

Safe conduct, protection and the neutrality of the host

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The first condition of any international assembly is the safety of its participants. The Council of Basel met in the shadow of a notorious breach of this condition. At the Council of Constance, Jan Hus had come under a safe conduct issued by King Sigismund. He had nevertheless been tried, condemned and burned in 1415. When the Council of Basel invited the Hussites to negotiate, their first demand was a guarantee of safety that would not be broken. After the Council, the city of Basel and the Emperor had issued safe conducts, the Bohemian delegation that arrived in January 1433 left the city unharmed after months of debate.¹ The credibility of the host city's guarantee was a precondition of the Council's most successful negotiation.

The city of Basel took this responsibility seriously. It maintained order in the streets, protected the lodgings of the prelates, settled disputes between visitors and citizens and ensured the free passage of envoys and couriers. King Sigismund, who was crowned Emperor in Rome in 1433, came to Basel in the autumn of that year and stayed for several months, which underlined the Council's importance and the city's role as its protector.² The city also had to navigate between the parties. It depended on the Emperor for its privileges, on the bishop for its ecclesiastical status and on the Council for its revenues. For that reason it could not openly take sides in the conflict between the Council and the pope without risking its relations with one or the other. Its policy was one of practical neutrality: it hosted the Council as long as the Council enjoyed imperial protection, and it asked it to leave when that protection was withdrawn.

The modern equivalent of the medieval safe conduct is the regime of privileges and immunities that host states grant to international organisations and their officials. The Bank for International Settlements enjoys such a regime in Switzerland under a Headquarters Agreement

concluded with the Swiss Federal Council in 1987, which guarantees the inviolability of its premises and archives, the immunity of its assets from execution and the freedom of its communications.³ The Host State Act of 2007 provides the general legal framework for the privileges that Switzerland grants to international organisations, conferences and their participants. The principle is the same as in 1433: an international institution can only function if its host guarantees its independence and the safety of its participants, and a host that fails to provide this guarantee loses the institution.

Neutrality in the modern sense did not exist in the fifteenth century. But the practice of the city during the Council contained its germ: the provision of services to all parties, the guarantee of safety to all participants and the refusal to be drawn into conflicts that did not concern the city directly. When Basel joined the Confederation in 1501, the Confederates imposed on it an obligation to remain neutral in conflicts between them and to act as a mediator. Chapter V examines this obligation, which is one of the historical roots of Swiss neutrality.

1 Notes

1. On the safe conducts issued to the Hussite delegation for the negotiations at Basel in 1433 and the shadow of the Hus case at Constance, see Helmrath, 1987; the literature on the Hussite negotiations. To be verified. ↩
2. On the stay of Emperor Sigismund in Basel from October 1433 to 1434, see Helmrath, 1987; HLS, article "Basler Konzil". Dates to be verified. ↩
3. Agreement between the Swiss Federal Council and the Bank for International Settlements to determine the Bank's legal status in Switzerland of 10 February 1987 (Headquarters Agreement, SR 0.192.122.971). See also the Host State Act of 22 June 2007 (SR 192.12). Part F examines the regime in detail. ↩

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