

The Åland Precedent | Gulshan Pashayeva

Abstract

2011 marks the 90th anniversary of the famous resolution on what is now known as the Åland Islands Question. The League of Nations mediated between Finland and Sweden (1917-1921), eventually reaching a compromise establishing Åland's autonomy with its unique Swedish character, demilitarization and neutralization. Statistics shows that it is the oldest and one of the best-functioning autonomies in the world, and is widely used as an inspiration in international conflict resolution.

This paper will explore the historical background and special characteristics of Åland autonomy, considered by many experts as an example of a successful and enduring solution to ethno-territorial conflict. Certain features of this autonomy might be applicable to the future status of the Nagorno-Karabakh region within the framework of the resolution of the Armenian-Azerbaijani conflict, which makes this research especially significant.

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Located in the Baltic Sea between Finland and Sweden, the Åland Islands consist of more than 6,700 islands and skerries, of which 65 are currently inhabited. Mariehamn, the capital and only town in the Åland Islands, is situated in the 'Åland mainland' - the largest island of Åland, which makes up 70 percent of the island's total land area. This is where 90 percent of the population live.¹ But there are also thousands of small islands scattered across the eastern area, known as 'the archipelago'. The total population of Åland is around 28,007.²

Today, Åland is an autonomous, demilitarized and unilingual Swedish-speaking province of Finland. Although more than 90 years ago Ålanders demanded unification with their Swedish motherland, today many Ålanders agree that the autonomous rule provides a well-functioning and successful model of peaceful coexistence.

It is not surprising that since the mid-nineties, Åland's autonomy has been a source of great inspiration for politicians and experts with an interest in the unresolved conflicts of the South Caucasus region, including the Armenian-Azerbaijani conflict over Nagorno-Karabakh.³ The Nago-

rno-Karabakh issue has divided the neighboring countries of Azerbaijan and Armenia, and has created serious barriers to security and regional development, which resonate at national, regional and international levels.

“You can't hold autonomy very hard; it dies when struggled against. If you open it up, it flies. It should be kept very carefully.” *

According to information provided by the Åland Islands Peace Institute, whose work focuses on forms of autonomy, minority-related issues, demilitarization and conflict management, different delegations from the South Caucasus countries visited Åland approximately eleven times between 1993 and 2010 within the framework of various peace-building initiatives. The delegations were comprised of government officials, experts, mass media and civil society representatives of Azerbaijan and Armenia, as well as employees of the

Armenia in 1988, before the dissolution of the USSR, but both Azerbaijan and the Soviet leadership rejected these territorial claims. However, after Azerbaijan and Armenia gained independence in 1991, Nagorno-Karabakh changed its policy, demanding secession from Azerbaijan. As a result of a full-scale war from 1992 to 1994, Armenian military forces seized almost one-fifth of Azerbaijan's internationally recognized territory, including the Nagorno-Karabakh region and seven adjacent Azeri-populated districts. Nearly one million people were displaced from these occupied territories, along with the ethnic Azerbaijanis expelled from Armenia in 1988-1989 due to inter-ethnic tensions. Despite a ceasefire achieved by Russian efforts in May 1994 and mediation efforts of OSCE Minsk Group and its triple Co-Chairmanship since 1997 (including Russia, France and the U.S.), no tangible results have yet been achieved in the official negotiation process.

** This phrase belongs to Mr. Roger Nordlund, currently serving as Speaker of the Åland Parliament.*

1 Åland in Brief. Published by the Åland Parliament and the Åland Government, 2008.

2 ASUB. Statistics and Research Åland. <http://www.asub.ax/start.con?iLan=2>

3 Armenians of Nagorno-Karabakh, who made up the majority of the population of the Azerbaijani Nagorno-Karabakh autonomous region, originally sought to be unified with

different international organizations. The author's first visit to the Åland Islands in August 1997 was also within a delegation of experts from the South Caucasus countries.

Brief historical background

The location of Åland Islands in the Baltic Sea was always considered highly strategic from a historical perspective. Although the Åland islands and the territory of modern Finland were originally part of the Kingdom of Sweden, under the Treaty of Fredrikshamn following the 1808-1809 war between Sweden and Russia, both territories became part of the Russian Empire until its disintegration in 1917. During the same year, the *Åland Movement* emerged with the leadership of Julius Sundblom, and several attempts were made to broach the issue of re-unification with the King and Government of Sweden.

In December 1917, Finland declared its independence and insisted that it did not support the Ålanders' desire to be reunited with Sweden; instead, they proposed the Autonomy Act, which was adopted by the Finnish Parliament on May 6, 1920. Sweden, in its turn, proposed that the Ålanders should decide which country they would like to belong to by holding a regional plebiscite. Under these circumstances, the status of the Åland Islands developed into a dispute between Stockholm and Helsinki, and upon a British initiative, the matter

was brought to the League of Nations, a newly established intergovernmental organization based in Geneva.

The decision the Council of League of Nations presented on June 24, 1921 was a compromise that offered something to each of the three parties to the conflict. Finland was granted sovereignty over Åland. However, it was internationally obliged to safeguard the preservation of the Swedish language, culture, traditions and the system of self-government that was offered to Åland in 1920. The Ålanders in their turn received autonomy of the Swedish character and additional guarantees that were enshrined in the 1920 Autonomy Act. In November 1921, there followed another ruling by the League of Nations relating to the preparation of the Convention on Åland's demilitarization and neutralization, which was signed by ten European states (Germany, Denmark, Estonia, Finland, France, Great Britain, Italy, Latvia, Poland and Sweden), under which Sweden also received guarantees that Åland would not pose a military threat to Sweden. The 1921 Convention also confirmed the validity of the 1856 Åland Servitude according to which Åland Islands was demilitarized for the first time after the Crimean War in 1856.

Representatives of Finland and Sweden met at the request of the Council three days after the above decision was announced, and came to the so-called Åland Agreement, in which the two countries agreed on a num-

ber of issues relating to the preservation of the Swedish language in the Åland schools, the maintenance of the landed property in the hands of the Ålanders, reasonable restriction of the right to vote by newcomers and the appointment of a Governor supported by the population. According to the Åland Agreement, which was unanimously approved by the Council of the League of Nations on June 27th 1921, the League of Nations pledged to ensure the implementation of these guarantees.⁴

“The text of the Åland Agreement was included, almost word by word, in the so-called Guarantee Act of 1922, which supplemented the 1920 Autonomy Act. After the adoption of the Guarantee Act the Åland Islanders agreed, although reluctantly, to apply the Autonomy Act”.⁵

On June 9th, 1922, the Åland Parliament, *landsting* (county assembly), as it was known at the time, convened its first session and Julius Sundblom, the strong and highly influential leader of Åland movement, was elected as its first Speaker. Since then, June 9th has been known as “Autonomy Day”, and it is celebrated in com-

memoration of Åland’s autonomy.

However, “the first Autonomy Act had been drawn up without Åland’s involvement, and it didn’t help that autonomy was implemented against silent opposition and with no real enthusiasm. The central character of the *Åland Movement*, Julius Sundblom, was so committed to the idea of reunification that he never managed to abandon it entirely. As late as 1945, the last year of his political career, he presented a proposal in the Legislative Assembly that Finnish Government renew the issue of reunification with Sweden at the World War Two peace talks”.⁶ Although this proposal was rejected by both Sweden and Finland, “it prompted the Finnish Government to undertake a review of the Autonomy Act which eventually led to the passing a new and more modern Autonomy Act in 1951”.⁷

According to some scholars, though the Ålanders fought for reunification with Sweden during the 1920s, after the second Autonomy Act of 1951, a certain shift in attitude between generations has occurred and the idea of reunification faded. Now there are no strong claims to a union with Sweden, and the people are content with the functional Swedish character of Åland autonomy as a means of maintaining the language and the culture.

4 Kristian Myntti. *The Åland Model – Its Background and Special Characteristics*. In: *The second Åland Islands question. Autonomy or independence?* Ed: Harry Jansson and Johannes Salminen. Published by the Julius Sundblom Memorial Foundation, Mariehamn, 2002, pp.110-111.

5 Kristian Myntti. *The Åland Model – Its Background and Special Characteristics*. In: *The second Åland Islands question. Autonomy or independence?* Ed: Harry Jansson and Johannes Salminen. Published by the Julius Sundblom Memorial Foundation, Mariehamn, 2002, pp.111-112.

6 Barbro Sundback. *A Success Story*. In: Susanne Eriksson, Lars Ingmar Johansson, Barbro Sundback, *Islands of Peace. Åland’s autonomy, demilitarization and neutralization*. The Åland Islands Peace Institute, 2006, p.84-85

7 *Ibid*, p.86

Over the following years, the development of Åland's autonomy continued: two new Autonomy Acts were passed by the Parliament of Finland in the constitutional order and with the assent of the Åland Parliament in 1951 and 1991.

When summarizing this historical background, one can argue that Åland's autonomy serves as an exemplar perhaps due to its evolutionary nature, because "conflict-solving through autonomy is one thing, developing autonomy is another".⁸

An inspirational autonomy

According to Lapidoth, "autonomy is a means for diffusion of power in order to preserve the unity of a state and while respecting the diversity of its population; it has been successful in some cases and failed in others".⁹ In this respect, there is no doubt that Åland can be considered a successful case, with its minority protection, demilitarization and neutralization.

"Some of the most interesting characteristics of this case concern the existence of the efficient organ of cooperation with a well-balanced membership, the increasing obligation of consultation, the clear though lim-

ited power of supervision, the strict rules intended to preserve the special

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character of the islands, the unique arrangements concerning residual powers, the flexibility (some powers may be transferred later) and last, but not least, the supporting attitude of the culturally related foreign state".¹⁰

Legislative and administrative powers in Åland autonomy are divided between Åland and the Finnish State. Under the Autonomy Act, "the Åland Parliament shall represent the people of the Åland Islands in matters relating to its autonomy. The Administration of Åland is vested in the Government of Åland and the officials subordinate to it" (section 3).¹¹

In accordance with the new Autonomy Act, the Åland Parliament, *lagting* (legislative assembly) consists of thirty members elected by secret ballot from the political representatives of Åland under the proportional system, and remain in office for four years. As a constituency of

⁸ Kjell-Åke Nordquist. *Åland in a comparative international perspective. In: The second Åland Islands question. Autonomy or independence? Ed: Harry Jansson and Johannes Salminen. Published by the Julius Sundblom Memorial Foundation, Mariehamn, 2002, p.103.*

⁹ Ruth Lapidoth, *Autonomy – Flexible Solutions to Ethnic Conflicts. Washington D.C.: United States Institute of Peace, 1997, p.3*

¹⁰ *Ibid, p.77*

¹¹ *Act on the Autonomy of Åland. The Åland Parliament. The Government of Åland, Marietamn, 2005, p.1*

Finland, Åland also has its own representative in the Finnish Parliament.

The most important duties of the Åland Parliament are to pass laws and to exercise budgetary powers within the limits outlined by the Autonomy Act. The regional Åland Parliament is entitled to pass legislation in some areas, including education, culture, health and medical care, the environment, internal communications, municipal administration and taxation, social welfare, tenancy and rent regulation, policing, promotion of industry, postal service and radio and television broadcasting). The State oversees foreign affairs and the border guard service, the majority of civil and criminal law, the judicial system, customs, and state taxation).

Åland Parliament also distributes the budget of Åland. Åland's net income and its economic basis are made up of a combination of its own revenues and a lump sum received from the Finnish government, which constitutes a form of repayment of a part of the taxes Åland pays to Finland (0.45 per cent of the Finnish government's total income, excluding Government loans).

The laws adopted by the Åland Parliament are referred to the President of Finland, who has the supervisory power in Åland's system of self-government. Under the Autonomy Act, he or she has the right of veto in two cases. "The first case is when the Åland Parliament has exceeded its

legislative powers, which normally occurs once or twice a year due to difficulties in interpreting the provisions of the Autonomy Act [...] The second case is when there is a threat to Finland's internal and external security".¹²

In this respect, the role of the Åland Delegation, a specific expert body within the Åland autonomy is extremely important. As a rule, "the President bases his or her decisions on the stated opinions of the Åland Delegation, a group of legal and economic experts elected in equal numbers by the Finnish Government and Åland Parliament, and sometimes also on the opinions of the Supreme Court of Finland".¹³

The Åland Delegation examines all laws passed by the Åland Parliament, to ascertain that the parliament has not exceeded its legislative competence. In addition, this body decides the yearly amount of money that the Finnish state has to pay to the autonomous bodies, as compensation for the taxes and fees that have been paid by Ålanders and Åland companies to the State. It also contributes legal counsel on the interpretation of the Autonomy Act to the Council of State, the ministries, the Åland Government and the courts.

¹² Lars Ingmar Johansson. *Åland's Autonomy – Its Background and Current Status*. In: Susanne Eriksson, Lars Ingmar Johansson, Barbro Sundback, *Islands of Peace. Åland's autonomy, demilitarization and neutralization*. The Åland Islands Peace Institute, 2006, p.54-55

¹³ *Ibid.*, p.55

In line with the Autonomy Act the duties of the Chairman of the Åland Delegation is performed by Governor or another person, whom the President of Finland has appointed in agreement on the matter with the Speaker of the Åland Parliament (section 55).¹⁴

The Governor is the most senior representative of the Finnish Government in Åland and plays an essential role in the Åland autonomy. When the League of Nations made its decision in June 1921 about additional guarantees for the Ålanders, the appointment of Governor was one of them. Only a person who is accepted by the Ålanders themselves can take the role, and following consultations with the Speaker of the Åland Parliament, the President of Finland appoints the suitable candidate. At the same time, if a consensus is not reached by the parties, the President will appoint the Governor from among five candidates nominated by the Åland Parliament (section 52).¹⁵

Thus, the Governor's main task is to promote positive relations between the political leaders and civil servants of the Åland autonomy and the State, and in a broader context, between both populations. The Governor is also responsible for regional state administration on Åland, as well as holding a seat in the Åland Parliament, and opening and closing par-

liamentary sessions on behalf of the President.

The administrative power is implemented by the Åland Government, which may have up to eight members. Its composition is heavily influenced by the Åland Parliament. The head of Government is appointed by the Åland Parliament on the proposal of the Speaker of the Parliament. The Administration is comprised of regional civil service and six departments (the chancellery department (a type of interior ministry), the finance department, the department for social issues and the environment (which also includes healthcare), the department of education and culture, the department of trade and industry (which includes agriculture, forestry, and fishing), and the department of transport). These bodies assist the Government in its daily work.¹⁶

Local councils elected every four years by public ballot implement decision-making power at the municipalities' level. There are 16 municipalities in Åland, the largest of which is Mariehamn. Founded in 1861, it celebrated its 150th anniversary this year. The smallest municipality is Sottunga, located in the archipelago.

Without the right of domicile in Åland, one cannot vote or be a candidate in municipal or Parliamentary elections, nor own property or busi-

¹⁴ Act on the Autonomy of Åland. *The Åland Parliament. The Government of Åland, Marietamm, 2005, p.20*

¹⁵ *Ibid*, pp. 1, 20

¹⁶ Lars Ingmar Johansson. *Åland's Autonomy – Its Background and Current Status*. In: Susanne Eriksson, Lars Ingmar Johansson, Barbro Sundback, *Islands of Peace. Åland's autonomy, demilitarization and neutralization. The Åland Islands Peace Institute, 2006, p.61-62*

nesses in Åland.

In this respect, the provisions in the Autonomy Act concerning the right of domicile and language are very important and specific characteristics of Åland autonomy. These issues were also among the additional guarantees accorded to the Ålanders as a part of the solution to the Åland Islands Question in June 1921.

“The right of domicile is granted to children whose father or mother has the right of domicile. Finnish citizens who move to the Åland Islands may apply for right of domicile after living in Åland for five years and demonstrating an adequate knowledge of Swedish. People who have previously had right of domicile or have a close family connection to Åland may be granted right of domicile in less than five years. Those who move away from Åland lose their right of domicile after five years”.¹⁷

This limitation of the right to own or be in possession of real estate property was introduced in order to ensure that the land would remain in the hands of local population.

At the same time the local population is exempt from military service, which is also linked to the right of domicile and does not apply to those who move to Åland after the age of twelve. At the same time “it is not directly linked to Åland’s demilitarization, but was introduced primarily as

a means of safeguarding the Swedish language”.¹⁸

The role of Swedish language and protection of its status was always a very significant issue for Ålanders, and according to the Åland Agreement, Finland is obliged to safeguard the Swedish language, culture and local customs of the Åland Islands.

Since then, Swedish has been Åland’s only official language, used by the State, Åland and municipal authorities, and in letters and other documents exchanged between Åland and State officials. It is also the language of instruction in publicly funded schools.

According to Barbro Sundback “the latest first language survey data suggests that the relationship between the Swedish- and Finnish-speakers in Åland has remained surprisingly stable. Some 93 per cent of respondents state Swedish as their mother tongue. About five per cent are native Finnish-speakers, with other languages accounting for the rest. This is a relevant measure of the effectiveness of self-government in preserving the Swedish language in Åland since 1921, when the League of Nations resolved that Åland should be granted a wide measure of autonomy while remaining a part of Finland in order to safeguard the status of the

¹⁸ Susanne Eriksson. *Åland – a Demilitarised and Neutralised Territory*. In: Susanne Eriksson, Lars Ingmar Johansson, Barbro Sundback, *Islands of Peace. Åland’s autonomy, demilitarization and neutralization. The Åland Islands Peace Institute, 2006, p.21*

¹⁷ *Ibid*, p.64

Åland joined the EU along with Finland in 1995, and its relation to the European Union's legal system is regulated by a special protocol known as the Åland Protocol. This protocol provides certain exemptions from treaties that are fundamental to the EU.

Swedish language in the Islands”.¹⁹

In terms of economic development, Åland's situation changed dramatically after the 1960s, when ferry transportation and shipping became the dominant industry, contributing significantly to the Ålands' current wealth. During the 1920s the Åland Islands were comparatively very poor. Another important factor is that having autonomy within Finland gives Åland a more privileged status than it would have as an ordinary province within Sweden. For example, Åland is significantly more advanced than the Swedish Götland Islands, a holiday destination in the Stockholm region that has little prospect of achieving Åland's economic success.

Since 1954 Åland has had its own flag and has been a member of the Nordic Council for more than forty years. Along with representatives of other Nordic autonomies, such as the

¹⁹ Barbro Sundback. *A Success Story*. In: Susanne Eriksson, Lars Ingmar Johansson, Barbro Sundback, *Islands of Peace. Åland's autonomy, demilitarization and neutralization*. The Åland Islands Peace Institute, 2006, p.79

Faeroe Islands and Greenland, the Åland Government actively participates in the work of the Nordic Council of Ministers. At the same time, the passports of Ålanders with the right of domicile specify their Åland identification (section 30(2)).

Another interesting development has been Åland's accession to the EU. Åland joined the EU along with Finland in 1995, and its relation to the European Union's legal system is regulated by a special protocol known as the Åland Protocol. This protocol provides certain exemptions from treaties that are fundamental to the EU. For example, persons or juridical persons who do not enjoy the right of domicile cannot acquire real property or set up business enterprises without permission from the Åland authorities. Åland's special status in international law has been confirmed by the Government of Finland in a unilateral declaration. Because the EU only recognizes independent states as full members, politically Åland and Finland should become more integrated and Finland should take Åland's political positions into account.

The special characteristics of Åland autonomy outlined above, together with its continuing development make Åland Islands one of the best-functioning autonomies in the world. “The political, cultural and economic standards achieved in Åland are im-

pressive and show that autonomy has served not only as an effective safeguard for the preservation of Åland Swedish language, culture and local customs, but also as a foundation for a vibrant and economically healthy society that has an active exchange with the wider world”.²⁰

Conclusion

2011 marks the 90th anniversary of the famous resolution on what is now known as the Åland Islands Question. Already its success can be measured, based on its political, social, and economic stability and satisfaction of all involved parties.

Its political durability and continuing development during these years is a fascinating phenomenon, proving once more that successful autonomy arrangements should be flexible and constantly evolving. Therefore both sides – the central Government on behalf of Finland and the autonomy on behalf of Åland - have been instrumental in the successful development of the Åland autonomy.

Sweden has also played a special role in this evolutionary process, as a country with which Ålanders feel an affinity of origin, language, and culture. The majority of Ålanders say that Sweden supported the Åland people; although according to some, Sweden was not insistent on this issue; the government was wary of

jeopardizing its peaceful relations with Finland for the sake of Åland. Åland was not at that time a foreign policy issue; it was under the aegis of the maritime minister rather than the prime minister. At the same time there was confidence in the Finnish government, and Sweden did not have any hidden agenda. “The Ålanders were quite simply forced to accept their fate and would never have received support for any renegotiation, as a result of Sweden’s lack of interest. No, even though the Ålanders have been unable to count upon any more tangible support from Sweden at difficult times and in conflicts, that does not mean that this is the answer to the question why the solution has been regarded as successful. Even though there are some who maintain that Sweden’s attitude in this respect has helped “to make the regime a success”.²¹

The role of international community was an additional essential factor in the resolution of this conflict. “The newly formed League of Nations, with a mandate to promote international peace, was summoned as mediator in the dispute between Sweden and Finland as to the future of Åland. It was still the time when views of people frequently counted for less than that of states, and the resistance of the people of Åland to autonomy

20 Barbro Sundback. *A Success Story*. In: Susanne Eriksson, Lars Ingmar Johansson, Barbro Sundback, *Islands of Peace. Åland’s autonomy, demilitarization and neutralization*. The Åland Islands Peace Institute, 2006, p.79

21 Elisabeth Naucler. *The Autonomy of Åland – a Model to Be Copied or a Source of Inspiration?* In: *The second Åland Islands question. Autonomy or independence?* Ed: Harry Jansson and Johannes Salminen. Published by the Julius Sundblom Memorial Foundation, Mariehamn, 2002, p.151

and preference for merger with Sweden was disregarded once the two states agreed on autonomy”.²² At the same time “a number of European states had an interest in the settlement of the Åland dispute, given the strategic location of the islands” and therefore “this convergence of the interests of international or regional community or big powers shows also how the interests of a minority may be subordinated to these wider interests. In the end, it has to be recognized, that Ålanders had no real choice once Finland and Sweden made a deal, largely for their own diplomatic reasons”.²³

2011 marks the 20th anniversary of the independence of the three South Caucasus countries. Azerbaijan, Georgia, and Armenia, all members of the Council of Europe, are currently working in close collaboration with different Euro-Atlantic structures. If Armenia and Azerbaijan, together with the OSCE Minsk Group mediators, are genuinely interested in developing a formula that might provide the basis for future settlement of the unresolved Nagorno-Karabakh conflict, then perhaps different European power-sharing arrangements incorporating specific characteristics of the Åland autonomy can be successfully applied in this context.

²² Yash Ghai. *Global Prospects of Autonomies. The Autonomy of Åland – a Model to Be Copied or a Source of Inspiration? In: The second Åland Islands question. Autonomy or independence? Ed: Harry Jansson and Johannes Salminen. Published by the Julius Sundblom Memorial Foundation, Mariehamn, 2002, p.45*

²³ *Ibid.*, p.46