand, the prospects for sanctioning or enforcement procedures operated under international auspices do not seem very bright at the present time. This is especially the case where great powers are concerned. For this reason, we suggest that primary responsibility for responding to violations of a neutrality arrangement should be placed in the hands of the participating states. So long as the control machinery continues to function, however, such measures of response should not be undertaken before violations are established by international verification. Moreover, the relevant guarantors should assume an obligation to consult with each other and to attempt to concert their actions before resorting to individual responses. Similarly, it would be desirable for these parties to consult with the political leaders of the neutralized states in question.

This division of responsibilities assumes, of course, that the verification machinery will prove able to carry out its assigned functions with reasonable reliability and dispatch. Prolonged paralyzation of this machinery in the face of serious allegations concerning violations would constitute a major threat to the whole regime of neutralization.

Under such circumstances, the parties to the arrangement should consult with each other in an effort to rehabilitate or strengthen the control procedures. As a final recourse, however, the parties should have the right to withdraw from the neutralization arrangement and to recover their freedom of action in the area, subject only to an obligation to serve notice of withdrawal sometime prior to its becoming effective. Among other things, the contingent possibility of withdrawal by a major participant and the subsequent breakdown of the whole arrangement might serve as a brake on violations.

A second important distinction deals with the differences between civil strife within a neutralized region and external intervention on the part of outside powers. Though there is no doubt that certain types of internal strife increase the incentives of outside powers to intervene, contending factions within a state should be allowed to reach their own equilibrium in the absence of outside interference wherever possible. The primary objectives of the control machinery, therefore, would be to aid in (1) minimizing the opportunities for outside powers to foment civil strife in the neutralized area, (2) reducing as much as possible the extent of outside interference in ongoing civil conflicts, and (3) regulating the role of outside powers in providing certain forms of support for incumbent regimes in the neutralized zone. The machinery would therefore focus on the task of preventing illegitimate border crossings as much as possible. It would involve itself in internal disturbances only insofar as this is necessary to minimize outside interference. It should be pointed out, however, that the nature of the terrain in the region, the lack of coincidence between ethnic and political boundaries, and the porous character of political boundaries set sharp limits to the possibilities of sealing off borders against movements that contravene a neutralization scheme.

There are also important differences between direct and indirect aggression from the point of view of verification and control. Whereas direct aggression is highly visible and seldom difficult to spot and verify, there are many forms of indirect aggression, covert instigation, and borderline activities that would be much more difficult to detect and to pin down with clear evidence. In view of these facts the verification procedures of the control machinery should place special emphasis on the formal powers, equipment, and techniques required to handle the problems of detecting and verifying indirect violations.

Finally, it is extremely important to think in terms of a threshold of "tolerable" violations. No control machinery can detect or handle all violations—especially not the kind of control mechanism it is feasible to construct in a region in which the visibility of movements is generally low. Nor is it necessarily important to do so. So long as the neutralized zone does not again become an important focus of confrontation between powers external to the zone, the situation would seem to be tolerable. If violations mean only that the internal strife within the zone can continue largely without interference from outside, this may represent as much as we can hope for.

Relevant precedents

There are only a few relevant precedents in dealing with problems of control machinery for a neutralization arrangement.[2] Moreover, the precedents that are available are not very encouraging on the question

[2] For additional material on control precedents see app. C.

of effectiveness. Though neutralization arrangements have sometimes been effective, control machinery has seldom played a key role. Three types of results can be illustrated from past cases:

The case of Switzerland, which was neutralized by the Congress of Vienna in 1815, illustrates one type. Though the Congress established no control machinery at all for this arrangement, Swiss neutralization has remained viable ever since. This viability stems essentially from (1) the generally favorable configuration or balance of European politics, (2) the stability of the Swiss Government, and (3) the existence of Swiss military forces that are powerful enough to make any aggressor pay a high price for violating Swiss neutrality.

Cambodia, a self-neutralized state, illustrates a second type of situation from the point of view of control. The 1954 Geneva agreements established international control machinery for Cambodia. The Control Commission was established tardily, played a small role in the final stages of implementing the initial agreement, and performed some useful services in the 1955–56 period. Subsequently, it was unable to deal with a series of border problems, became increasingly hampered by its own political problems, and has been moribund since about 1958. Cambodian neutralization, however, has remained at least relatively successful for other reasons. These include (1) the absence of a direct confrontation between external forces in the Cambodian arena, (2) the fact that Cambodia was never effectively partitioned among political factions internally, and (3) the fact that internal upheaval was less extensive than in the rest of Indochina. Cambodia is therefore a case of relatively successful neutralization, though not as a function of good control machinery.

Laos illustrates a case of general failure. The neutralization regime established at Geneva in 1962 has been extensively violated and the control machinery has been unable to deal with violations effectively. Violations include disregard of the cease fire, substantial outside supplies of men and materiel to contending factions, and use of Laotian territory in connection with the war in South Vietnam. The Control Commission is hopelessly divided within itself and is generally disregarded by the contending factions. The one thing that can be said for Laos is that, so far, it has not again become a major focus of great power confrontation. The existence of control machinery, however, has little to do with this result.

Controls for the future

It is possible that a neutralized zone in southeast Asia, especially one including North and South Vietnam, would generate greater problems of control than the cases mentioned above. Much, of course, would depend on the configuration of political incentives supporting a regime of neutralization, and on relations among the relevant great powers. Yet several reasons—in addition to those already mentioned—suggest that the control problems would be very great. First, present levels of political commitment and involvement on the part of external powers are particularly high in the area in question. Second, the principal outside powers accord greater importance to a larger relevant area in southeast Asia than to Laos or Cambodia alone. Third, the withdrawal of foreign presences from some areas of southeast Asia under a neutralization agreement might lead to further reductions in the already inadequate abilities of indigenous regimes to

govern. Fourth, a neutralized zone encompassing a number of sovereign entities might offer opportunities for highly ambiguous violations from within the zone itself and thus raise delicate problems of control. Though this last point is peculiarly relevant to a neutralized zone covering several states, the other factors would apply equally to a neutralization arrangement limited to South Vietnam alone.

These problems make it all the more necessary to take great care in constructing control machinery for a neutralized zone in southeast Asia. Regarding observation and verification, the emphasis should clearly be on border observation rather than internal control. At this point, however, it is important to spell out some additional requirements.

1. *Access and capabilities.*—One of the essential requirements for verification under a neutralization arrangement is adequate access to the whole territory of the zone. This is partly a matter of transportation and communications facilities. However, as the Laotian experience attests, it is even more a question of political cooperation. This is especially true when a country is partitioned among political factions on a *de facto* basis.[3]

2. *Membership and procedures.*—The essential problem here does not focus on procedural matters such as voting. The real difficulty concerns membership. It now seems clear that the troika principle is unproductive in manning control machinery for neutralization. Whether the answer lies in United Nations involvement or the use of personnel from noninvolved nations, it is necessary to avoid an arrangement that mirrors the division between the great powers.

3. *Specialized regime.*—If more than one state were neutralized, it might be possible to create an international, specialized regime to perform the administrative tasks associated with the arrangement and to operate the control machinery. A regime of this kind would be independent of both existing regional organizations and the United Nations (though it should be compatible with the provisions of chapter VIII of the Charter). In addition, it should be given the authority to recruit required personnel on an international basis and provided with adequate financial arrangements.

4. *National organization.*—A second alternative would be to entrust the neutralized states, either individually or jointly, with the activities required to maintain a neutralization arrangement. While the resultant operations would probably require outside financing, they would have the advantage of being staffed by local personnel familiar with the ethnic and cultural particularities of the area. At the same time, it would be possible to organize outside review procedures to deal with allegations concerning failures or biases on the part of the local operations. This alternative, however, would very likely not be feasible in areas where no single political authority is capable of controlling a country.

5. *U.N. substitutes for ICC's.*—Another alternative would be to staff the administrative and control machinery with international civil servants or private individuals of recognized ability and integrity supplied through the United Nations. Advantages would include: (*a*) reduced prospects of serious political splits and stalemates, (*b*) relative depoliticization, and (*c*) possibilities for improving the training of control officers and the staffing of the control machinery. A clear-cut

[3] For further discussion of this point see app. C.

United Nations involvement, however, might be unacceptable for political reasons, especially from the point of view of the Chinese.

6. *Local dispute settlement.*—Many disputes and allegations concerning ambiguous actions might yield to local settlement procedures, especially if dealt with at an early stage. This applies both to disputes between states within the neutralized zone and to disagreements at the border involving allegations of external intervention. Machinery of this kind that could be quickly applied on the spot, and that could be integrated with inspection operations, might be able to settle with dispatch many disputes in the local arena. There is an important precedent for machinery of this kind in the operations of the mixed armistice commissions (MAC's) under the general armistice agreements between Israel and the various Arab states.

7. *Independent review.*—There is an important need for an authority to which the local control bodies can appeal when high level and authoritative interpretations are required or when the parties to a disagreement refuse to abide by the findings of these bodies. Similarly, it might be desirable to give the parties to a neutralization arrangement the right to bring disputed matters to such an appellate authority in order to reduce pressures for recourse to "self-help." The institution of the cochairmanship established under the Geneva agreements of 1954 and 1962 was a move in the right direction but proved inadequate because the cochairmen mirror the same political divisions as the international control commissions. At the same time, it is important to control the process of appeals in order to avoid an undermining of the local control machinery through an excessive resort to the review authority.

V. A Particular Model of Neutralization

In this section a particular scheme for neutralization in southeast Asia is set forth, together with a discussion of the main advantages and disadvantages (as perceived by outside observers) that would be likely to arise for the various participants.[4]

Obligations of neutralization

The obligations to be encompassed by a neutralization treaty follow from the objective of protecting the sovereignty, independence, neutrality, unity, and territorial integrity of the neutralized state or states. This objective requires protection from both direct and indirect aggression as defined above. It is therefore desirable that the neutralization of states in southeast Asia include, as a minimum, several of the key obligations encompassed in the treaty of July 23, 1962, to neutralize Laos. The guarantors in this case were Burma, Cambodia, Canada, the People's Republic of China, the Democratic Republic of Vietnam, France, India, Poland, the Republic of Vietnam, Thailand, the Soviet Union, the United Kingdom, and the United States. In this treaty, the Royal Government of Laos undertook the following obligations:

> It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

[4] This model is illustrative not exhaustive. For a discussion of some possible variations see app. D.

It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos, it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purpose of interference in the internal affairs of other countries, nor recognize the protection of any alliance or military coalition, including SEATO;

It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

It will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos.

The guaranteeing states undertook specific obligations in conformity with the obligations assumed by Laos. Any effective neutralization of states in southeast Asia would have to contain two sets of obligations, in most respects similar in form to those of the Laos agreement. However, the treaty neutralizing Laos had a weak provision for enforcement. The guarantors undertook to consult jointly with the Government of Laos, and among themselves, in the event of a violation or threat of violation.

There are consequently two further sets of obligations that would be desirable for a treaty neutralizing a part of southeast Asia. First, if more than one state is neutralized, each neutralized state should be obligated not to undertake, or permit its respective territory to be used for, acts of direct or indirect aggression against another neutralized state. Second, for the reasons indicated in sections III and IV, in order to make neutralization in an area of notable instability attractive, the treaty or treaties should contain a "joint-and-several" guarantee that, in the event of a violation, the guaranteeing signatories will not only consult with that government and with one another, but also come to the aid of that state. This means that, if a violation occurs, each guarantor will, in the first instance, consult with the governments of other guaranteeing states on joint remedial action, but, if such joint action fails to materialize, it has the right and duty to take whatever individual action it deems necessary to cope with the violation.

For reasons developed in sections III and IV, these provisions for response require arrangements for the observation and verification of violations. It is therefore proposed that control machinery be established, and that it be provided with sufficient capabilities and with free access throughout the neutralized state or states; that it report to a review authority; that both the guarantor and the guaranteed states have the right to bring information acquired by them on violations to the notice of the review authority; and that the control personnel be authorized not only to identify and verify violations but also to attempt to settle local disputes concerning minor violations between neutralized states, and between a neutralized and a non-neutralized state.

The guarantor states would undertake to refrain from taking joint or individual action against violations of the treaty before a violation

was verified by the control machinery. In the event the control machinery proved unable, for reasons spelled out in section IV, to function as specified by the treaty, and as anticipated by the signatories, the latter should have the right to withdraw from the treaty, after giving due notice, in order to recover the freedom of action they enjoyed before the treaty went into effect.

There are several choices regarding the states in the region to be neutralized. South Vietnam alone would be the minimum choice, with North and South Vietnam together as an alternative. The addition of Laos and Cambodia would be another possibility, especially since Laos is already neutralized and since Cambodia proclaimed its self-neutralization in 1957. Finally, any of the other states on the mainland of southeast Asia could be considered for inclusion if it desired to avail itself of the protection afforded by a treaty.

There are also several possible combinations of states to guarantee the neutralization of the area. The most plausible combinations are the United States, China, and the Soviet Union; or the United States and the Soviet Union; or the United States and China. Larger combinations could include other powers such as Britain and France, and perhaps Australia and New Zealand. The inclusion of France as a guarantor power, however, might be unacceptable to the neutralized state or states for reasons associated with France's former colonial position in the area. Finally, various Asian states could be invited to join the ranks of the guarantors.

By way of illustration, the merits and demerits of a neutralization treaty will be examined in terms of the neutralization of a single state in southeast Asia. The terms of the model treaty could then be applied to as many other states as might seek neutralization. The guarantors are the United States, China, and the Soviet Union. The obligations to be guaranteed are the ones derived from the agreement on Laos, but including more exacting provisions for enforcement, and the machinery for the identification and verification of treaty violations outlined above.

Advantages and drawbacks

Under such a neutralization treaty, the state or states to be neutralized would gain freedom from outside aggression and interference, to the extent that a neutralization treaty proved effective. At the same time, they would remain free to pursue foreign policies compatible with the treaty provision; they would even be free to merge (North and South Vietnam, for instance, if both were neutralized), as long as merger resulted from domestic political decision free from outside coercion. The disadvantages would be that the neutralized state or states would renounce the right to align themselves militarily with nations at conflict outside the neutralized area, to resort to force in settling conflicts, e.g., boundary disputes, with states within the area, to indulge in indirect aggression in the area, and to invite outside military assistance when under attack by domestic revolutionaries or rebels. Having renounced these rights, they would invite outside interference under the treaty if they committed such acts of violation.

The guarantor states as a group would have one possible advantage and disadvantage in common. If neutralization were adopted and worked, they would not henceforth become involved and entangled, as respondents to the initiatives of other states, in the sort of diplo-

matic and military conflicts that have bedeviled the area since World War II, and which are costly and potentially dangerous in terms of touching off more extended military hostilities. On the other hand, if neutralization were adopted and failed to work, they would be under the pressure of treaty obligations to intervene in conflicts that also are costly and contain some risk of escalation. To a guarantor state at present engaged in the Vietnamese conflict—the United States, China, and the U.S.S.R.—even a reasonable prospect of assuring the pacification of the region might make its neutralization attractive. To a prospective guarantor not now so engaged, the obligation might look onerous unless the prospects of stabilization appeared to be definitely fair. This would seem to hold true of such nations as France and Britain. However, the national interests of the principal possible guarantors are so divergent that we must look at the position of each separately.

The advantages to China would lie in the removal of American military forces from the neutralized area, the assurance that these forces would not return as long as neutralization worked, and the American commitment not to come militarily to the aid of a neutralized state whose government was subjected to purely domestic Communist pressure, including violence. For this reason, the treaty would minimize the danger to China of being drawn into a serious war with the United States. On the other side, China would lose the right, and forgo the opportunity, uncontested by other great powers, to subject the neutralized states to direct military aggression or threats thereof. More important, China would incur the disadvantage, supposing it meant to honor its commitment, of being required to refrain from the support of revolutionary forces of its liking in the neutralized state or states. No doubt this is a crucial matter to China, for it has pronounced it to be its duty as a revolutionary power to support "wars of liberation," that is, to abet Communist and "anti-imperialist" revolution anywhere. To the present Chinese leaders, revolutionary war knows no territorial limitations. The concept of neutralization flies in the face of this revolutionary commitment. If China accepted neutralization, as defined in this paper, it would have to rest content with revolutionary triumphs generated by strictly local forces.

A policy of neutralization would benefit the United States, since the terms of the treaty would legitimatize the very principle whose violation caused the United States to intervene in the Vietnamese conflict, namely, the right of these states to choose their own form of government without interference by outside forces. Effective neutralization would be a way of implementing this principle in a manner requiring a much less active participation of U.S. forces. It would also spare the United States the extensive criticism that has resulted from its present policy of direct intervention. Moreover, effective neutralization of the successor states to French Indochina would impede direct interference by the Communist states in nations west of the neutralized area, such as Thailand. The neutralized area would act as a kind of buffer. The ability of the United States, if neutralization remained effective, to reduce the size of the military forces it maintains in east Asia would be another gain.

In return, the United States would have to accept Communist takeovers in the guaranteed states as long as they resulted—without

appreciable foreign assistance—from the evolving balance of domestic political forces. Furthermore, an initiative by the United States to propose neutralization of an area in southeast Asia might be interpreted by political leaders in several countries, including countries in the area (such as Thailand), as a recognition of defeat and a masked withdrawal in the face of adverse pressures and circumstances. China might well seize on and propagate this interpretation. The likelihood and appeal of such an interpretation would, of course, depend on how the United States comported itself in mounting the initiative, and also on the nature of a settlement in South Vietnam.

The neutralization of the state or states involved would affect Soviet interests less directly than those of the United States, China, and the neutralized states themselves. Yet the Soviet Union would seem to have a keen interest in the avoidance of conflicts in southeast Asia that involve the risk of war between China and the United States. If it came to such a war, the Soviet Union would be under strong pressures to intervene, and this would raise the specter of a dangerous military confrontation with the United States. This is presumably one reason why the Soviet Government is at present interested in a settlement of the conflict in South Vietnam; the Soviet interest is reinforced by the awkward pressure for stronger Soviet involvement on behalf of North Vietnam, which is generated by Chinese criticism. Moreover, as long as the Soviet-Chinese conflict persists, and both powers are rivals for the allegiance of other Communist states and parties, neutralization of North Vietnam might be welcomed by Moscow as a means to buttressing Hanoi's independence vis-à-vis Peking.

Although France has some residual interests in the successor states of Indochina, and although Britain has some commitments to the protection of Malaysia and Singapore, the interests of these two powers in participating in any neutralization of southeast Asian states is more indirect and diffuse than the comparative interests of the United States, China, and the U.S.S.R. They certainly prefer these states to live in peace, and they are aware of the grave risks which, in the nuclear age, are inherent in any military conflict that involves the great powers and that might escalate to a catastrophic level of violence.

From the viewpoint of the outside observer, the balance of advantages and disadvantages should induce the main governments to give serious consideration to the case for neutralizing all or a part of southeast Asia. That the outside observer is so impressed does not, of course, mean that all or any of the governments are prepared to entertain the idea. Governments may perceive the political and military situation in the region, predict the likely future development of this situation, and evaluate the pros and cons of neutralization in a highly idiosyncratic manner. They may find it hard to contemplate the abandonment or modification of existing policies and positions which are supported by vested interests, in which a great deal of emotional commitment has been invested, and which, as a result, have acquired marked rigidity. To consider a neutralization scheme seriously presupposes freedom to take a new look, to suspend attachment to previous calculations of interest, to resist the inertia of established courses of action, to exercise imagination, and to be willing to exchange

old risks for new. This is a tall order for the leaders and relevant bureaucracies in any nation.

In addition, willingness to consider neutralization is extremely sensitive to the prevailing and predicted trend of events in Vietnam. If either side (or both) is confident of winning in Vietnam, it will no doubt find the disadvantages of neutralization excessive. If, on the other hand, both sides expect a protracted stalemate or worse, the advantages of neutralization will look impressive.

Finally, it is clear that the attempt to negotiate the neutralization of a part of southeast Asia would be bound to raise a number of side issues that might prove incapable of satisfactory resolution and quite possibly cause negotiations to fail. The interconnectedness of issues involved in the cold war is too complex to permit us to present an exhaustive list of possible divisive side issues. But we mention some formidable ones by way of example. Thus, in determining the organization of control machinery, the Soviet Union might insist on the troika principle that has paralyzed the functioning of control bodies in previous applications of the principle. China might object that the withdrawal of American military forces from the neutralized area is not enough as long as the United States maintains large forces and bases in Japan, South Korea, Okinawa, Taiwan, and the Philippines, or maintains a military presence in Thailand. Although as indicated by the treaty neutralizing Laos, a neutralization scheme does not require U.S. recognition of mainland China, the latter might well refuse the neutralization of an area on the mainland unless its claim to Taiwan is satisfied, although it did not raise this claim when the Laos treaty was negotiated; and it would almost certainly object to entrusting the United Nations with the inspection function as long as China is not a member of that organization. These examples indicate some of the hurdles that might be raised in the path toward a neutralization agreement. These hurdles might be minimized if the main negotiations toward a treaty were nonpublic.

VI. The Prospects for Neutralization in Southeast Asia

It is desirable for the United States to give serious consideration to the possibilities for neutralization arrangements in southeast Asia.

From the American point of view, the desirability of entering into one or more neutralization arrangements, which offered reasonably good prospects for successful implementation, should be judged in the light of available alternatives. Assuming that active hostilities in South Vietnam can be terminated in a manner acceptable to the United States, there would seem to be two alternatives to neutralization over the longer run.

One alternative would be the emergence of indigenous governments in southeast Asia that were so stable and secure that neither neutralization nor outside intervention in any form would be necessary for the maintenance of stability in the area. Though this alternative would be highly desirable, such an outcome appears to be highly unlikely for the foreseeable future. A far more likely alternative would be a situation requiring the continued presence of a large American military force in South Vietnam for a period of 20 years or more. Such an outcome would bear certain resemblances to the

situation in South Korea where the end of conditions requiring the presence of American forces is not yet in sight.

Viewed as an alternative to the long-term continuation of a large American military presence in South Vietnam, the idea of neutralization merits serious consideration on the part of the U.S. Government. A policy of neutralization, if reasonably successful, would facilitate the achievement of the American objective of permitting countries to fashion their own destinies without massive interference from the outside. At the same time, it would allow for the provision of economic assistance to the neutralized states in order to enable them to take positive steps in the direction of development. Such a policy would not involve a total withdrawal of American military forces from southeast Asia since the United States would, in fact, be justified in maintaining adequate forces in neighboring areas to fulfill its responsibilities as a guarantor power. A neutralization arrangement, however, would require substantially fewer American troops than a policy of continued occupation.

Even under the best of circumstances, neutralization in southeast Asia is not likely to be as effective as it has been in Europe. Since the societies in the area are in relatively early stages of development, and since several of the relevant borders are porous, there would probably be numerous specific infractions of a regime of neutralization. Moreover, it is hardly to be expected that political revolutions and civil strife in southeast Asia can be brought to a halt for some time. The argument in favor of neutralization under these circumstances is that this "normal" level of upheavals would be less likely to lead to conflicts of international proportions under such an arrangement than under a policy of continued occupation by American forces.

The prospects that a neutralization regime could prove effective in southeast Asia would depend on several conditions. To begin with, it would require a balance of forces among the relevant external powers—including at least the United States, the Soviet Union, and China—that would operate to deter these powers from any extensive efforts at interference in the politics of the neutralized states. In addition, neutralization would require the development of at least minimal political stability within the neutralized state or states. In the end, there is no way in which these states can remain independent except by developing local institutions capable of performing the functions of government. Finally, control machinery might operate as a support for each of the previous conditions. Such machinery might aid in deterring outside interference both by making it more clearly visible and by serving as a tripwire or "legitimizer" for enforcement actions on the part of one or more of the guarantor powers. In addition, the control machinery might help to provide a breathing spell during which the internal forces in the neutralized states could begin to sort themselves out in the absence of any massive interference from the outside.

There is no *a priori* way of judging the prospects of meeting these conditions for an effective neutralization arrangement. This could only be done by exploring the subject at some length both with the potential guarantor states and with the potential neutralized states. In view of the fact that the idea of neutralization seems worthwhile in comparison with the available alternatives, however, it would

appear desirable to undertake exploratory negotiations along these lines.

At the same time, there are several precautions that should be observed in following this path. First, there are several reasons why negotiations on the subject of neutralization should be conducted, at least at first, as privately as possible. Since neutralization would require the explicit consent and cooperation of both neutralized and guarantor states, it is not a policy that the United States can announce on a unilateral basis. Moreover, premature public attention to the subject of neutralization might well open the way for propagandistic manipulations that would undermine the very possibilities inherent in the notion of neutralization. Second, the prospects for negotiations on neutralization would be highly dependent on the timing of their initiation. If the United States advanced the notion of neutralization at a time when its military or political position in southeast Asia was particularly weak, its move would be interpreted in many quarters as an admission of defeat and an attempt to mask its withdrawal. This would have serious consequences for several governments that are presently subjected to external pressure and dependent on American support. An optimal time to introduce the discussion of neutralization would be a period in which all of the parties involved in the Vietnamese conflict appeared relatively strong but in which none of them seemed to have any real prospects for winning in the foreseeable future. Within these confines, nevertheless, exploratory negotiations on neutralization should prove beneficial to the United States whether or not they resulted in a formal agreement. At a minimum, they would offer a chance to test existing national policies in regard to southeast Asia. They might also have some positive effects on the attitudes of other nations toward the United States.

Appendix A

The Historical Experience With Neutralization

INTRODUCTION

It is important, in a brief review of the historical experience with neutralization' to draw a distinction between the neutralization of states by international guarantee, and all other forms of neutralization, demilitarization, and international administration. The latter may offer analogous or partially analogous precedents in regard to the nature of obligations involved and alternative means of enforcement, but they are not concerned with the freedom of sovereign states to undertake alliance relationships.

It should also be recognized that neutralization of states is not a self-executing concept, but rather one that calls for an explicit definition of the obligations involved. These obligations include those of the guaranteeing states as well as those of the state guaranteed. If there is a question of the ability of the latter to fulfill its obligations, special machinery should be devised to assure that these obligations will be fulfilled.

Each case of neutralization of states represents a separate set of problems. The experience of one state is relevant to that of another only insofar as the two are similar in regard to the domestic effectiveness of their governments and their relations with other participating states. The principles underlying treaties of neutralization are the same, but the means of implementing the obligations of guaranteed and guaranteeing states will vary with their political character.

NEUTRALIZATION OF STATES

The historical record of neutralization includes a number of agreements defining the roles of neutralized states, parts of states, and territories, and the roles of guaranteeing states, and also a body of experience regarding the effectiveness of these arrangements in practice. None of these precedents may be fully applicable to current situations, but they are all concerned with similar or analogous problems. It is the task of analysis to evaluate the extent to which historical experience is relevant to a current situation, and to adapt past precedents to present needs.

A neutralized state, as the term neutralization has traditionally been understood in international law, has been defined as "A state whose independence and integrity are for all time guaranteed by an international convention of the powers, under the condition that such state binds itself never to take up arms against any other state except for defense against attack, and never to enter into such international obligations as could indirectly involve it in war." [1]

Switzerland

Switzerland was the first state to be neutralized by international convention, and is the only case in which neutralization has been maintained over a long period of time substantially in the form originally intended. This classic case thus provides a useful starting point for a discussion of the obligations inherent in a convention of neutralization.

The tradition of Swiss neutrality may be traced to a declaration of the Federal Diet in 1674 to the effect that Switzerland intended to remain neutral in the war between France and the Netherlands. This declaration of neutrality was the product of a period in which Swiss statesmen, through the perpetual peace (1516–1798) with France and related arrangements with other countries, were seeking to protect Switzerland from involvement in the recurring wars that were characteristic of the European balance-of-power system. The involvement of Switzerland in the European wars of 1798–1815 brought an end to this form of customary neutrality, and set the stage for the adoption of an international convention.

The concept of "perpetual neutrality" was first used at the Congress of Vienna, and in the treaty signed on November 20, 1815, Swiss neutrality was recognized

[1] Marjorie M. Whiteman, "Digest of International Law (1963–)," I, 342.

and guaranteed by Austria, France, Great Britain, Prussia, and Russia. The original treaty provided only a rudimentary definition of the obligations of the guaranteed and guaranteeing powers, but through the years the earlier Swiss conception of neutrality evolved into an important body of accepted practices.

Switzerland accepted the obligation to refrain from entering into military alliances with other states, from allowing other states to make use of its territory for military purposes or from interfering in its domestic affairs, and from itself using force or the threat of force or otherwise intervening in the domestic affairs of other states. In the course of the revolutions of 1830 and 1847–50, and the wars of 1870–71, 1914–18, and 1939–45, the nature of these obligations was tested and refined. Characteristic of this case was the insistence that Switzerland should enforce its neutrality through its own armed forces, and should itself decide whether and under what circumstances it should seek the assistance of the guaranteeing powers.

The question arose in 1920 whether Switzerland's obligations as a neutral would prevent it from joining the League of Nations. The league decided that Switzerland would be bound to participate in economic sanctions applied by the league, but as an exceptional case would not be called upon to participate in military action or to permit the use of its territory for the transit of foreign troops or for the preparation of military operations authorized by the league. This compromise arrangement was sometimes referred to as "differential" or "qualified" neutrality. Switzerland joined the league on this condition, and participated actively in its affairs for over a decade, but it became uneasy when the system of collective security began to lose its effectiveness in the 1930's. A Swiss request for release from the obligation to participate in economic sanctions was granted in 1938, and "integral" or "unqualified" neutrality was restored. Switzerland has not joined the United Nations, on the ground that membership would involve obligations incompatible with neutrality.

The guaranteeing states, for their part, have the obligation to respect the neutrality of guaranteed states, to refrain from interfering in their domestic affairs, and to assist them in maintaining this neutrality when it is threatened. In the case of Switzerland, the role of the guaranteeing states has declined through the years. The guaranteeing states have become involved in several major wars with each other, and Austria has ceased to be a great power and has unilaterally declared its own neutrality. Diplomatic relations between Switzerland and the Soviet Union were not established until 1946, and the latter has never indicated whether it accepted the obligations of the imperial Russian Government as a guaranteeing state. In the meantime, however, Swiss neutrality has come to be generally accepted, and Switzerland itself has borne the main burden of enforcing it. The neutrality of Switzerland is acknowledged as a contribution to European peace, and a neutral Switzerland has played an important role as a hospitable location for public and private international organizations.

Belgium and Luxembourg

The neutralization of Belgium and Luxembourg was guaranteed by the same powers that took the initative in regard to Switzerland, but in these cases neutralization was undertaken for somewhat different reasons and ran a different course. Belgium and Luxembourg were incorporated in the Netherlands in 1815 as a means of erecting a barrier to a possible resurgence of French aggression. They were restless under Dutch rule, however, and revolted in 1830. The great powers now faced the problem of preserving the effectiveness of the barrier while granting the independence of the restless minorities, and it was under these circumstances that they decided on neutralization.

A treaty guaranteeing the perpetual neutrality of Belgium was drafted by a conference of the five powers in 1831. Due to the intransigence of the Dutch, however, final arrangements for Belgian independence and neutralization were not concluded until 1839. The Grand Duchy of Luxembourg gained its independence by more gradual steps, and in 1867 its perpetual neutralization was guaranteed on the basis of the precedents established by Switzerland and Belgium.

The neutralization of Belgium and Luxembourg never attained the international status that has characterized that of Switzerland, for they soon became involved in the developing Franco-German rivalry. In the 1860's they were the object of negotiations in the struggle between Napoleon III and Bismarck. When the German Schlieffen plan became known in 1904, Belgium undertook negotiations with Great Britain and France to arrange for its defense in the event of a German attack. The German invasion of Belgium and Luxembourg in 1914 was in violation of the two treaties of neutralization, and France and Great Britain came to their defense.

The international guarantee of the neutralization of Belgium was discontinued in 1919 in recognition of changed conditions, and Belgium chose to assure its security through a military alliance with France. Luxembourg maintained a unilateral policy of neutralization until 1948, when it abandoned this policy in order to join the Treaty of Brussels and subsequent security agreements.

By comparison with the case of Switzerland, the guaranteeing powers played a significantly larger role in the neutralization of Belgium and Luxembourg. In these cases neutralization was less a reaffirmation and enhancement of a traditional policy than a special arrangement designed to solve a specific security problem. Since neutralization depended to such an extent on agreement among the guaranteeing powers, it was discontinued when they came to blows.

Laos

Whereas the neutrality of Switzerland, Belgium, and Luxembourg was guaranteed by the same five powers, inspired by a common political culture in the realm of international relations, the neutrality of Laos was guaranteed by a group of states in fundamental disagreement with each other over basic principles and policies. The guaranteeing states were all more or less directly involved in the internal affairs of Laos, and neutralization was proposed as a compromise solution to a complex international dispute.

The Declaration on the Neutrality of Laos was signed on July 23, 1962, by Burma, Cambodia, Canada, the People's Republic of China, the Democratic Republic of Vietnam, France, India, Poland, the Republic of Vietnam, Thailand, the Union of Soviet Socialist Republics, the United Kingdom, and the United States. The declaration set forth the obligations of the Royal Government of Laos and the 13 guaranteeing states in much greater detail than in any preceding treaty of neutralization. It also assigned to the three-member Commission for Supervision and Control in Laos, established under the Geneva agreement of 1954, the task of enforcing the neutralization of Laos. This Commission reports to the Cochairmen of the International Conference for the Settlement of the Laotian Question, 1961–62, and their successors in the offices of the British Secretary of State for Foreign Affairs and the Soviet Minister of Foreign Affairs. France and the United States argued at the Conference for a Commission with more effective powers, but their view was not accepted by the majority. The Commission is an instrument of the guaranteeing states, and represents an extension of their collective authority within the territory of the neutralized state. In practice, it has not been an effective instrument in controlling repeated interventions by several of the guaranteeing states.

The distinctive feature of the Laotian case is that that country has had no effective government and has been unable to take a decisive initiative either in establishing or in enforcing the regime of neutralization. The guaranteeing states, for their part, have likewise been unable to enforce the terms of neutralization.

Other cases

There are several other cases of neutralization of states, but these are of such a special or limited character that they do not contribute substantial precedents to the historical record. They nevertheless deserve brief mention:

Cracow, a city state, was neutralized in the treaty of September 6, 1815, signed by Austria, Prussia, and Russia. Its neutralized status lasted until 1846, when it was annexed by Austria.

The Independent State of Congo was neutralized by the General Act of the Congress of Berlin, February 28, 1885. This neutralization was not guaranteed by the signatory states, however, and it was terminated with the annexation of Congo by Belgium in 1907.

In a treaty signed on December 20, 1907, the Central American Republics bound themselves to respect the neutrality of Honduras. This treaty was abrogated in 1923.

The neutralization of Albania was incorporated in a treaty concluded at London on July 29, 1913, and was guaranteed by Austria-Hungary, France, Germany, Great Britain, Italy, and Russia. There is no further mention of Albanian neutralization in the public record, however, and it was allowed to lapse as a result of the war.

The Vatican City State, finally, was neutralized under the terms of a treaty concluded with Italy on February 11, 1929. This treaty is still in force.

Neutralization of groups of states

Among the many plans for disengagement in Europe advanced since the Second World War, a number have proposed that a group of states, varying in number but always including Germany, be neutralized under the guarantee of the great powers as part of a general security agreement. None of these proposals, however, has reached the stage of formal negotiation.

ANALOGOUS PRECEDENTS

The historical experience with the neutralization of states is limited to the cases discussed above, but there are other analogous or partially analogous precedents relevant to neutralization that deserve consideration in this context. Certain of these—such as neutrality as the condition of a state that does not participate in a war between other states, and neutral establishments, such as the Red Cross, hospitals, and other institutions protected in time of war by special conventions—have only an indirect bearing on the neutralization of states. There are other precedents, however, that bear more closely on the problems inherent in the neutralization of states.

Self-neutralization

Self-neutralization, or autonomous neutralization, occurs when a state makes a unilateral declaration of neutrality without guarantee by other states.

Thus Iceland, when it gained its independence from Denmark in 1918, declared itself to be "permanently neutral." Similarly, Austria, in a Constitutional Federal Statute enacted in 1955, declared its "perpetual neutrality." Cambodia, in 1957, adopted a neutrality law under which the Government bound itself to abstain from all military or ideological alliances with foreign countries. Such unilateral assertions of neutralization embodied in domestic statutes are not regarded as binding in international law, and their political consequences vary with the circumstances. In the aforementioned cases, self-neutralization has not been considered an obstacle to the assumption of the obligations of membership in the United Nations.

It has also been common in recent years for states to make less formal unilateral declarations of "neutralism" and "positive neutrality," normally in the form of a statement of intent by the chief of state not to enter into military alliances with other states. Such declarations have been made, for example, by India, Burma, Sudan, Iraq, and the United Arab Republic. Such declarations have no legal consequences, and are regarded simply as statements of national policy.

Neutralization, demilitarization, and international administration of parts of states and territories

There are a number of cases in which neutralization, demilitarization, and international administration of parts of states, including disputed territories and waterways, and also of strategic areas that are not parts of states, including outer space, overlap in a manner that is frequently confusing. Strictly speaking, neutralization is concerned with political power in general, whereas demilitarization is concerned with only that aspect of political power that involves the use of military weapons or forces. The confusion arises from the fact that neutralization of territories is often defined in general terms, whereas demilitarization is in fact the matter of most significant concern to the participating states. Territories that are internationally administered are normally neutralized and demilitarized.

In the cases of the neutralization of Chablais and Faucigny (1815–1919), the Black Sea (1856–71), the Aaland Islands (since 1856), the Rhineland (1919–35), the Saar territory (1919–35), the free city of Danzig (1919–39), the Turkish Straits (1923–36), the international zone of Tangier (1923–40; 1945–56), and the free territory of Trieste (1945–54), general political as well as specifically military provisions were concerned. Similarly, in the rather special case of the neutralization of the Antarctic in 1959, under the guarantee of 12 states with interests in that region, concern regarding the use of the Antarctic for military purposes was combined with considerations of political jurisdiction and economic and scientific interest. The various proposals and agreements regarding the use of international waterways, such as the Rhine and Danube Rivers, the Straits of Magellan, and the Danish and Turkish Straits, and the Suez and Panama Canals, have generally involved elements of neutralization and demilitarization among other considerations. The study of such cases is relevant to the neutralization of states insofar as they illustrate the constituent factors in the viability of regimes of neutralization.

Demilitarization in a narrower sense has been proposed on a number of occasions as a means of limiting the use of nuclear weapons. A widely discussed

proposal of this type was the Rapacki plan. In October 1957 the Polish Foreign Minister proposed that Poland, Czechoslovakia, the German Federal Republic, and the German Democratic Republic impose a ban on the production and stockpiling of nuclear weapons in their territories, and that France, Great Britain, the U.S.S.R., and the United States assume the obligation not to introduce nuclear weapons in the "atom-free" zone. The Rapacki plan was revised in November 1958 to include a withdrawal of foreign troops from the territory of the countries in this zone. These proposals were rejected by the Western governments on the ground that the size of the Soviet conventional forces available for deployment in Central Europe would give the U.S.S.R. a decisive preponderance in the absence of nuclear weapons and that the plan would result in a serious imbalance. In neither version of this plan was neutralization proposed in the sense of restricting the right of Czechoslovakia, Poland, and the two Germanies to enter into alliance relations with other countries.

A number of other proposals for the creation of "atom-free" zones in various parts of the world have been advanced as a means of limiting the proliferation of nuclear weapons. Such proposals have little direct bearing on the neutralization of states. Similarly, the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space, and Underwater, signed on August 5, 1962, is essentially concerned with demilitarization. Related proposals regarding the celestial bodies, however, also involve questions of neutralization and international administration.

U.S. POLICY

There is no formal policy statement of the United States covering the entire subject of neutralization, but its general policy in this regard may be deduced from a series of specific acts and statements.

In general, the United States has favored neutralization in those cases where the interested states have reached a mature decision that this is the best means of dealing with a specific situation. Thus, the United States was a signatory of the agreements neutralizing the international zone of Tangier (1945–56), the Free Territory of Trieste (1945–54), and the Antarctic (1959), and of the Declaration on the Neutrality of Laos (1962). In the course of the negotiations at Geneva in regard to Laos, Secretary of State Dean Rusk made a strong statement on May 17, 1961, in support of neutralization for Laos. This statement stressed in particular the need for "positive assurance of the integrity of elements of the national life," and "effective international machinery for maintaining and safeguarding that neutrality against threats to it from within as well as from without." [2] This emphasis on the need to support neutralization with effective guarantees has been a central feature of U.S. policy.

The United States has adhered to a strictly legal position in regard to international treaties of neutralization, and has maintained that such treaties do not have legal consequences for nonsignatory states. The United States has not in a formal sense recognized the neutralization of Switzerland, Belgium, and Luxembourg. After the entry of the United States into the First World War, however, it informed Switzerland that it would observe its neutrality so long as it was respected by the enemy.

In a similar spirit, it has not regarded domestic legislation proclaiming self-neutralization, such as that of Austria and Cambodia, as binding on other states. This position is defined in a memorandum on the "Nature of Austria's Neutrality and Legal Implication of United States Response to the Neutrality Declaration," dated November 16, 1955, by the Office of the Legal Adviser of the Department of State.[3] This memorandum reviews the opinions of leading authorities, and points out that a nonparticipating state may recognize a treaty of neutralization or a declaration of self-neutralization in the sense of declaring that as a matter of policy it will not violate the neutrality, but it has no commitment to defend such neutralization unless it has explicitly agreed to guarantee it. Thus, when the United States informed Austria in a note dated December 6, 1955, that it "recognizes the perpetual neutrality of Austria * * *," it was announcing its intention to refrain from taking actions that might violate Austria's neutrality.

The United States has viewed with disfavor unilateral declarations of "neutralism." It has maintained that the principle of collective security affords the best protection against attack. States should look for their security first to the United Nations, whose members are enjoined by the terms of the charter from using force

[2] "United States Outlines Program to Insure Genuine Neutrality in Laos," Department of State Bulletin, XLIV (June 5, 1961), 846.
[3] Whiteman, "Digest," I, 349–50.

or threat of force against any state. In view of the veto power in the Security Council, it has also favored collective defense arrangements under the provisions of article 51 of the United Nations Charter.

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Appendix B

Inclusion of a Definition of Aggression in a Neutralization Treaty

One obvious possibility is to include in an international agreement establishing neutralization a definition of prohibited conduct in the form of a definition of aggression. Such an approach to the regulation of international violence has a long and much controverted history.[1] Those favoring such a definition emphasize its role in clarifying the rights and duties of states with respect to the use of force, whereas those opposing a definition emphasize its double tendency to inhibit the peaceful nation and to be easily circumvented by the aggressive nation.

The Soviet Union has been a strong advocate of the adoption of an agreed definition of aggression in an international treaty since 1933, when it made such a proposal at the disarmament conference at Geneva. In fact, the Soviet Union has been the champion of such an approach to the regulation of violence and has proposed a series of draft definitions for consideration by international institutions, most recently in 1956 to a United Nations committee.[2] The United States and

[1] For a critique of past endeavors to agree upon a definition of aggression see Julius Stone, "Aggression and World Order" (Cambridge: Harvard University Press, 1958).

[2] In general, for account of the discussions in the United Nations, see "1956 Special Committee on the Question of Defining Aggression" (report of the Secretary General), A/AC 77/L. 13.

most European countries have generally opposed the adoption of such a definition, although there are some distinguished American international lawyers who are in favor of agreeing upon such a definition.[3]

In the setting of the neutralization treaty the important issue is to assess to the extent possible the probable impacts of a definition of aggression upon the objectives of the treaty. These objectives include establishing conditions whereby voluntary compliance is facilitated and whereby violations of the terms of agreement may be more quickly identified and effectively suppressed. Does the inclusion of a definition of aggression in the neutralization treaty promote or retard these objectives?

In this appendix brief attention is given to the main forms of definition that have been proposed in the past. As with assessing the desirability of defining aggression at all, there is disagreement as to whether it should be defined in vague and general terms or whether it should be defined as specifically as possible. In a sense, a vague definition is similar to the absence of a definition, as each actor remains free to interpret compliance or noncompliance according to particular policy preferences. Given the model of neturalization set forth in the text, it would seem desirable to have clarity of standards to facilitate a prompt and useful determination by the administering agency of whether a violation has been committed. Once a major violation has been verified, however, the model relies heavily upon national responses to uphold their interests. It is unlikely that the presence or absence of a definition of aggression will have any very significant effect upon the acceptability or operation of neutralization. In this respect it is very much a subsidiary issue. Nevertheless, some discussion of the advisablity of including a definition of aggression is almost certain to arise in the event of treaty negotiations.

In general, there are three types of definitions of aggression that might be considered for inclusion in a neutralization treaty: an inventory or catalog of aggressive acts, a general prohibition of aggressive behavior, and a combination of an inventory and a general prohibition. The Soviet Union has generally favored an enumeration of specific acts deemed to constitute aggression. In 1956 the Soviet Union proposed a definition containing an enumeration of 15 principal forms of aggression:

DEFINITION PROPOSED BY THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE UNITED NATIONS 1956 SPECIAL COMMITTEE

1. The attacker in an international conflict shall be considered that state which is the first to take any of the following actions:

(*a*) Declaration of war against another state;

(*b*) The invasion by its armed forces of the territory of another state even without declaration of war;

(*c*) Bombarding the territory of another State by its land, naval, or air forces or knowingly attacking the naval or air forces of another state;

(*d*) The landing in, or introduction within the frontiers of another state of land, naval or air forces without the permission of the government of such a state, or the infringement of the condition of such permission, particularly as regards the duration of sojourn or extension of area;

(*e*) The establishment of a naval blockade of the coast or ports of another state;

(*f*) Support of armed bands organized in its own territory which invade the territory of another state, or refusal, on being requested by the invaded state, to take in its own territory any action within its power to deny such bands any aid or protection.

2. That state shall be declared to have committed an act of indirect aggression which:

(*a*) Encourages subversive activity against another state (acts of terrorism, diversionary acts, etc.);

(*b*) Promotes the fomenting of civil war within another state;

(*c*) Promotes an internal upheaval in another state or a change of policy in favor of the aggressor.

[3] E.g., Louis B. Sohn, "The Definition of Aggression," 45 Virginia Law Review 697 (1959); Quincy Wright, "The Prevention of Aggression," 50 American Journal of International Law 514 (1956); for the best balanced discussion see Myres S. McDougal and Florentino P. Feliciano, "Law and Minimum World Public Order," 143–206 (1961).

3. That state shall be declared to have committed an act of economic aggression which first commits one of the following acts:

(*a*) Takes against another state measures of economic pressure violating its sovereignty and economic independence and threatening the bases of its economic life;

(*b*) Takes against another state measures preventing it from exploiting or nationalizing its own natural riches;

(*c*) Subjects another state to an economic blockade.

4. That state shall be declared to have committed an act of ideological aggression which:

(*a*) Encourages war propaganda;

(*b*) Encourages propaganda in favor of using atomic, bacterial, chemical, and other weapons of mass destruction;

(*c*) Promotes the propagation of Fascist-Nazi views, of racial and national exclusiveness, and of hatred and contempt for other peoples.

5. Acts committed by a state other than those listed in the preceding paragraphs may be deemed to constitute aggression if declared by decision of the Security Council in a particular case to be an attack or an act of economic, ideological, or indirect aggression.

6. No considerations whatsoever of a political, strategical, or economic nature, including the desire to exploit natural riches or to obtain any sort of advantages or privileges on the territory of another state, no references to considerable capital investment or other special interests in a given state, or to the alleged absence of certain attributes of state organization in the case of a given country, shall be accepted as justification of aggression, as defined in clause 1.

In particular, justification for attack cannot be based upon:

A. The internal situation in a given state, as for instance:

(*a*) Political, economic, or cultural backwardness of a given country;

(*b*) Alleged maladministration;

(*c*) Possible danger to life or property of foreign residents;

(*d*) Revolutionary or counterrevolutionary movements, civil war, disorders, or strikes;

(*e*) The establishment or maintenance in any state of any political, economic, or social order.

B. Any acts, laws, or regulations of a given state, as for instance:

(*a*) The infringement of international agreements;

(*b*) The infringement of the commercial, concessional, or other economic rights or interests of a given state or its citizens;

(*c*) The rupture of diplomatic or economic relations;

(*d*) Economic or financial boycott;

(*e*) Repudiation of debts;

(*f*) Nonadmission or limitation of immigration, or restriction of rights or privileges of foreign residents;

(*g*) The infringement of the privileges of official representatives of other States;

(*h*) The refusal to allow armed forces transit to the territory of a third state;

(*i*) Religious or antireligious measures;

(*j*) Frontier incidents.

7. In the case of the mobilization or concentration of armed forces to a considerable extent in the vicinity of its frontiers, the state which such activities threaten may have recourse to diplomatic or other means for the peaceful solution of international controversies. It may at the same time take steps of a military nature, analogous to those described above, without, however, crossing the frontier.

The actor that first commits any of these acts is deemed the aggressor. The main difficulty with the Soviet approach to defining aggression is that it appears too rigid, not allowing a sufficient inquiry into the political context.

At the other extreme is a very general definition of the sort proposed by some Latin American countries. One example of such a definition is as follows:

"Aggression is the threat or use of force by a state or government against another state, in any manner, whatever the weapons employed and whether openly or otherwise for any reason or for any purpose other than individual or collective self-defense or in pursuance of a decision or recommendation by a competent organ of the United Nations."

This kind of definition is broad enough to take in the entire context and to cover all possible instances, but it is so vague that it provides no criteria by which to guide decision as to what is permissible and what is forbidden. In effect, the determination of a violation is a political judgment and it is likely to appear as such.

The third type of definition that has been considered combines a specific listing of acts illustrative of aggression and a general prohibitory provision that is all-encompassing. This kind of definition seems best suited to the purposes of administering neutralization, providing the control group with some guidance and yet allowing the determination of aggression to be based on an overall judgment of responsibility rather than on the commission of isolated acts.

These definitions should be mainly considered in relation to the design of control machinery. No definition of aggression is truly self-defining, nor likely to inhibit a determined aggressor (except, perhaps, to the extent that it facilitates an effective response). The inclusion of a definition of aggression in whatever form is unlikely to make a great deal of difference to the success or failure of neutralization, and so it is an issue upon which considerable flexibility of attitude is desirable.

Appendix C

Control Precedents

This appendix explores in some detail the most important precedents that have a bearing on the control and maintenance problems of potential neutralization arrangements in southeast Asia. The number of previous cases with substantial relevance is, in fact, severely limited. Moreover, the most important of these relate to the successor states of French Indochina. The following material focuses on the operations of the control machinery for Cambodia set up by the Geneva Agreement of 1954 and for Laos established by the Geneva Agreement of 1962.

THE CAMBODIAN CASE

Though Cambodia is actually a self-neutralized state, the fact that the Geneva Conference of 1954 established control machinery for the country makes the case relevant for the present discussion. The principal responsibility for control was vested in an International Control Commission composed of representatives from India, Canada, and Poland and operated on the basis of the troika principle. The 1954 agreements did not mention the institution of the cochairmanship at all. In practice, however, the Control Commission began to seek guidance from and report to the cochairmen, with the result that the latter came to play a significant role in the overall effort to maintain the terms of the 1954 settlement in Cambodia as well as in Laos and Vietnam.

The initial activities in implementing the Geneva agreement for Cambodia centered on efforts: (1) to demobilize the Khmer Resistance Force (KRF), and (2) to secure the withdrawal of French and Vietminh forces from the territory of the country. By the time the Control Commission became operational, however, several of these tasks had been largely accomplished on a unilateral basis. Nevertheless, the Commission aided in verifying this fact. And it did oversee the evacuation of organized Vietminh forces from Cambodia.

During the years from 1955 to 1959, the Control Commission continued to perform some useful operations in Cambodia though its effectiveness had begun to decline by 1957. In 1955 it played a part in certifying the legitimacy of Cambodian national elections and in verifying the acceptability of American military aid to the country. With the rise of a variety of complaints about Cambodian border disputes with both South Vietnam and Thailand in 1956, however, the Control Commission began to encounter difficulties. From this time on, the question of border problems generated political dissension within the Commission concerning its own jurisdiction. Significantly, it was frequently the Canadian member who formed the minority by advocating a minimal conception of the Commission's jurisdiction. Since 1959, the Control Commission has been effectively moribund. It should be noted that this has been partly due to the relative success of the Cambodian Government in controlling its country and maintaining its neutrality as well as to the internal collapse of the Control Commission.

In recent years Cambodia has engaged in a difficult though at least partially successful struggle to avoid being drawn into the ongoing conflicts in southeast Asia. Some violations of the Geneva arrangements are occurring. There is a certain amount of infiltration of Cambodian territory by foreign forces, though this evidently does not constitute a serious threat to the viability of the indigenous government. Perhaps more disturbing, however, is the evidence that the country has recently begun to figure more importantly and controversially as a base and

supply route for the Vietnam war. As a consequence of these developments, there is at present considerable interest in reactivating the Control Commission to help maintain the Cambodian-South Vietnamese border. Nevertheless, no concrete steps along these lines have yet been taken. This situation in Cambodia is not yet out of hand but it certainly does not bode well for the future. Though Cambodia is therefore still maintaining its neutrality, recent expansions of the war in South Vietnam provide a clear reminder of the precarious nature of the position that Cambodia occupies.

In general, the self-neutralization of Cambodia has been far more successful than the concurrent arrangements for Laos and Vietnam. In part, this stems from the relatively complete implementation of the original arrangements in 1954. Above all, however, the success must be attributed to: (1) the relative strength of the indigenous regime, and (2) the absence of any really coordinated or extensive outside interference. In the words of a recent study:

"The explanation for the relative success in Cambodia, as compared to relative failure in Laos and Vietnam, lies in the absence of any conflict between Communists and non-Communists within Cambodia and of any dispute involving a Communist state. Cambodia was not partitioned as Vietnam was in law and Laos was in fact. There was no domestic Communist organization seeking to overthrow the Cambodian Government. Border conflicts were not of the variety where a Communist nation is pitted against a non-Communist nation. In conflicts involving only non-Communist states, even a Communist member of a troika can afford to appear impartial." [4]

Although this formulation emphasizes the issue of communism excessively, it does point to the major reasons for relative success in Cambodia. For present purposes, it is important to note that the role of the control machinery in this success has not been great. The Commission played a relatively small, though helpful role in the initial implementation of the Geneva agreement and in the immediately succeeding period. More recently, however, the Commission has played no serious role in Cambodia and the maintenance of neutrality has rested on other factors.

THE LAOTIAN CASE

Perhaps the most relevant precedents for the present study of control machinery stem from the arrangements made in the Laotian case at the Geneva Conference of 1961–62. The International Control Commission for Laos, established under the Geneva agreements of 1954, was withdrawn from the country in July, 1958 at the request of the government of Prince Souvanna Phouma, which at that time was relatively well established. The country was therefore without control machinery from 1958 until the middle of 1962. During this period, however, the internal strife in Laos was renewed, and a situation arose in which there was no effective government. In particular, it is important to notice that by 1961 the tide of operations within Laos had become favorable to the factions supported by the Communist states and unfavorable to those supported by the United States.

The Geneva Conference, meeting in this atmosphere of shifting politics, reestablished the control machinery for Laos. The basic structure of the machinery remained the same as it was under the 1954 Geneva agreements. Within this framework, however, the machinery was strengthened. The prescribed powers of the Control Commission were enlarged in respect to both the maintenance of internal peace within Laos and the prohibition of outside interference in Laos. The voting procedures of the Commission were liberalized so that a majority vote would suffice for a greater proportion of its activities. Moreover, to facilitate physical access, the Commission was supplied with independent transportation facilities including helicopters. At the same time, the institution of the cochairmanship was officially recognized and given definite responsibilities for maintaining the overall arrangement. In the 1962 agreement, the cochairmen were requested to exercise "supervision over the observance of this protocol and declaration on the neutrality of Laos." [5] Finally, the line from the Commission to the cochairmen was made more definite, and the latter became something of a court of appeal for the Commission when it encountered difficulties.

A disquieting note at Geneva with reference to the control machinery, however, arose from the sharp disagreements between the United States and the Communist

[4] The Washington Center for Foreign Policy Research, "The Future Character and Role of Peace Observation Arrangements Under the United Nations" (Washington, D.C., December 1964), app. III, pt. 2, p. 732.

[5] Ibid, p. 695.

states concerning the role of this machinery. In brief, the Communist states were not prepared, at Geneva, to accept the provisions for an extensive and genuinely effective control arrangement advocated by France and the United States at the 1961–62 Conference. Moreover, the evidence suggests that the final control provisions did not flow from a genuine compromise and that they therefore represented only lip-service agreement for the sake of a successful outcome in Geneva. Modelski, for example, argues that, in the end, the Communist states were pleased to achieve their objective of "the withdrawal of American military power from Laos without accepting international control of a kind which might obstruct seizure of power."[6] The formal enlargement of the powers of the control machinery, therefore, must be seen in the light of these political disagreements and diverging interpretations.

The actual success of the neutralization regime in Laos since 1962 is dubious, to say the least. There was some initial compliance with the terms of the Geneva agreement. A fusion government headed by Prince Souvanna Phouma was established in the country. The Control Commission supervised the withdrawal of foreign personnel, particularly on the part of the United States and the Philippines. And there was some separation of hostile forces followed by withdrawal into their own spheres of influence. These results were significant though at no time were the terms of the agreement fully complied with by the various parties.

Beginning in 1963, however, violations of the Geneva agreement began to mount rapidly. These violations fall roughly into three categories. First, internal fighting began again on a large scale in April 1963 and has continued on a sporadic basis ever since. Civil strife continues to disrupt the political life of the country though it has not yet gotten totally out of hand, as is the case in South Vietnam. The country is radically deficient in terms of economic viability, and it has not yet experienced a stable political regime let alone one capable of controlling the whole territory of the country in physical terms. It is worth noting that the tide of politics in the country is presently far more favorable to the Western position than was the case in 1962, and this shift, of course, affects the attitudes of outside powers in the expected directions. Second, outside interference continues on a rather massive scale. Foreign arms are supplied in quantity by at least North Vietnam and the United States. It is reliably argued that Vietminh personnel were never withdrawn from the territory of Laos, and it seems clear that they are now present in the country in considerable numbers. On the other side, the non-Communist factions in the country have made considerable use of Thai personnel. Moreover, the interference of the United States has extended beyond the level of arms shipments. American interdiction bombing, ostensibly in connection with the Vietnam war, has had substantial effects on Pathet Lao and Vietminh operations. In addition, the somewhat shadowy, American-supported organization known as Air America has played an important role, particularly in assisting the non-Communist Laotian forces with transportation problems. Third, the very extensive use of Laotian territory in connection with the Vietnam war is in direct violation of the Geneva agreement. The Ho Chi Minh Trail is a major transportation connection between North and South Vietnam and is presently being used extensively.

Where does all this leave the neutralization arrangement? A recent report from Laos describes it as having been "torn to shreds" and argues that no one pays any attention to it any more.[7] At this level, it is hard to deny this conclusion. The one thing that can be said in favor of the Laos arrangement is that, at this time, Laos has not again become a major source of disturbance or direct confrontation in great power or overall regional politics. Though it is certainly debatable, it may therefore be plausible to argue that the situation in Laos has not passed beyond the threshold point discussed in section IV of the main text.[8]

Unfortunately, however, there is little evidence of effectiveness in the record of the control machinery under the 1962 agreement. The Control Commission played some role in supervising the initial activities under the agreement in the latter part of 1962. Even at this time, however, it never achieved access to the whole of the country, and it seems clear that the actions of compliance that were taken (primarily by the United States and the Philippines) would have been carried out regardless of the existence of control machinery. Beyond this initial period, the record of the Control Commission is rather dismal. Despite its increased powers and improved transport, it was never granted access to large

[6] George Modelski, "International Conference on the Settlement of the Laotian Question, 1961–62," mimeographed (Canberra: The Australian National University, 1962), p. 33.
[7] Denis Warner, "A Cautionary Report on Laos," The Reporter, vol. 33, No. 10, Dec. 2, 1965, p. 37.
[8] "Neutralization in Southeast Asia: Problems and Prospects," p. 8.

portions of the country, especially those areas under effective control of the Pathet Lao, for various political reasons. The situation became even more difficult when the resumption of civil strife in 1963 cut off what little cooperation with the Control Commission there was prior to this time. Under these circumstances, the Commission was reduced to very imperfect and often hearsay evidence. Control operations became all but impossible during the course of 1963 when political splits arose in the Commission that more or less mirrored emerging disagreements among the parties to the Geneva agreement. From this point on, the Polish member was in constant dissent from the views of the Indian and Canadian members. As a result, the operations of the Commission were brought to a virtual standstill. Moreover, appeals to Great Britain and the Soviet Union, in their roles as cochairmen, to straighten out these problems were of no avail since the cochairmen themselves were in disagreement on the issues and could reach no decisions. Despite the formal augmentation of the role of the cochairmen under the 1962 arrangement for Laos, therefore, political disagreements between Great Britain and the Soviet Union have largely drained the role of its significance in specific situations. In summary, the control machinery under the 1962 agreement did not lack statutory authority but it was made almost totally ineffective by political disputes and disagreements. Even a friendly analysis of the control efforts concludes with the following statement:

"Was the 1962 ICC for Laos less effective than the 1954 ICC despite the slightly enlarged powers, independent transport and modified voting procedure? The answer is: 'Yes.' The reason why the 1954 ICC was somewhat effective in its early stages was because the Communist side welcomed a breathing space. In 1962 the Communist side felt that it had the pro-Western elements in Laos on the run, and the Vietminh stepped up its aid to the Pathet Lao in the hope of taking over the entire control of the country." [9]

Whatever continuing utility the 1962 Laos arrangement has had, therefore, can hardly be attributed to the effectiveness of the control machinery. If it is reasonable to argue that a final threshold of violations has not yet been crossed and that the arrangement retains some utility, the sources of these developments must be sought in the general configuration of politics involving Laos. Just as the disruptions in Laos stem largely from political factors, so also do the limitations on the conflict. These limitations are of two kinds. On the one hand, the fact that no faction in the internal battle has been able to win decisively is important. This continuing balance relieves each of the relevant external powers of the pressure to intervene to save "its side" from final disaster and to save face for itself. On the other hand, the major external powers have not seen fit to intervene decisively in Laos for reasons of their own. This is no doubt due to a combination of factors dealing with pessimism about the prospects for asymmetrical intervention, fear of escalation following mutual increases in commitment, preoccupation with Vietnam, and a disinclination to become involved in a protracted, messy situation even if it were not particularly dangerous.

CONCLUSION

The conclusions to be drawn from this survey of control precedents are not particularly encouraging. Nevertheless, it is of great importance to remember that the possibilities of creating effective control machinery depend primarily on the political configuration of the specific environment in which they are to operate. While it is highly unlikely that any control machinery could serve as a substitute for a supportive political configuration, machinery of this kind may very well aid in the maintenance of a neutralization arrangement that is politically sound in its essentials. In judging the relevance of control machinery for future neutralization arrangements, therefore, it will almost certainly be more important to look to the political configuration of the case at hand than to the detailed problems of control machinery in past situations.

ANNEX A

The following documents are included both because they provide an example of the arrangements that would be involved in setting up very extensive control provisions and because they present a control option that has been publicly advocated by the United States.

[9] Washington Center, op. cit., p. 720.

FRENCH PROTOCOL ON CONTROL

Presented to the International Conference on the Settlement of the Laotian Question, by Jean Chauvel, on June 6, 1961.

The Governments of----------

Taking note of the Cease-Fire Agreement signed on----------

Taking note also of the Statements of----------signed on---------- on the Neutrality of Laos, and----------

Desiring to supplement the Agreement of 20 July 1954 on the Cessation of Hostilities in Laos by provisions designed to ensure that Laotian neutrality will be effectively protected,

Have agreed as follows:

Article 1. The International Commission for Supervision and Control established by Article 25 of the 1954 Agreement shall be responsible for supervision and control of the application of the provisions of the Cease-Fire Agreement signed on----------, the Declarations on the Neutrality of Laos signed on----------and----------

In performing the duties specified in the present Protocol, the Commission shall act in close cooperation with the Government of Laos.

The Government of Laos shall assist the Commission. It shall insure that the assistance requested by the Commission and its services is provided at all administrative and military levels.

Article 2. The Commission shall set up fixed and mobile inspection teams on which the three member States shall be equally represented. The absence of the representative of one of these States shall not prevent the Commission or any of its teams from performing their functions.

The Commission shall establish for its inspection teams a sufficient number of operation centres to permit efficient operation of the inspection system. These centres shall be set up, in particular, at the main points of entry into and exit from the territory.

The Commission may change its centres if need arises.

Article 3. The Commission and its teams shall have all the authority for investigation, inspection and verification necessary for the performance of their duties, including authority to hear witnesses.

To this end they shall, as of right, have free and unrestricted access by land, sea or air to all parts of Laos, and shall have freedom to inspect, at any time, all aerodromes, installations, or establishments and all units, organizations and activities which are or might be of a military nature.

The Commission and its inspection teams shall have access to aircraft and shipping registers, to manifests and other relevant documents relating to all types of aircraft, vehicles and river craft, whether civil or military, domestic or foreign, and shall have the right to check cargoes and passenger lists.

Article 4. The Commission shall have sufficient logistic resources, including all means of transport and communication required for the effective performance of its duties.

The Commission shall have free use of these means of transport and communication and of the facilities necessary for their maintenance.

Article 5. The Government of Laos shall take all the necessary measures to ensure the safety of the Commission and its inspection teams and, in particular:

(1) it shall grant them full and complete protection including, at their request, the placing of protective forces at their disposal;

(2) it shall take suitable measures to enable them to travel quickly and safely so that they may perform their duties more effectively;

(3) it shall grant them all the privileges and immunities required for the performance of their duties.

Article 6. At the request of the Laotian Government or one of the members of the Commission, the Commission shall investigate without delay any infringement or threatened infringement of the provisions the application of which is subject to its control. Investigations may also be carried out by an inspection team at the request of one of its members.

Article 7. Decisions relating to the operations of the Commission or the inspection teams, and all procedural decisions, shall be taken by majority vote.

Article 8. The inspection teams shall report regularly to the Commission on their work. In addition, they shall immediately report any facts which necessitate urgent measures.

The Commission shall send members of the Conference a quarterly report on its work. In case of urgency, it shall send them special reports and suggest the measures it considers appropriate.

In all cases in which the Commission or one of its teams fail to agree on their reports, they shall submit a majority report and a minority report or three separate reports.

Article 9. The Commission shall remain in being until it is agreed by the members of the Conference that it can be terminated, and in any case until 31 July 1964. The Co-Chairmen shall report to the members of the Conference by that date on the question of continuing the Commission's work.

The Government of Laos or the Commission may at any time propose to members of the Conference the arrangements they consider necessary for adapting the activities and resources of the Commission to the needs of the situation.

Article 10. As long as the Commission remains in being, the heads of the diplomatic missions accredited by the States members of the Conference to the Government of _____ shall meet to take note of and discuss the reports of the Commission, which shall be transmitted to them direct. They shall also discuss the proposals and reports provided for in the preceding article. These meetings shall take place at least twice a year and, in case of need, at the request of one of the heads of mission, provided that the majority of the members agree.

Article 11. The expenses of the Commission and its services shall be borne by the members of the Conference as follows: _____

Article 12. The present Protocol replaces the provisions of articles 26 to 40 inclusive of Chapter VI of the 1954 Agreements.

TEN DRAFT ARTICLES TO SUPPLEMENT THE FRENCH PROTOCOL ON CONTROL

Presented to the International Conference on the Settlement of the Laotian Question, by W. Averell Harriman, on June 20, 1961.

1. The International Control Commission would establish a certain number of inspection posts through which all military personnel or war equipment entering or leaving Laos must pass.
2. The Commission would inform the Laotian Government and the members of the Conference of the installation of these posts.
3. The Laotian factions would inform the Commission of the exact positions of their forces and of the foreign forces cooperating with them.
4. All foreign military personnel or advisers other than those authorised by the 1954 Geneva Agreements would be withdrawn from Laos within a certain period.
5. The Commission will report to the Laotian Government and to the Conference participants on the presence of all armaments or war material in excess of that required by the national Laotian forces, and will suggest where the armaments should be sent.
6. No armaments or war material other than that specified by the Laotian Government in its statement on the organization of its national army will be introduced into Laos.
7. All prisoners-of-war and civilian detainees will be freed within 10 days at most after the entry into effect of the protocol. The repatriation of those of foreign nationality will be ensured by the Commission.
8. There will be neither reprisals nor discrimination against any person or organization due to their activities during the hostilities in Laos.
9. Articles of this Protocol supersede corresponding articles of the 1954 Agreements.
10. The present Protocol will take effect the day it is signed.

Appendix D

Some Variations on the Neutralization Model

The model discussed in the main body of the paper is capable of considerable variation. The number and identity of neutralized and guarantor states, as well as the nature of the guarantees and the provisions for control are all subject to alteration.

The prospects of negotiating a neutralization agreement, and of its performance, if negotiated, are sensitive to these variations. To examine the likely consequences of all these variations, and of the numerous combinations of variations is impracticable within the framework of this paper. To do so would require an assembly of resources hard to put together outside the government. The following paragraphs are only intended to illustrate the sort of variations that are likely to be important, and the sort of consequences they might have.

(*a*) *Neutralized states.*—Additions to the ranks of neutralized states in the region might make it harder to negotiate a neutralization treaty but, if negotiated, would tend to increase the effectiveness of neutralization simply because a larger area would be stabilized and less open to interference by other states. It should be noted, however, that the addition of some particular states might raise serious political and diplomatic problems. Thus, Indonesia might object if Malaysia wished to be included, and Singapore might be reluctant to give up the naval base maintained there by the United Kingdom since this base is at present a vital source of employment and income. The addition of Thailand, while desirable on the assumption that neutralization would be effective, would have the disadvantage of eliminating a potent U.S. military presence which would be important if neutralization failed and which, for this very reason, might deter flagrant violations.

On the other hand, a diminution of the neutralized area would tend to detract somewhat from the value of a neutralization treaty. In practice, diminution would probably confine neutralization to North and South Vietnam, or even to the latter alone. In the first place, the value of neutralization would in that case depend decisively on the terms on which South Vietnam's future was settled, and on the political prospects foreshadowed by that settlement. Second, if neutralization were limited to the two Vietnamese states, or only to South Vietnam, there would be a considerable risk that the problem currently presented by outside intervention in the affairs of South Vietnam would reappear in other states in this highly unstable area. The conclusion is that a larger area of neutralization seems more desirable than a lesser area, and would add, at least marginally, to the attractiveness of the scheme. Nevertheless, if South Vietnam alone were neutralized, this might have the advantage of requiring its recognition by states now hostile to it, and of buttressing its independence if neutralization worked reasonably well.

In any case, if neutralization began with a smaller area, provision could be made for its expansion either by the accession to a collective treaty or by the conclusion of further treaties patterned along the lines of those already in existence. The unanimous approval by states participating in the neutralization treaty would probably be necessary as a condition precedent to accession by an additional state. There may exist a variety of reasons for neutralized or guarantor states to oppose accession, including an interest in avoiding an enlargement of original responsibilities.

(*b*) *Guarantor states.*—We suggest a similar conclusion as far as the guaranteeing states are concerned. For reasons peculiar to their orientation in foreign policy, two such interesting candidates as Japan and India might be reluctant to become guarantors of a neutralization treaty, since its enforcement, in the event of violation, might mean active involvement in existing conflicts, and perhaps also impose onerous military obligations. It is also possible that the inclusion of France might encounter objections on account of her previous role as a colonial power in the area. However, any additions to the ranks of guarantors would have the general effect of strengthening the principle of non-intervention, indirect as well as direct. The opposite effects would be likely to obtain if one of the guarantors specified in our model refused to join. The resultant loss in effectiveness would be serious if the Soviet Union were uninterested. If only the United States and China were ready to act as guarantors, the neutralization of the area would not necessarily be unworkable, but it would surely be less workable than if at least one, or more, of the other great powers added their guarantee. An interesting case would arise if China refused but the U.S.S.R. (as well as some other powers) agreed to neutralization. The Soviet Union might well be interested in stabilizing the area, even in defiance of China, and in supporting the independence of North Vietnam against China. But the question remains of whether, over the longer run, neutralization could work despite the active opposition of China.

(*c*) *Guarantees.*—The obligations imposed on the neutralized and guaranteeing states could differ from those specified in our model. They are not, however, capable of much compression without greatly jeopardizing the value of neutralization. It is desirable that both indirect and direct aggression be prohibited if neutralization is to be worthwhile. It is also highly desirable, if not essential, that substantial violation be deterred and, if it does occur, verified by reasonably objective methods and rectified by powerful mechanisms of enforcement. A "joint-and-several" pledge to come to the assistance of a state whose neutral status has been violated forms the strongest feasible basis for enforcement. Procedures for consultation and remonstration are no doubt valuable, if not indispensable, as measures of first resort. But more powerful means of intervention are required

in the event a violating state proves recalcitrant; and requiring intervention to be necessarily collective, or sanctioned by a collectivity of states, is insisting on fetters that might well paralyze the enforcement mechanism. Similarly, if enforcement is to add attractiveness to the idea of neutralization, machinery for identifying, verifying, and measuring violation seems useful. Mere reliance on violation claims of interested states, especially among the guarantors, would greatly inhibit joint enforcement by the guarantors, and would lead to the quick demise of neutralization if a guarantor proceeded singly to strong enforcement measures on the basis of disputed evidence of violation. Even control machinery designed to be impartial might well fail to live up to expectations and thus jeopardize the viability of neutralization. But it is a device designed to minimize this jeopardy.

This leaves, of the obligations specified in our model, only the unconditional nature of foreign aid as a possibly dispensable and negotiable obligation.

There are, of course, additional obligations that could be considered for inclusion in a treaty of neutralization. However desirable in themselves, none would seem to be essential to the effectiveness of neutralization. If this is conceded, then the best procedure would be the pragmatic one of allowing the inclusion of additional obligations to be governed by their effect on the ease with which the essential conditions of neutralization can be negotiated. A nonessential obligation should not be insisted upon if it impedes the negotiation of a treaty. And it should be accepted if it improves the chances of negotiation.

Addendum

(The following examination of the subject of "Neutralization and Southeast Asia" was prepared at the request of Senator Lausche. It reviews some of the considerations bearing on application of the concept of neutralization in southeast Asia.)

Neutralization and Southeast Asia

Neutralization is one approach toward the objective of ensuring the right of the people of southeast Asia to independence and free, peaceful development. Burma and Cambodia have already adopted a neutral policy that is respected by the United States and many other countries. The neutralization of Laos was negotiated at Geneva in 1961–62. The U.S. position on the subject of neutrality and non-alignment in Vietnam and southeast Asia generally was stated in the Fourteen Points set forth by the U.S. Government in December, 1965. "The countries of southeast Asia can be non-aligned or neutral if that be their option." In the Declaration of Honolulu the purposes of the U.S. were again clearly stated: ". . . The U.S. seeks no bases. It seeks no colonial presence. It seeks to impose no alliance or alignment . . . The U.S. is pledged to the principles of the self-determination of peoples and of government by the consent of the governed. . . ."

There is, however, no indication that Communist China has been or would be prepared to accept and abide by neutralization in southeast Asia, and there is no assurance for the countries of southeast Asia that under any such agreement they would be protected from the danger of Chinese (and North Vietnamese) pressure and subversion to which their own relative weakness and vulnerability expose them. In view of the threat to Thailand's security from these pressures, for example, it has chosen to seek collective security through membership in SEATO. In the absence of the guarantee provided by this alliance, Thailand would be more vulnerable and exposed to communist subversion and pressure.

The Concept of Neutralization

Neutralization places restrictions upon both the states to be neutralized as well as those other states adhering to such an agreement. In consideration of neutralization as a possible framework for a settlement in southeast Asia these need to be examined carefully with respect to the actual situation as it exists in the area. It is necessary at the outset to make a basic assumption: The country (or countries) to be neutralized must be willing to accept this status. This means, at a minimum, a willingness: (1) to refrain from the threat or use of force in a way threatening the peace, except in self-defense; (2) to abstain from military alliances and alignments or from permitting the establishment of foreign military bases on its territory; and (3) to

refrain from interference in the internal affairs of other countries or to permit other countries to interfere in its own internal affairs or to use its territory to interfere in a third country. In addition, there must be a willingness on the part of other countries concerned to accept and respect the neutral status of the country in question. Specifically, neighboring countries must be willing to refrain from interfering, through direct aggression or subversion or other means, in the internal affairs of the neutralized state. Moreover, for the neutralization to be effective, there must be arrangements for adequate and effective supervisory and control machinery to ensure that the conditions of neutrality are observed by all concerned.

Assuming that the above considerations prevail, the neutralized state (or states) would benefit from freedom from outside aggression and interference while being free to pursue foreign policies compatible with the provisions of the treaty, or whatever other form of international agreement, which sanctifies its neutralization. The advantages to the neutralized state would, however, largely depend on the effectiveness of the neutralization arrangements. For example, it could find itself in a very disadvantageous position indeed if, having renounced the right to enter into military alliances, it finds itself under attack and is incapable of defending itself without foreign military assistance.

The other countries involved in these neutralization arrangements would share one advantage, if neutralization worked, and that is that the neutralized area would be removed as an issue of potential conflict between them. On the other hand, failure of the neutralization arrangements to work could result in heightened pressures to become involved in the area again.

COMMUNIST CHINA'S AIMS IN SOUTHEAST ASIA

Looking at Southeast Asia, where China and the U.S. confront each other, the immediate advantage of neutralization to China would lie in the removal of U.S. military forces from the neutralized area (as was the case in Laos in 1962). On the other hand, Peking, if it honored its corresponding commitments under such neutralization arrangements, would incur the disadvantage of being required to refrain from the support of pro-Communist revolutionary forces in the neutralized area. The concept of neutralization, if honored, would thus conflict directly with the doctrinaire ideological and revolutionary commitment to "wars of national liberation" entertained by the present leadership in Peking.

So long as Communist China persists on its present course, any agreement for neutralization of southeast Asia would have little chance of success. Ideology and nationalism combine in keeping Peking determined to bring the nations of southeast Asia under its influence and domination. Peking's ultimate goal is that Burma, Thailand, Laos, Cambodia and Malaysia—like North Vietnam—come under the rule of Communist parties which pursue domestic and foreign policies consonant with those of China. Peking also expects that these communist governments will come to power using the techniques of armed struggle developed in China's own Communist revolution. In Peking's view, the rate at which these developments take place is influenced by "objective circumstances" or "ripeness for revolu-

tion". At present, while the Communists concentrate on seizing South Vietnam, Peking's tactics appear to be to keep Burma and Cambodia neutral while threatening Thailand and Malaysia with an outbreak of insurgency. Thus, Peking is now the loud sponsor of the Thai Patriotic Front and the Malayan National Liberation League, both of which are Communist-front organizations preparing the way for "people's wars" in Thailand and Malaysia.

Tactically, the concept of neutralization is appealing to the Communists. It holds out the promise, as in Laos, of a withdrawal of any U.S. military presence. At the same time, no supervisory mechanism employed to date has proved capable of preventing violations by the Communist side. Moreover, joint military withdrawals still leave the Communists free to pursue their subversive aims through front organizations, as in Malaysia and Thailand. Finally, it must be recalled that when the Communists speak of neutralization, it is always Free World territory which is to be neutralized. It is difficult to see Communist China, for instance, consenting to "neutralization" of North Vietnam.

EXPERIENCE WITH NEUTRALIZATION IN THE AREA

The Geneva Accords of 1954 sought to bring about a peaceful settlement under which Vietnam would in effect be neutralized, leaving the northern part under a communist government and the southern half under a free government pending reunification. Communist North Vietnam, however, refused to abide by one of the primary requirements for neutralization—refraining from interference in the internal affairs of others. It was the failure of North Vietnam to abide by the 1954 Accords and North Vietnamese interference and support of subversion in South Vietnam which led to the present conflict there today. Moreover, the supervisory machinery set up by the Accords, the ICC, proved unable to function effectively in Vietnam to prevent these violations. As long as it remains impossible to achieve a settlement in Vietnam based upon South Vietnam's right to freedom of choice and freedom from outside interference and observance of the 1954 Accords, it is difficult to see what basis can be found for attempting to bring about a neutralization of the whole of southeast Asia.

The 1962 Geneva Accords on Laos represent a more specific attempt to provide for the neutralization of a country in southeast Asia by international agreement. Since this agreement was made with the benefit of the experience with the 1954 Geneva Accords before it, the problems which it has faced are instructive with respect to the difficulties and dangers inherent in any more general attempt at neutralization in this area at the present time. Two other southeast Asian countries—Burma and Cambodia—are self-proclaimed neutrals. Their status, however, has not been sanctified by any specific international action, and their ability to maintain it depends rather upon existing power factors in the area. These cases are considered in some detail below.

LAOS

The 1962 Geneva Agreements on Laos were specific in seeking to neutralize Laos. Among other things, in its Statement of Neutrality, which is incorporated in these Agreements, the Lao Government de-

clared that it was the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity and territorial integrity of Laos. The statement continued that the Lao Government would not interfere in the internal affairs of other countries nor allow foreign interference in the internal affairs of Laos. Further, the Lao Government undertook not to enter into any military alliance or to allow the establishment of any foreign military base on Laotian territory.

The thirteen other signatories of the 1962 Agreements indicated their recognition of an intention to respect the neutrality of Laos and specifically undertook, inter alia, not to interfere in the internal affairs of Laos or to use the territory of Laos for interference in the internal affairs of other countries. The Agreements provided for control and supervisory machinery to ensure the proper observance and implementation of their provisions. The British and Soviet Foreign Ministers as Co-Chairmen of the 1961–62 Geneva Conference on Laos were given general supervisory responsibilities. The International Control Commission (ICC)—India, Canada, Poland—was assigned the task on the ground in Laos of investigating and reporting on violations of the provisions of the Agreements.

Unfortunately, from the very beginning, one of the signatories of the Agreements failed to live up to its commitments. North Vietnam, in violation of the Agreements, did not withdraw all the military forces it maintained in Laos in support of the pro-Communist Pathet Lao (PL). North Vietnamese troops are still in Laos. Hanoi has continued to supply the Pathet Lao forces with military supplies and equipment, in the face of the provision of the Geneva Agreements prohibiting such importations except as requested by the Lao Government for its defense. Finally, despite its commitment not to use Lao territory to interfere in the internal affairs of other countries, the North Vietnamese have used the eastern portion of southern Laos, which was already in Pathet Lao hands, as a corridor to infiltrate men and supplies from the North into South Vietnam in support of the Viet Cong.

At the same time, the control and supervisory machinery created by the Agreements has not been able to function with full effect. The ICC has been refused freedom of entry and movement by the pro-Communist PL in areas under PL control. Moreover, the PL, supported in the ICC by the Polish member, have hamstrung ICC activities by claiming the ICC cannot conduct investigations without PL approval. Nevertheless, the ICC operating on a majority basis has conducted investigations, requested by the Lao Government, of violations of the Agreements by the Pathet Lao and the North Vietnamese and reported accordingly to the Co-Chairmen. However, the Co-Chairmen have been unable to agree on any joint action with respect to these reports and, in any case, have no enforcement authority. They could, of course, call for consultations among the signatories on those violations but the Soviet Co-Chairman has been unwilling to do this.

The international neutralization of Laos has not been a complete success. The Laos case demonstrates, moreover, the importance of two essential ingredients without which the effective neutralization of an area cannot be realized. These are (1) the willingness of all parties concerned to honor their commitments under the neutraliza-

tion arrangements, and (2) the ability of objective control and supervisory machinery to operate freely and independently in attempting to ensure the proper observance of these arrangements by all concerned.

BURMA AND CAMBODIA

Since Burma became independent in 1948 and Cambodia in 1953, both states have followed foreign policies of neutrality and non-alignment. With a common border of 1,200 miles with Communist China, Burma has had to be ever mindful not to provoke the enmity of Peking by action or alliance which would be considered by China to be inimical to its own basic interests in the region. Burma's foreign policy, therefore, has been total commitment to non-alignment and to peaceful coexistence as a means of retaining its independence without becoming a satellite of Communist China. Cambodia, in recent years, has felt less a fear of Communist China's domination and more a reliance upon China for support against Vietnam and Thailand.

Nevertheless, considering the context of Communist China's ultimate purposes in southeast Asia, the ability of Burma and Cambodia to maintain an independent foreign policy depends upon U.S. presence in the area. Without some counterbalance in the area, neither Burma nor Cambodia would have the strength to resist eventual Chinese Communist domination of the area. Prince Sihanouk of Cambodia has said publicly that, once American influence is removed from southeast Asia and the Chinese influence is supreme, "I myself and the People's Socialist Community that I have created would inevitably disappear from the scene." Should China become predominant in the Far East and North Vietnam conquers and unites all of Vietnam, Cambodia's chances of remaining an independent country and not becoming a satellite of either China or Vietnam would then be slight.

At present, Communist China accepts Burmese neutrality and non-alignment and vocally supports Cambodian neutrality which promote an image of Chinese acceptance of non-intervention and peaceful co-operation which is useful in Peking's efforts to oust American presence from southeast Asia. Given Peking's proclaimed ideological emphasis on "wars of national liberation", so clearly articulated in the Sino-Soviet dispute, it would seem inevitable that Communist China would not long tolerate the continuation of the existing non-communist governments in Burma and Cambodia, were American influence and presence to be removed from mainland southeast Asia. Burmese and Cambodian neutrality and independence would soon be undermined. Thus it is clear that the success of these two countries in maintaining neutrality at the present time is dependent upon the continued existence of U.S. power in southeast Asia counterbalancing that of Communist China.

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