
21. Åland in European security policy

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I. Introduction

The Åland islands form in many ways an interesting case in European security policy and in the gradually evolving European security system. Åland is an autonomous region of Finland with a largely Swedish-speaking population. Its legislative autonomy and a strong protection for its population's Swedish language and culture are enshrined in the Finnish constitution.

Owing to its location, Åland has for centuries been of great strategic interest for states in its neighbourhood. When Finland—and Åland with it—were transferred from Sweden to the Russian Empire in 1809, Sweden started to push for the demilitarization of Åland. After the 1854–56 Crimean War, during which major operations took place on Åland, an appendix to the 1856 Treaty of Paris forbade Russia from establishing fortifications or maintaining or building up a military presence and naval forces on the islands.¹ After Finland gained independence from Russia in 1917, Åland became for a number of years a source of controversy between Finland and Sweden as a result of the Ålanders' demand for Åland's reunification with Sweden.

In the summer of 1921 the League of Nations resolved the Åland question. Åland should remain a part of Finland but would be granted autonomy, which—along with the historically rooted principles of neutrality and demilitarization—would be supported by international guarantees. In October 1921 the Convention relating to the Non-fortification and Neutralization of the Åland Islands was signed by Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Poland, Sweden and the United Kingdom.² Russia was not accepted as a party to the convention because the Western powers did not regard Bolshevik Russia as a sovereign state after the revolution of 1917.

The convention placed two types of obligations on the signatories. Under the demilitarization provisions of the Åland Convention, Finland confirmed its commitments in the 1856 treaty.³ The 1921 convention prohibits the building or

¹ The parties to this treaty were France, the United Kingdom and Russia. Ahlström, C., *Demilitariserade och neutraliserade områden i Europa* [Demilitarized and neutral areas in Europe] (Ålands fredsinstitut: Mariehamn, 1995), p. 24.

² The Convention relating to the Non-fortification and Neutralization of the Åland Islands was signed on 20 Oct. 1921 and came into effect on 6 Apr. 1922. The original French text of the convention is available at URL <<http://www.kultur.aland.fi/kulturstiftelsen/traktater/>>.

³ The 1856 treaty was not superseded. Rosas, A., 'The Åland islands as a demilitarised and neutralised zone', eds L. Hannikainen and F. Horn, *Autonomy and Demilitarisation in International Law: The Åland Islands in a Changing Europe* (Kluwer: The Hague, 1997), p. 125.

maintenance of any military, naval or air force installations or bases of operation on the islands as well as any other installations intended for military purposes.⁴ The Åland Convention also contains provisions on the neutralization of the territory in case of war and states that it may not, directly or indirectly, be used for military purposes.⁵

Åland's status received renewed attention in the 1990s in view of the changes taking place in European security structures and Finland's policies vis-à-vis them. This chapter deals with these challenges. In section II the position of Åland with respect to the deepening of the European Security and Defence Policy and Finland's commitment to it is considered. Section III considers what would happen to Åland's demilitarized status if Finland were to join the North Atlantic Treaty Organization. Finally, the approach of the Åland Government itself is considered in section IV.

II. Åland, Finland and the European Security and Defence Policy

Åland's demilitarization drew fresh attention in the 1990s against the background of a radically different political and security context. The role and validity of the islands' demilitarization have been reassessed in different ways by the various parties involved. Åland's demilitarization and neutralization have a solid foundation in public international law, but demands are now being made for an examination of whether this foundation still holds.

There is wide agreement among experts in international law that Åland's demilitarization and neutralization remain beyond question, despite the changes that have taken place in the political context.⁶ However, the current status of Åland's demilitarization in international law does not appear to be entirely satisfactory, as many of Finland's neighbours are not parties to the 1921 Åland Convention. Allan Rosas therefore proposes that Lithuania, Norway and Russia should be invited to become parties to the convention and Lauri Hannikainen,

⁴ Ahlström (note 1), p. 28. There are a few exceptions to these rules. All marine vessels have right of innocent passage through the demilitarized area. The Finnish Government can also permit foreign marine vessels to visit the islands and temporarily anchor in Åland waters. In exceptional circumstances Finland also has the right to send armed forces to Åland if this is strictly necessary for the maintenance of order. Finland has the right to allow ships of war to anchor temporarily in Åland waters and, if necessitated by special circumstances, other types of marine vessels, although not submarines, may also enter these waters. Finland may also let its own military aircraft fly through Åland's airspace.

⁵ The neutrality provisions also contain a number of exceptions. In case of an armed conflict involving the Baltic Sea, Finland has the right to lay mines and take any maritime measures that are strictly necessary to ensure respect for the neutrality of the zone. In case of a sudden attack against Åland, Finland has the right to take any measures that are necessary to contain and repel the attacker until the other contracting parties are able to intervene.

⁶ Hannikainen, L., 'The continued validity of the demilitarised and neutralised status of the Åland islands', *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, vol. 54 (1994), p. 625.

who also argues for Russia's accession to the convention, puts forward the idea that the European Union should become one of the parties to the convention.⁷

Internationally, too, Åland's status in international law has received support. The issue was raised in Finland's membership negotiations with the EU. The additional protocol to Finland's accession treaty on the special status of Åland in international law suggests that there is still broad international agreement on the special position of Åland.⁸

The current development of the ESDP does not appear—at least in the short term—to imply any challenge to Åland's demilitarization or neutralization. For the time being, the EU lacks both legal competence and political will to disturb this historical arrangement. The situation might be changed if the EU's members should decide to use the opportunity given in the 1992 Treaty of Maastricht for the establishment of a common defence.⁹ The position of Åland would then start to be considered from the point of view of common strategic planning. The obligations of international law would, of course, continue to apply unless the EU and its relevant member states should specifically seek to rescind them.

III. Åland and Finnish membership of NATO

Membership of NATO means that a country is integrated into NATO's structures; in practice the integration of each new member may have specific features based on the nature of its national defence system or on conditions specified in its bilateral negotiations with NATO. The end results of the negotiations generally have certain common traits. Denmark and Norway, both founding members of NATO, do not permit foreign troops to be permanently stationed in their territories during peacetime and, in 1957 and 1961, respectively, declared that nuclear weapons could not be stationed or stored on their territories. NATO has applied the same principle to the incorporation of the new Central and East European member states.

Last but not least, it is the member country's geopolitical and strategic position that ultimately decides the terms under which it is incorporated into NATO's military structure. As long as NATO remains first and foremost a

⁷ Rosas (note 3), p. 35; Hannikainen (note 6), pp. 643–51; and Hannikainen, L., 'Ålandskonventionens framtid' [The future of the Åland Convention], *Åland på den säkerhetspolitiska agendan* [Åland on the security policy agenda] (Ålands högskola: Mariehamn, 1996), pp. 17–22. As Rosas shows, the problem with the EU's accession to the convention is that, unlike its constituent element the European Community, the EU is not a subject of international law.

⁸ Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, *Official Journal of the European Communities*, C 241, 29 Aug. 1994, URL <http://europa.eu.int/eur-lex/en/search/treaties_accession.html>, Protocol no. 2. See also Fagerlund, N., *Ålands folkrättsliga status och EG* [Åland's international law status and the EC] (Ålands högskola: Mariehamn, 1993), pp. 193–94.

⁹ The Treaty on European Union (Treaty of Maastricht) was signed on 29 July 1992 and entered into force on 1 Nov. 1993. The consolidated text of the treaty as amended, including Article 2 on common defence, is available at URL <<http://europa.eu.int/eur-lex/lex/en/treaties/index.htm>>.

defence union based on the collective duty of its members to assist in each other's defence, the admission of new members must also be preceded by an assessment of the strategic implications of the enlargement.

The question of whether Åland would retain its demilitarized status if Finland were to become a member of NATO can be approached by examining the legal, political and strategic significance of Åland's demilitarization in today's Europe and the consequences of a potential termination of the demilitarization regime.

To a large extent, the fate of Åland's demilitarization would appear to be in the hands of NATO, which means that the political and strategic aspects are the crucial factors. Ultimately, Åland's demilitarization and neutralization rest on the Åland Convention, whose contracting parties (with the exception of Finland and Sweden) are all members of NATO. Under the international law of treaties the contracting parties have the right to decide collectively on the termination of any treaties to which they are party. In the event that a majority of the contracting parties to the Åland Convention were to request the termination of Åland's demilitarization and neutralization, it is likely that only Sweden and the Ålanders themselves would oppose the decision.

Sweden's standpoint would depend on whether Sweden itself decided to join NATO or not. Russia, on the other hand, would not formally be able to prevent the termination of the Åland Convention, although it would probably attempt to do so by political means. NATO's member states and Finland would in any case be forced to reach an agreement with Russia on points arising from the 1856 Treaty of Paris to which the former Russian state was party. Russia also has a bilateral agreement with Finland on Åland's demilitarization.¹⁰

Åland's demilitarized and neutralized status has a strong foundation in international law. Some experts in the field regard this position as an 'objective regime'—that is, it imposes obligations on non-party states—while others argue that it is a part of customary law within the European legal system.¹¹ Although in principle there are no legal obstacles to the termination of Åland's demilitarization by the parties to the Åland Convention, such a step would require a broad political agreement among the countries of northern Europe.

In the event that Finland were to become a member of NATO, Åland's future would be decided on the basis of strategic and political considerations. If relations among the countries of Europe remain good, NATO's military strategists would probably argue for the termination of the demilitarized regime while the alliance's political strategists would try to prevent this. Anders Gardberg, who has studied Åland's position from a strategic perspective, has summarized the key points in the islands' strategic position.¹² First and fore-

¹⁰ The Treaty between Finland and the Soviet Union was signed on 10 Oct. 1940. The text of the treaty is available at URL <<http://www.kultur.aland.fi/kulturstiftelsen/traktater/>>.

¹¹ Rosas represents that latter opinion and refers, e.g., to Niklas Fagerlund and Hannikainen, who represent the former. Rosas (note 3), p. 29; Fagerlund (note 8); and Hannikainen (note 6),

¹² Gardberg, A., *Ålands strategiska ställning* [Åland's strategic position] (Krighögskolan: Helsinki, 1992).

most, he says, Åland is important for the defence of Finland: the islands could serve as a base for the country's naval forces in case of a sea attack against southern Finland. Åland is also important for Finland's foreign trade and its ability to function in a crisis situation. The same applies to Finland's telecommunication lines, most of which run across Åland.

Åland's position is also important from a wider north European perspective, according to Gardberg. If Finland were believed to have no credible ability to resist an attack and monitor the area, this would add to speculation about the future of the territory, with the result that more countries would include Åland in their military plans. Gardberg points out that whoever controls Åland in a crisis situation would be able to isolate the entire Gulf of Bothnia.

On the basis of this brief summary it seems clear that Åland's strategic position is sufficiently important to assume that NATO's strategic planners, in the event that Finland were to join the alliance, would attempt to end the territory's demilitarization. As far as NATO is concerned, it should not in this respect matter whether Sweden becomes a member or not. Åland's location in the Gulf of Bothnia is sufficiently important to warrant a reappraisal of its status.

Even if strategic considerations would seem to favour a termination of Åland's demilitarized status, it does not automatically follow that the leading NATO countries would attempt to persuade the other parties to the 1921 convention to agree to such a solution. Political factors and the NATO countries' assessment of the overall political dimension of the Åland question would in practice determine the outcome. This author believes that after assessing the political situation NATO would eventually decide not to alter the historical arrangement and leave Åland's international position unchanged.

Finland is more likely to apply for membership of NATO for political reasons—and because of the country's general role in the EU system—than because of a significant change in the strategic situation in northern Europe. In such a case, Finland would be inclined to avoid highlighting the strategic meaning of the change, as any move to end Åland's demilitarization would undoubtedly do.

If Finland were to join NATO without a change in Åland's status, this would not be the first time that the alliance has incorporated a country with demilitarized zones. The islands of Svalbard retain their status as a demilitarized zone in spite of the fact that Norway is a member of NATO.¹³ Svalbard's demilitarization is based on international agreements similar to those that govern the Åland regime. In the 1920 Spitsbergen Treaty, which confirms Norway's title to the islands, Norway undertakes not to establish or permit the establishment of any naval base or fortification in the zone.¹⁴ The treaty states that the area may never be used for military purposes. When Norway entered NATO, Svalbard

¹³ Svalbard was previously known as the Spitsbergen archipelago. Spitsbergen (formerly West Spitsbergen) is the largest island of the archipelago.

¹⁴ The Treaty concerning the Archipelago of Spitsbergen was signed on 9 Feb. 1920 and came into effect on 14 Aug. 1925. The text of the treaty is available at URL <<http://www.austlii.edu.au/au/other/dfat/treaties/1925/>>. See also Ahlström (note 1), p. 38.

was placed under NATO command, but the demilitarization provisions continued to be observed. Svalbard has been the subject of a historical dispute between Norway and Russia or the Soviet Union, and Norway has therefore been aware that the slightest attempt to alter the status of the area would meet with violent protests from Russia.

Other examples of demilitarized zones can be found in the Greek islands. Corfu and Paxoi in the Ionian Islands and the Aegean islands of Chios, Lesbos, Limnos, Nikaria and Samos have all been demilitarized through international treaties.¹⁵ The fact that the demilitarized status of these islands has been contested or qualified is not due to Greece's membership of NATO, but to the tense relations between Greece and Turkey. In fact, the Greek islands' demilitarization has been better respected by NATO's leadership and Greece's NATO allies than by Greece itself.¹⁶ In these cases, too, NATO membership in itself has not created any pressure for an end to demilitarization.

In Åland's case, the islands' fate could be decided in the bilateral membership negotiations between Finland and NATO, but it seems more likely that NATO will choose not to demand a review of the Åland Convention.

IV. Åland's security from Åland's own perspective

The autonomous Åland Government has formulated Åland's policy and objectives in the European integration process. Despite the positive attitude of the islands' population to European integration, which was confirmed in a referendum in November 1994, the Åland Government has continued to insist on a number of conditions, or premises, for Åland's participation.¹⁷ In the reports it has adopted, the preservation of Åland's demilitarized and neutralized status has figured as an unchallengeable premise for Åland's participation in the integration process.

Generally speaking, the Åland Government has taken the view that Finland's and Åland's membership of the European Union does not call into question or endanger Åland's status in international law. It is a view that is based on the objectives and intergovernmental forms of the Common Foreign and Security Policy in general, as well as on the fact that the signatories to the Åland Convention have the right to change or terminate Åland's demilitarized and

¹⁵ Bring, O., *Nedrustningens folkrätt* [International law of disarmament] (Nordstedt: Stockholm, 1987), p. 309.

¹⁶ According to Ove Bring NATO has avoided involving the island of Limnos in its exercises, which has led to protests from Greece. Bring (note 15), p. 307.

¹⁷ The Åland Government has defined Åland's position and objectives in relation to the integration process in several major reports and communications, e.g., Åland Government, 'Riktlinjerna för Ålands politik inom den Europeiska unionen' [Guidelines for Åland's policy within the European Union] Landskapsstyrelsens meddelande no. 3/1994-95, Mariehamn, 1994; Åland Government, 'Redogörelse över landskapsstyrelsens arbete med externa frågor' [Report on the Åland Government's work on external questions], Landskapsstyrelsens meddelande no. 4/1995-96, Mariehamn, 1994; Åland Government, Promemoria utarbetad vid landskapsstyrelsens rörande Ålands målsättningar [Memorandum prepared by the Åland Government on Åland's objectives], Mariehamn, May 1995; and Åland Government, 'Finlands preliminära ställningstaganden' [Finland's preliminary position in response], Mariehamn, Sep. 1995.

neutralized status. In reference to this circumstance, the Åland Government has stated that, even if Finland were to consider membership of a defence union, there is no reason for the issue of Åland's demilitarization to be on the agenda. The Åland Government's faith in the future of the islands' demilitarization and neutralization within a Finland that is a member of the EU has been reinforced by the recognition of Åland's status during the country's EU membership negotiations.

The Finnish Government has thus far shown no inclination to challenge the Ålanders' position. The strongest demands for change in Åland's status have come from certain Finnish military personalities and commentators who have seen problems in Åland's demilitarization.¹⁸ Their criticism has been based on arguments about Åland's increased strategic importance and increased vulnerability in the light of modern weapon technology. It has also been argued that Finland should take advantage of the current good political atmosphere in the Baltic Sea region in order to strive for a change.

However, not even in today's peaceful situation can Åland's status be a question of concern only to Finland. Åland's special position in the context of European security is still a matter of concern to several countries around the Baltic Sea and beyond. The considerable attention given to the Åland question over the years, from the debate in the League of Nations in the early 20th century to the current debate, demonstrates this; and it is an attention that would surely be bound to increase were either of the more radical scenarios discussed above—a 'real' defence community in the EU or Finnish entry to NATO—to loom on the horizon.

¹⁸ Hannikainen refers to this discussion, which was initiated in the mid-1990s. E.g., Major Mikko Taavitsainen has argued that Finland should attempt to end Åland's demilitarization. Both Commodore Jan Klenberg (Chief of Defence in 1990–94) and General Gustav Hägglund (Chief of Defence in 1994–2001) have referred to the increased strategic importance of Åland in the Baltic Sea. Hannikainen (note 6), pp. 627–30.