Military warfare

Between 1941 and 1945, the United States dealt with neutrality in the actual conduct of war and in the preparation of peace. As is well known, America handled the two questions separately: the conduct of hostilities was not related to concrete plans for peace, and, conversely, the Charter of the United Nations was not drafted against the background of military realities.¹ A similar division prevailed with respect to neutrality. The United States adopted one conception of neutrality in the conduct of war and quite another in the writing of the UN Charter. It is useful, therefore, to deal with the question in two separate chapters, in this and the next.

In the war itself, America confronted neutrality in the areas of good offices, military warfare, and economic warfare. The acceptance of neutral good offices was largely unproblematic,² while a number of difficulties arose in the pursuit of military and economic war. American planes regularly violated neutral air space or bombed neutral territory, and American officials were busy organising an economic blockade directly affecting the neutrals. Let us look at military warfare first.

Neutrality was violated massively in the Second World War. Early in the war, the Germans conquered Holland, Denmark, and Norway, all of which had declared neutrality. The Japanese record was no better, and both Fascist powers were unwilling to co-operate fully with the neutral International Committee of the Red Cross (ICRC). The Russians, too, forced the Baltic states to abandon their neutrality and to align with the Soviet Union.

In contrast, the American record was nearly perfect. At least from a military point of view, the United States respected the neutrality of
Ireland, Portugal, Spain, Turkey, Sweden, and Switzerland. As Cordell Hull stated in 1944, ‘we have scrupulously respected the sovereignty of these nations; and we have not coerced, nor shall we coerce, any nation to join us in the fight.’ Germany asked Spain to send troops to the eastern front; America never made such demands on any neutral. Germany requested and obtained rights of military passage from Sweden; America did not make such requests.

There was an attempt to violate Portuguese neutrality in 1943. George F. Kennan, at that time stationed in Lisbon, received orders to present to Salazar a list of demands for installing naval and air facilities on the Azores, demands that would have completely eliminated Portuguese neutrality. Horrified, he refused to obey orders and flew to Washington to argue against the strategy. Only by talking to Roosevelt himself did he manage to change the plan. Since the Portuguese had a long-standing military alliance with the British, who had just succeeded in obtaining extensive rights on the islands, Kennan’s idea was to work through the British. He was successful:

I was soon able to report that he [Salazar] was not only prepared to permit us to make liberal use of the facilities granted to the British in the Azores, if appearances were kept up in certain respects, but that he was even not disinclined to permit Pan American Airways to construct – albeit for the account of the Portuguese government – a second airport there, which we could eventually use on favorable terms.

Since international law of neutrality permits a neutral to honour alliance obligations signed in times of peace, no crass violation was committed. It was most questionable whether the Americans, as the allies of the British, were allowed to use these facilities. Perhaps this constituted a breach of international law, but it was a minor one by the standards of the Second World War.

*De facto* violations did take place. American planes flying against Germany and Japan at times passed over neutral air space, crash-landed on neutral soil, and in a few instances bombed neutral cities by mistake. At the end of the war there were compensation claims for damages suffered by Switzerland, Portugal, San Marino, and the Vatican. In 1945, American planes had bombed the Portuguese island of Macao off the coast of China. In reconquering Italy, the Americans bombed San Marino, and when the town of Albano was taken in February 1944 the Vatican was partially damaged.

The most extensive damage by far was suffered by Switzerland. One hundred and sixty-seven planes either crash-landed or were forced