

INTERNATIONAL LAWYER

A Dialogue with Judicial Wisdom



Dr. Chung Il-Yung

INTRODUCTION

The Journal of East Asia and International Law honorably invites Dr. Chung Il-yung as the figure for <A Dialogue with Judicial Wisdom>. Born in 1926 in Seoul, Korea, Dr. Chung studied international relations and law at Seoul National University, Georgetown University and London School of Economics and Political Science. Then, he continued to carry out his research at the Geneva Graduate Institute of International Studies and finally defended at Geneva University his doctoral thesis on the Corfu Channel Incident. After coming back to Korea, Dr. Chung taught international law at Seoul National University and participated in the negotiation between Korea and Japan for normalizing their relations as a delegate. At the age of 37, he began his diplomatic career as the Vice Foreign Minister of Korea and then served as the ambassadors to Geneva, Berne, Brussels and Paris. He completed his diplomatic career with the Chancellor of the Institute of Foreign Affairs and National Security. Then, he became a member of the National Assembly. After the retirement from the 4-year's service as a congressman, he came back to academia as the president of Kookmin University and the president of the Sejong Institute. He has written many books and articles most of which are related to very critical and contemporary international legal issues. He is still working actively. In a small room of Sungbook-dong area, Dr. Chung is now writing a book on Korean diplomacy and international law. He likes playing golf and talking with his friends.

Madam Chung is good and happy with him. When I visited his place for interview, she warmly welcomed me. Dr. & Madam Chung have three daughters and sons-in-laws who are making great contributions in their fields. Dr. Chung may be contacted at: chungilyung@yahoo.co.kr

QUESTIONS & ANSWERS

1. I heard that you come from a highly established family within Korea. Would you be able to tell us a little bit about family? What was the most important aspect that your parents stressed about your education? Madam Chung is also very famous in the world's diplomatic society. What could you tell us about her?

I was very fortunate to have a brother, well-known businessman in Pusan and a lifetime member of the National Assembly who defrayed my expenses to study abroad for so many years. Madame Chung, rather modest and simplistic in nature, majored in English literature and was the youngest ambassadress at age 36. Influentially, her passion for education was carried down to her three daughters. One daughter graduated from Wellesley and obtained her Ph.D. from Columbia University. She is currently an art history professor at Seoul National University (SNU). All three son-in-laws also obtained doctorates in the fields of medicine, business and physics at SNU, U. PENN(Wharton School) and University of Tokyo, respectively

2. You have broad academic background. As a graduate of the Seoul National University, you went to Georgetown, London School of Economics and Political Science(LSE) and continued on to study international law at the Geneva Institute of International Studies. It is very rare among men of your age in Korea most of whom were suffered from war and poverty to have such an active academic career. Would you tell us about your campus life? And in particular, your supervisor for doctoral dissertation was professor Paul Guggenheim, a legendary international lawyer from Switzerland. How about his academic promotion?

The Korean War was almost over at the end of 1952. I was working at the War History Board assigned under the foreign news division that had just published the volume on the first year accounts of war events and I left the country for studying abroad. Having read political science with emphasis on international relations at Seoul National University (SNU), I was ready to challenge and expand my horizons abroad keeping in mind of my country.

Dr. Byung-Ock Cho, my most respected statesman, who was a short-lived candidate for presidency of the Republic, advised me to acquire the art of negotiation at the Graduate School of Foreign Service at Georgetown University, Washington D.C. I obtained a well-founded orientation on the discipline of politics among nations as well as the American diplomacy and the evolutionary trends and role of the general principles of international law that served me well later in my diplomatic career. I was and still am a truly proud Georgetown man.

From Washington, I proceeded on with my journey to London School of Economics and Political Science (LSE). My dream was to absorb the teachings of a great name, Harold J. Laski. However, by the time I reached London, the esteemed scholar had already passed away! Yet, LSE undoubtedly held an abundant group of celebrated

professors. To name the few, Charles Manning, Martin Wight and F.S. Northedge for international relations and D.H.N. Johnson who was an international law advisor for the Foreign Office. Besides them there was the 'London trio' of international law (at the University College): Georg Schwarzenberger, L.C. Green and Bin Cheng. In order to encounter and study the minds of the most established, I attended as many lectures and seminars as I could. In hindsight, the times at LSE were a high point in my learning life because of having devoured so many books in a short period.

One day, I discovered Paul Guggenheim during my readings at the LSE library. I came across a passage, *convictio juris sive necessitates*; the conviction of the psychological element of the constituent factor of international customary law! I wrote to the famed Geneva professor, a disciple of Max Huber, the arbitrator of the Palmas Island, right away and soon became a devoted student of his for four years and five months. In turn, I formed my doctoral thesis on the Corfu Channel Incident that was followed by an honorable book review in the British Year Book of International Law(1960's edition).

At the Geneva Institute, there were also many other eminent professors, to whom I owe much gratitude for supporting and consulting me: the great Hans Kelsen, Hans Wehberg and Maurice Bourquin. Every morning for about a year, especially, I could have chances to share my views on fundamental international legal discourse with professor Hans Kelsen in a small Volkswagen escorting him to the Institute. That was, I recollect, invaluable occasion for me! And I cannot refrain from expressing to Professor of the Institute Mme Denise and her husband, Professor-Ambassador Rudolf Bindschedler, the Swiss Foreign Ministry legal advisor, for their encouragement.

My biggest harvest in Geneva was reading and familiarizing myself with the P.C.I.J. and I.C.J. as well as important arbitrations. Moreover, it was an exciting and memorable moment when I followed Professor Guggenheim to The Hague Court to hear his pleadings on the Right of Passage and the Inter-handel cases.

After having completely immersed myself in the studies abroad, I compiled a list of reference books that would help prepare the professional route I was about to embark. Upon my return from Geneva, I gave my long list to my brother, who willingly agreed to finance what he had thought was a "good investment." The list included all the back numbers of Recueil des Cours of The Hague Academy, American, British, French and Japanese journals, yearbooks and digests, as well as a complete set of classics and important modern dissertations.

3. *After coming back to Korea in 1959, you began teaching international law at Seoul National University. However, you came out of the academia soon and have spent most of your professional life as a high ranking diplomat, holding positions of Vice Minister of Foreign Affairs, and being the ambassador to Switzerland, Belgium and France and then Switzerland. What caused you to change your career? If you have any unforgettable events during your diplomatic service, please tell us about them.*

At the age of thirty-four, I was appointed the chair of international law at SNU's Law College. I delivered lectures at the famed SNU's Law School and Political Science Department, my old alma mater, and contributed essays and editorials to the daily news papers and periodicals. After nine months of living on the fast track, I received a call from the Foreign Minister who, at my astonishment, solicited me to proceed to Tokyo and attend the Korea-Japan Relations Normalization Talks. I took the offer with great responsibility and honor.

My first contention at the Talks was on our claim for the restitution of the monetary gold that was removed by the Japanese from the Bank of Korea, which Japan established following colonization of Korea in 1910 by virtue of the treaties null and void ab initio. The Japanese had put forward a deluder that the Bank of Korea was "legally" established and that the trade of gold was a legitimate function of the Korean bank provided by the Bank Establishment Act. However, the "purchased" gold by the Japanese bank notes had become valueless after the Second World War.

Citing a number of cases before the International Courts, I declared that before an international adjudication, municipal legislations were "mere facts" and not the law. This statement was widely reported bringing soaring attention to my scholastic prestige.

This was how I was, after two, three years of juggling my dual profession as a professor and negotiator, appointed the post of minister plenipotentiary at the Paris Embassy. This was the start to a fifteen year long diplomatic career.. And at the end of my diplomatic career, I served as the Chancellor of the Ministry's Institute of Foreign Affairs and National Security and soon after became a member of the National Assembly on a national proportional ticket.

In summary, I had ventured through three milestones of international law, teaching, practicing and inspecting the practice of diplomacy. I furthered my profession by undertaking two positions as the president for Kookmin University in Seoul and finally, as the president of the semi-governmental Sejong Institute.

I have fully enjoyed my post-retirement life for ten years as the chairman of a foundation for a newspaper group, which published, among others, the Korea-Japan

Relations and International Law (1998), a voluminous edition of essays by the renowned scholars of both countries.

4. You have been involved in establishing the Asian Society of International Law as a member of the steering committee. In recent, the Asian Society has not been well promoted. Would you tell us about your views on the activities of the Asian Society of International Law? What is your expectation for the 21st Century's international law?

I am currently a member of board of directors for the Asian Society of International Law, recently organized as a counterpart of the European Society of International Law established in Florence (2004). One of the goals I have emphasized for the Society is that it should devote itself to exploring the historical aspects of international law in Asia. I made a brief introductory speech at the Society's meeting at Tsinghua University, Beijing in 2006 regarding the universality of international law. I raised questions on the legislation process regarding the European law of nations and its binding force all over the world. Thus, I predict the 21st century will witness a great evolution in the law.

Interview by Eric Yong-Joong Lee

PUBLICATIONS

Throughout the past fifty years, Dr. Chung wrote about sixty dissertations and articles which have been reedited and are now under the press. Titles include: Reception of International Law in Asia, Invalidity of Japan's Protectorate treaty forced on Korea, Francis Rey's *La Situation Internationale de la Corée* (1905), Perrinjaquet's *Corée et Japon* (1910), Korea and Centenary of The Hague International Peace Conference, Legality of the Repatriation of Eighty Six Thousands Koreans in Japan to North Korea, Judicial Settlement of the Dispute on Japanese Repatriation of Koreans in Japan to North Korea, Interim Measures of Protection in International Judicial Settlement, fourteen articles on the Korea-Japan Relations Normalization Talks, Status of Forces Agreement between Korea and U.S.A., Admission to G.A.T.T., Korea-Swiss Investment Treaty, Establishment of International Economic Consultative Organization for Korea (IECOK), Switzerland and Neutrality, Korea and Vatican, Founding the Institute of Foreign Affairs and National Security, Parliamentarian Diplomat, Assassination of the President's Spouse and State Responsibility of Japan, The U.S Legislature's Summon of the Korean Ambassador, Law of the Sea Conference, Counterfeit by State of Foreign Currency, Smuggling by State, International Crime, Consensus, Pactum de contrahendo, Restitution of Historical Documents, Sunken Warship with Treasures; Replacement of Escaped North Korean Political Refugees, and The Japanese Courts' Denial of Justice to the Seized Korean Fishing Boats, etc. He is now finalizing a book concerning Korean diplomacy and international law.