The Korean conflict was an exercise in United Nations enforcement and not meant to be a traditional war: the initiation, the conduct and the termination of hostilities were supposed to be different. This implied that under ideal conditions the Security Council would take decisions based on great power unanimity, its military forces would defeat the forces of aggression and, finally, the vanquished would have to accept a settlement imposed by the enforcers of world law. Reality was different: the Korean conflict opened in a legally questionable manner, the conduct of hostilities was militarily inconclusive, and in the end the two sides negotiated a cease-fire as in old times. What had begun as an effort to implement the modern law of the United Nations ended very much as an exercise in the traditional law of war. As part of this development, neutrality resurfaced once again.

It was not the traditional conception, of course, that re-emerged because the Korean War, if anything, added confusion to the definition of neutrality. There were some states that claimed to be traditionally neutral, but the majority assumed a posture of non-participation, a concept related to the United Nations and defined in various ways in the course of the war. Furthermore, some states began to assume the positions of mediators between the blocs of the General Assembly, thus pursuing a policy that came to be known as non-alignment or, more confusingly, neutralism. Neutrality, non-participation and neutralism – all these played a vital role in the Korean War, and the result was one of great confusion.

The purpose of this chapter is to describe the American attitude towards these three concepts and to highlight some of the most obvious difficulties that arose. This is not an attempt to deal with neutralism and non-participation in detail but, once more, to trace the American view of neutrality. As will be shown, the Korean War did nothing to clarify that view.

To a considerable extent, American problems with respect to these concepts were self-inflicted because Washington was the
driving force behind the effort to put the Korean question before the United Nations and in getting the Security Council to act. Above all, the United States provided most of the troops which did the fighting. There would certainly have been no collective action without United States leadership. This meant that a number of problems America faced during the war had their origins in American initiatives.

This was true of the two Security Council resolutions of 25 and 27 June 1950 which laid the groundwork for collective enforcement. These were sponsored by the United States, but their very nature opened the door for non-participation, neutrality and neutralism.

The 25 June resolution 'determined' that North Korea had committed a breach of the peace; it 'called for' an immediate cessation of hostilities and 'requested' the United Nations Commission on Korea to take various steps. The 27 June resolution 'recommended' that UN members furnish South Korea with such assistance as may be necessary to restore international peace and security in the area. It also 'recommended' that all military forces and other assistance be made available to a unified command under the United States.

The Security Council 'determined', 'called for' and 'recommended', but it never 'decided'. The reasons are well known: Russia, protesting at the presence of Taiwan on the Security Council, was absent from the crucial meetings, and, consequently, some council members were reluctant to pass binding decisions on an issue that Russia was bound to veto. Such action could have provoked the Soviets into leaving the United Nations. A softer wording might prevent this.

The consequence was that UN members were not legally bound to live up to their obligations under Articles 2 and 25 of the Charter. Art. 2 requires them to 'give the United Nations every assistance in any action it takes in accordance with the present Charter and [to] refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.' Art. 25, however, specifies that this only applies to Security Council decisions: 'The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.' This meant that a UN member was not forced to participate in the