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Demilitarization and neutralization – the case of the Åland Islands

Abstract: Demilitarization and neutralization are among the specific restrictions that apply to the exercise of territorial sovereignty. Although frequently employed in international practice, no generally accepted definitions are available for either of these concepts. The void has given rise to a host of interpretations, which vary particularly widely in the case of demilitarization.

The Åland Islands are a classic example of an area that has been both militarized and neutralized. Owing to its strategic location, it has repeatedly become the focal point of political clashes between European powers over the last two centuries. The Islands were seen as a key to pursuing Baltic Sea policies and balancing the strengths of European powers.

The conflicts that swept through the region in the 19th century led to the gradual improvement of methods to demilitarize and subsequently neutralize the archipelago. Its status was ultimately settled in 1921 by an international convention and recognized after the end of World War II. The international legal status granted to the archipelago at that time has persisted to this day and continues to serve as a model of effective demilitarization and neutralization.

Key words: demilitarization, neutralization, Åland Islands, Baltic Sea region

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Demilitarization as a set of restrictions on the exercise of territorial sovereignty

Demilitarization and neutralization are the first commonly mentioned forms of restricting the exercise of territorial sovereignty. The two may either coincide or occur separately. In the most general sense of the term, spatial demilitarization¹ denotes a commitment to dismantle and prohibit any future construction of military equipment and facilities in a given territory, as well as a ban on maintaining arms or armed forces stipulated in an international agreement (that is either bilateral or multilateral). The classic international law textbook by the British lawyer L. Oppenheim written in the early 20th century defines demilitarization as “an agreement between two or more states to refrain from constructing fortifications or maintaining armed forces in a given area with a view to improving mutual security and preventing border incidents” (Oppenheim, 1905, 1906). The definitions of demilitarization can also be found in Annex XIII to the Treaty of Peace with Italy of February 10, 1947 and in Art. 60 of the Protocol Additional to the Geneva Conventions of August 12, 1949 (Bugajski, 2006a, p. 10).

Demilitarization may be either complete or partial. The former is a ban on stationing troops,² a prohibition on the raising and an order to destroy military equipment such as fortresses, airports, and barracks. The latter – i.e. partial demilitarization – refers to a reduction of a territory used for military purposes. A special form of partial demilitarization is denuclearization, in which nuclear weapons are prohibited in a specified area (Bugajski, 2010, p. 65).³

In international relations, demilitarization is relatively common device and one employed for centuries. The term is often defined broadly. As noted by Bugajski, the concept was used, for example, to curb the military capacities of states, as in the case of Germany, Austria and Japan, after World War II (Bugajski, 2010, p. 69). The term should not be seen as being synonymous with neutrality, including perpetual neutrality. The absence of an army does not automatically mean that a demilitarized zone has been established. Differences in approaches to demilitarization result mainly from the lack of a single commonly accepted definition (Stearns, 2013, p. 2). A very broad view of demilitarization has been proposed by the authors of the 1982 *Encyclopedia of International Public Law*. The Treaty of Friendship and Cooperation between France and Spain of 1544 is an example of an early practical application of the concept. The Treaty provided for strategic fortifications to be torn down (*Encyclopedia*, 1982, p. 150). Similar provisions were found in the Peace of Westphalia treaty of 1648 and the Peace of Utrecht Treaty of 1713 (Stearns, 2013, p. 8). As the oldest historical example of demilitarization, Bugajski quotes the zone separating Gibraltar from Spain, established by the Treaty of Seville of 1729.

Some demilitarization concepts appeared in the final act of the Congress of Vienna of 1815 applying to the Free City of Cracow, in the Treaty of Paris of 1815 with respect

¹ Another term used is territorial demilitarization. For an attempt to distinguish between spatial and humanitarian demilitarization, see Bugajski, 2010.

² It is nevertheless acceptable to keep police forces tasked with maintaining order in the zone.

³ Bugajski recognizes one other special form of demilitarization – a buffer zone. He notes that such a zone evades easy classification and proposes that it be viewed as the middle ground between demilitarization and neutralization, cf. Bugajski, 2010, pp. 65–66.

to the French town of Huningue and in the Treaty of Aachen of 1816, which established Neutral Moresnet. The concept was also used as a means of building security and trust. An example is the process initiated by the Rush-Bagot Treaty of 1817 between the United States and Great Britain concerning the partial demilitarization of the Great Lakes area. The solution was later extended to apply to the entire US-Canadian border. After World War I, demilitarization was employed in Rhineland and the island of Helgoland under the Treaty of Versailles. To demilitarize Rhineland, a prohibition was imposed on the deployment of German troops in left-bank Rhineland and along a 50-km strip along the right bank of the Rhine. A similar solution was employed in the Treaty of Lausanne of 1919 which ended the Greek-Turkish war. The treaty demilitarized the border between these countries as well as the Bulgarian-Turkish frontier. An additional convention was also signed that demilitarized the shores of the Dardanelles, the Sea of Marmara and the Bosphorus. Treaties of 1920 established demilitarized zones along the Russian-Estonian and Russian-Finnish borders (covering the islands and shores of the Gulf of Finland).

Demilitarization was also used to ensure the freedom of navigation. In the mid-19th century, demilitarized zones were established on the Black Sea, along the Danube, in the Strait of Magellan, the Dardanelles, the Bosphorus, and in the above-mentioned Strait of Gibraltar. The concept was widely applied on international maritime canals, i.e. man-made international waterways. Demilitarized zones were set up in the Suez Canal (1888), the Panama Canal (1850) and the Kiel Canal (1919) (*Encyclopedia*, 1982, p. 151). Changing military strategies and advances in war technology fueled an evolution in demilitarization itself. In the 20th century, demilitarization spread to unprecedented areas. In 1959, the demilitarized zone status was granted to the Antarctic (under the so-called Antarctic Treaty). In 1967, the same applied to outer space (the Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies), and, three years later, the seabed (Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and the Subsoil Thereof).

A special kind of a partially demilitarized zone is the Nuclear-Weapon-Free Zone. Currently, nuclear-weapons-free zones exist in Latin America and the Caribbean (Treaty of Tlatelolco, 1967), the South Pacific (Treaty of Rarotonga, 1985), South-East Asia (Treaty of Bangkok, 1995), Africa (Treaty of Pelindaba, 1996), and Central Asia (Treaty of Semipalatinsk, 2006)⁴ (Lachowski, 2012, p. 80).

Sterns views such diversified approaches to demilitarization as both legitimate and confusing. Their legitimacy lies in the fact that all refer to “some form of reduction in military capabilities” (*Demilitarization*, 2013, p. 5). On the other hand, having such a multitude of approaches stands in the way of identifying the specific components of demilitarization. In examining the definition of the term, Bickford refers openly to “epistemological obscurity” (Bickford, 2013, p. 21).

The definitions of neutralization are considerably less contentious. Neutralization is an arbitrary prohibition to engage in warfare in a given territory and/or use the territory as a base of war operations. If the territory has not been additionally demilitarized, it may be used to harbor armed forces and military fortifications. Neutralization is commonly

⁴ The dates given are those of the signing of the relevant treaties.

used across the world in strategically critical regions, especially in relation to maritime waterways. Neutralized status has been granted to the Strait of Magellan (1881), the Suez Canal (1888), the Panama Canal (1901) and the Antarctic, south of the 60th parallel (1959).

The conclusion, therefore, is that, unless agreed otherwise, demilitarization applies in peace or during a ceasefire, while neutralization is only used during an armed conflict to exclude a specific territory from ongoing operations (Bugajski, 2006b, p. 6).

Status of Åland Islands under international law

Åland Islands is an archipelago of some 6,700 islands and islets⁵ located at the mouth of the Gulf of Bothnia on the Baltic Sea. The entire archipelago measures more than 13,000 km² in area, only 1,500 km² of which is land. The islands have a population of over 29,000 (*Statistical*, 2016, p. 23).

For more than six centuries, Finland and the Åland Islands were an integral part of Sweden, albeit with a special status owing to their location (Rotkirch, 1986, p. 359). In 1809, Sweden lost Finland, which – together with the archipelago – as the Grand Duchy of Finland, was incorporated into Russia by a personal union.

Faced with a revolution in Russia, Finland declared independence in December 1917. Slightly before that, a strong independence movement sprung up on the Islands. The goal of the Islanders was to break away from Finland and reunite with Sweden. Despite a concerted effort and support from the Swedes, the plan was foiled. As negotiations threatened to grind to a halt, Great Britain sought the help of the newly created League of Nations. In June 1921, the League of Nations produced two documents which pronounced Åland Islands an autonomous province of Finland and which demilitarized and neutralized the archipelago.

The Autonomy Act empowered the Islanders to form their own parliament (*Lagtinget*) and government (*Landskapsregeringen*). Their broad autonomy allows the regional parliament to pass laws that govern the region's internal affairs and to manage its own budget. Finnish legislation applies to such strictly defined areas as foreign policy, most fields of civil and criminal law, the judicial system, customs and the national tax system. The existing Åland Islands Autonomy Act, which is chronologically the third to be adopted, has been in force since January 1, 1993.

The Åland Islands enjoy a unique status in the European Union. Although Finland's foreign policy is formulated by the national government, the Islanders are left with a very important power. Any international treaty which applies to matters that fall under the remit of the regional parliament, even if ratified by the national government, may only become effective on the Åland Islands if approved by its local parliament. During the EU accession negotiations, the islanders drew up a protocol which became part of the Finnish accession treaty. The Protocol excluded the Åland Islands from the EU tax area (which is crucial for the Islands' maritime economy, and especially maritime transport). In addition, the Protocol restricts the right to acquire real estate and set up businesses on

⁵ More than 6,700 islands and islets have the area of more than 0.25 ha each. The archipelago additionally contains some 20,000 islets that are smaller than 0.25 ha.

the Islands and recognizes the special status of the Åland Islands under international law. On these terms, with the endorsement of two referenda held on the Islands, the regional parliament approved the Åland Islands' membership of the European Union.

The demilitarization and neutralization of the Åland Islands is enshrined in the Autonomy Act, which exempts the holders of domicile rights⁶ from military service duty (Article 12). As an alternative way of serving their country, prospective conscripts may opt for navigation duty, lighthouse duty or another form of civil service. However, the article does not apply to persons who have settled in the Åland Islands after having reached the age of twelve years. Furthermore, individuals domiciled on the Islands may also be required to serve within their territory (Article 30).

The peaceful and – as proven by history – lasting solution established for the Åland Islands in the 1920s successfully reconciled conflicting interests towards this strategically located archipelago.

Demilitarization and naturalization of Åland Islands

Owing to their strategic location and despite their small area and population, the Åland Islands have repeatedly become the focal point of political clashes between European powers. The reason was their perception as a key to implementing Baltic policies.

The history of the archipelago tied inextricably to that of Sweden. The islands have been Sweden's autonomous province since as early as the age of the Vikings. In the 15th century, the archipelago became a unique Swedish administrative region, with the castle of Kastelholm serving as the seat of the ruler. With the passage of time, the islands' location increasingly attracted the interest of Russia. In the early 19th century, having conquered the majority of Finland, the Russian army prepared to attack Sweden. To protect his country, King Gustav Adolf IV of Sweden ordered a transfer of 9,000 soldiers from southern Finland to Åland Islands. He nevertheless failed to defend and keep the archipelago. Under the Treaty of Fredrikshamn⁷ of September, 17 1809, the Åland Islands passed over to Russia, which annexed them to the Grand Duchy of Finland, which was joined with Russia by a personal union (Kersten, 1973, p. 301). However, Sweden never gave Finland away to the Russians as a single political entity as no such entity existed at the time. Rather, Russia received six different regions, the Åland Islands and parts of Länsipohja (Jussila, Hentilä, 2005, p. 20). Interestingly, the Åland Islands ended up at the heart of the negotiation game. In a secret instruction to their commissioners, who were sent to negotiate peace, the Swedes stressed that “even if, in the worst case scenario, one concedes to hand Finland over to Russia, one must never let go of the Åland Islands; it is imperative that the boundary run to the east of the Åland Islands, to keep the Ålands in Swedish hands, as they have been since time immemorial” (*Official*, 1920, p. 16). However, convinced that the archipelago was strategically located, the Russians declared it was “not interested in the old borders of Sweden, but rather in the new bor-

⁶ The Åland Autonomy Act contains specific provisions on domicile rights (Chapter II, Articles 6–12). Only the holders of such rights are considered to be “citizens of the Åland Islands” allowed to exercise their full entitlements, cf. Scarpulla, 2002, p. 28.

⁷ Currently Hamina, hence the treaty is at times referred to as the Hamina Treaty.

ders of Russia" (Barros, 1968, p. 2).⁸ Yet, having the archipelago in foreign hands posed a greater security threat than the Swedish capital was prepared to accept. That is why even that early, Sweden put up a political struggle to demilitarize the archipelago. Russia viewed Sweden's demand as humiliating. Nevertheless, it appears that, since 1809, unable to recover the archipelago, Sweden sought to demilitarize the Åland Islands as a prime policy objective regarding this territory (Scarpulla, 2002, p. 7). The significance of this objective lied in the fact that immediately upon the conclusion of the peace talks with Russia, the idea was born to turn the strategically located archipelago into a fortress and a harbor for the Russian naval fleet. This would allow these islands in the western peripheries of Russia to serve as both a surveillance point over Finland and an operations base, ensuring control over the Gulf of Bothnia. Seeking to achieve this very objective in 1830, the Russians launched the construction of a mighty fortress on the island of Bomarsund. The fortifications were to safeguard access routes leading to Saint Petersburg, help control maritime traffic in the central and northern areas of the Baltic Sea and, equally importantly, hold the Swedish capital in check (Lindholm, 1973, p. 73).

Only three of the 14 defensive towers envisioned in the plan were built within the 25 years that followed. The fortress itself was never completed, its construction interrupted by the breakout of the Crimean War in 1853. France and Great Britain sided with Turkey against Russia. To relieve their southern ally, the two countries established a new frontline on the Baltic and a blockade of Russian ports. One of their primary targets was the Bomarsund fortress where the Russians quickly surrendered to overwhelmingly stronger British and French forces.

Once the hostilities ended, it became clear that the status of the Åland Islands had been central on the agenda of the forthcoming peace conference. Its importance was particularly evident in Sweden's negotiating tactics. Sweden was represented by the leading Swedish diplomat, Baron Ludvig Manderström. His instructions were to focus exclusively on the Åland Islands, while foregoing any other demands when necessary. Sweden sought compensation for the loss of the archipelago and assurances that the Islands would become neutral and independent with security guarantees provided by France, Great Britain and Sweden. The proposal was welcomed by the British while eliciting fierce opposition from Russia. Without France's support, Great Britain's negotiating position was too weak (Barross, 1961, p. 8). The demands regarding the Åland Islands were therefore reduced to those of demilitarization and a ban on constructing fortifications on the Islands, which was granted by Russia.

At the 1856 peace conference held Paris to end the Crimean War, Tsar Alexander II solemnly proclaimed that "by the will of the Emperor of France and the Queen of Great Britain and Ireland, the Lord of All-Russia declares that the Åland Islands shall not be fortified nor that any military or marine fortifications shall be erected thereon" (Hoyt, 1959, p. 214). By virtue of the Åland Convention of March 30, 1856, whose Article 33 constituted an integral part of the Paris Treaty that ended the Crimean War, the Åland Islands were declared a demilitarized zone.⁹ Interestingly, the Convention was never signed by Sweden itself (but solely by Great Britain, France and Russia). This meant, at

⁸ The Russians argued that to annex Finland without the Åland Islands would be like acquiring a box of jewels while throwing away the key, cf. *Napoleon's...*, 2016.

⁹ The Åland Islanders celebrate March 30 as demilitarization day.

least in theory, that the archipelago's status could only be changed by an agreement of these three powers, thus possibly giving Sweden no say in the decision making (Hoyt, 1959, p. 214).¹⁰

The 1856 Convention is viewed in international law as an example of servitude. As a consequence, any rules in place are considered permanent and a change, if any, of the country that rules the area bears no significance. In other words, each successive sovereign will automatically be bound by the servitude principle (Rotkirch, 1986, p. 360).

One question arising against this background concerns the nature of the British endorsement for the Swedish demand to demilitarize the islands. Great Britain's approach resulted not only from the fears that Russia would excessively dominate the region. To maintain its strong rule over the seas, Great Britain needed to secure timber for ship building and ship repairs. One possible source of this material was the Baltic region. Thus, free access to Swedish ports, and especially those in the Gulf of Bothnia, was of essential importance. From the British perspective, Russian control over the archipelago, and specifically over maritime traffic in the Gulf, would become a major inconvenience. Having the Islands fortified was therefore out of the question.

The Ålands Convention was a very brief document, consisting of merely two articles. It did not specifically delimit the area it governed nor define the control system it envisaged. As it only concerned land, it theoretically allowed, for instance, the laying of mines on waters. It also lacked a provision granting Russia the right to defend the archipelago in times of war (Rotkirch, 1986, p. 360).

Following the end of the Crimean War, the Åland Islands received little attention until the beginning of the following century. Only then did Russia's newly-appointed Foreign Minister Aleksander P. Izvolski, who took office in 1906, make the Åland Islands his policy priority. The Russian army returned in the archipelago with 750 troops. A radio station was constructed while tsar warships patrolled the waters around the Islands. Such actions were justified as a necessary response to internal unrest and with the need to combat arms smuggling (Barros, 1968, p. 13). For the Russian Foreign Minister, the absence of opposition to such moves¹¹ suggested that renewed attempts to lift the restrictions imposed on the Åland Islands could be successful. In July 1907, A. Izvolski lodged an official request with the British Foreign Office for the repealing of the 1856 provisions. Even though Germany was not a signatory of the document, it approved the amendments together with France. Izvolski's proposal was also firmly supported by Norway, which feared that a revived dispute over the Åland Islands could delay the signing of a treaty granting independence and territorial integrity to this young nation (Barros, 1968, p. 14). Taken off-guard by the proposal, the British did not initially resist. While they conceded that the half-a-century-old document did not reflect current realities, they nevertheless noted that its repealing could harm Sweden, and that the matter should be resolved jointly by all the states concerned. However, vehement protests on the part of Great Britain and Sweden convinced Russia to abandon the idea. Instead, the Baltic Declaration was concluded on April 23, 1908 in St. Petersburg. Signed by Ger-

¹⁰ When Russia attempted to renounce its 1856 commitments, Sweden, which was not a signatory, protested more vociferously than any other country, cf. Hoyt, 1959, p. 215.

¹¹ After the matter was raised in the UK Parliament, the final conclusion was reached that Russia did not in fact breach the Convention of 1856.

many, Denmark, Russia and Sweden, the document merely acknowledged the existing *status quo* in the region. A Memorandum enclosed with the Declaration stated that the Declaration could not be applied if the states holding territory in the Baltic Sea region were to exercise their sovereign rights. Some argued that Russia was relieved of the commitments imposed thereon in 1856. In legal terms, the 1908 Declaration had no impact on the 1856 provisions as neither Great Britain nor France proceeded to sign it. The role played by Sweden on the Åland Islands at the time was well summarized in a warning sent to France by the Swedish Foreign Minister in early 1914, which suggested that the only project in which Sweden could be swayed to cooperate with Germany was the fortification of the archipelago (Rotkirch, 1986, p. 362).

The demilitarization rules were violated repeatedly over the course of the following century. Without a doubt, part of the reason for this was the absence of precise regulations on the defense of the archipelago during the war. Even as early as World War I, the Russians raised robust military fortifications on Åland Islands. Sweden was highly apprehensive about the militarization of the Ålands, as illustrated by its demand to destroy not only the fortifications and “other military facilities,” as requested by the Finns, but also any barracks, roads, bridges, telephone stations and other facilities constructed by Russia (Barros, 1968, p. 98). It should nevertheless be noted that the existence of the Russian fortifications had been known to Stockholm and received its consent. Even in early 1915, Russia revealed its plans with assurances that the fortifications would be purely defensive. They were meant to prevent Germany from using the archipelago and ensure uninterrupted trade on the Baltic Sea (Rotkirch, 1986, p. 362).

The situation in the region changed radically in 1917 with a revolution in Russia and Finland’s declaration of independence. As early as December 1917, Sweden sent a note to the governments of Germany, Austro-Hungarian Empire and Turkey, which were the signatories of the 1856 Convention. The document suggested tearing down the Russian fortifications erected during the war. As the Convention itself failed to offer any specific solutions, Sweden demanded that the Islands be fully neutralized (Rotkirch, 1986, p. 364).

Germany placed the Åland Islands on the agenda of the Brest peace talks.¹² Article 6 of the Treaty of March 1918 stipulated that Russian troops and the Russian Red Guard were to immediately clear out of Finland and the Åland Islands and that all Russian warships and naval forces were to be removed from Finnish ports as promptly as possible.¹³ In addition, any fortifications constructed on the Åland Islands were to be demolished (they were in fact torn down between April and October 1919) under the joint supervision of Finland and Sweden (Rotkirch, 1986, p. 365). Further clarifications of the status of the Archipelago were to be provided in a future agreement. However, after the breakup of the Austro-Hungarian Empire and the downfall of the German Empire, Russia withdrew its support for the new treaty (*Peace*, 1918).

In the meantime, changes on the archipelago and in the general region picked up pace. As the Ålanders stepped up their effort to reunite with Sweden, a civil war broke out in Finland, a Finnish contingent of about 600 troops arrived on the Islands, and Russia broke off the Brest peace talks. The Swedes responded by dispatching their

¹² Sweden did not take part in the negotiations.

¹³ This concerns the ice cover that would prevent Russian warships from reaching their own ports.

troops to the Ålands in February 1918 to, as they put it, protect the local population. The Swedish government described the operation as launched at the request of the inhabitants, solely for humanitarian reasons. Owing to Swedish mediation, the Finnish and Russian troops stationed on the Åland Islands pulled out. In early March, a German naval unit landed on the archipelago, which Germany viewed as a crucial launching pad for an invasion of Finland. Neutral Sweden allowed the move, as the German military was coming to the rescue of the Finnish “White” troops. Subsequently, however, the Finns repeatedly cited the incident as evidence that Sweden could not be trusted not to allow the military use of the Islands by the Germans or other powers in the future (Sierpowski, 2005, p. 79).

As mentioned earlier, following the end of World War I, Sweden and Finland failed to resolve the Åland Islands question through bilateral talks. The case was referred to the League of Nations. Attempts at resolving the issue within its framework followed two paths: legal and political. The League appointed appropriate committees: the International Committee of Jurists and the Committee of Rapporteurs, to address the matter. A three-person committee of international law experts was set up in the fall of 1920 to clarify two points. Firstly, the Committee was asked whether the Åland question was an internal problem of Finland, or whether, under Article 15 of the Charter of the League of Nations, the League had the jurisdiction to resolve it. Secondly, the Jurists were to take a stand on the demilitarization of the Åland Islands. After hearing from all of the stakeholders, the Committee presented its conclusions on September 5, 1920.

On the latter issue concerning the status of international commitments to demilitarize the Islands, the jurists expressed the view that the 1856 Convention signed by Great Britain, France and Russia, remained in force. According to the Committee, the 1856 provisions “gave the Alands [...] a special international status as military grounds. This meant that as long as those provisions were not lawfully replaced by others, any concerned state had the right to insist that a proper status be maintained” (*Official*, 1920a, p. 16).¹⁴ The League of Nations even suggested adopting stricter rules to prevent another case of the militarization of the Islands by the Russians, as seen during World War I (Barros, 1968, p. 318). In the course of the Committee’s proceedings, the idea was born to neutralize the Islands by a treaty signed by all Baltic countries.

The League of Nations announced its unanimous decision on June 24, 1921. Referring to “geographic, ethnic, political, economic and military” considerations, and its desire to ensure maximum security for the Åland Islanders as well as both of the concerned parties, the League’s Council resolved to:

- 1) Recognize Finnish authority over the Åland Islands;
- 2) Proclaim the Åland Islands a demilitarized and neutralized area;
- 3) Require that Finland grant the Åland Islands autonomy and the archipelago’s inhabitants the right to use the Swedish language while preserving their own culture and customs (*Minutes*).

According to the League’s Council, it was advisable to replace the 1856 Convention with a new, more elaborate international document that would be additionally signed by

¹⁴ It was Finland’s position was that while the treaties should be binding upon Russia, they should not require the new independent state of Finland to make the same commitments. However, the League of Nations firmly rejected such an interpretation.

Sweden. The demilitarization and neutralization of the Islands was to ensure that neither party would view the archipelago as a military threat (*Minutes*).

On the demilitarization and neutralization of the Åland Islands, ten countries, including Poland, signed the Geneva Convention of October 20, 1921 on the non-fortification and neutralization of the Åland Islands.¹⁵ Article 1 of the Convention acknowledged the Paris Agreement of 1856. Article 2 referred to 17 points, identified by their geographical coordinates, used to delimit the boundaries of the Åland Islands for the purposes of the Convention. The area so established along with its territorial waters extending to a distance of three nautical miles from the lowest water-mark of all islands, islets and reefs, formed a demilitarized and neutralized zone (Bugajski, 2006a, p. 15).

The demilitarization provisions were laid down in Art. 3. The article prohibits the maintenance or creation of any military establishments (military, aeronautical or naval), bases of operations or any other installations utilized for war purposes. Articles 4 and 6 refer to neutralization. No military, naval or air force of any Power may enter or remain in the zone. The manufacture, import or transport of arms or war material within the zone is prohibited. Article 6, in turn, stipulates that in time of war, the zone is to be considered neutral and, as such, may not, directly or indirectly, be used for any purposes connected with military operations. However, in the event of a war, Finland was allowed to lay mines in the zone.¹⁶

All this notwithstanding, Article 4 gives Finland the right to temporarily place additional forces in the military zone in addition to regular police forces if necessary for the maintenance of order and public security. The provision only refers to the “time of peace.” In order to inspect the zone, Finland may send one or two light surface warships.¹⁷ The entry of submarines into the zone is strictly prohibited. No military aircraft may fly over the zone. Aircraft may only land on the Islands when imperiled.¹⁸ Article 5 upholds the right to innocent passage through the territorial waters in accordance with existing international rules and usages (Kleemola-Juntunen, 2014, pp. 208–209).

Should the neutrality of the zone be imperiled by a sudden attack, Finland may take the necessary measures to check and repulse the aggressor until the parties to the Convention take adequate action. However, the guarantee system itself is relatively complex and inefficient (Rotkirch, 1968, p. 370). Art. 8 of the Convention states also that the provisions would remain in effect irrespective of changing circumstances, thereby eliminating the *rebus sic stantibus* clause.

The states signatories of the Convention markedly excluded the Soviet Russia. The Russian head of diplomacy Georgi Chicherin repeatedly stated that the solutions applying to the Åland Islands that were adopted by “the so-called League of Nations”

¹⁵ The signatories of the Convention were (in alphabetical order in the French version): Germany, Denmark, Estonia, Finland, France, Great Britain, Italy, Latvia, Poland, and Sweden. Poland's signatory was Szymon Askenazy, the Minister representing Poland in the League of Nations from 1920 to 1923. Original French text: see: *Convention...*, 2006.

¹⁶ Under current terms, it would be required to accordingly notify the United Nations.

¹⁷ During the time of peace, the Convention allows the entry into the zone and the maintenance in it of one foreign warship. The clause was used during Queen Elizabeth II's visit to the Islands in 1976. The other two ships, which escorted the Queen's vessel, had to remain outside of the zone.

¹⁸ However, Finnish civilian aircraft as well as military helicopters engaged in rescue operations are allowed into the zone, cf. Rotkirch, 1986, p. 369.

would not be accepted by the Soviet government, which demanded to be included in the negotiations (*Dokumenty*, 1958). However, this position was subsequently relaxed and, as early as June 1921, a wire from the People's Commissar for Foreign Affairs to the Foreign Ministers of Sweden and Finland, announced that the solution would be accepted provided that the Åland Islands remain a province of Finland. Should any further amendments be made, including a change to the political status of the archipelago, Russia reserved the right to vote and take part in any further negotiations (*Dokumenty*, 1958a).

Some authors suggest that although the autonomy, demilitarization and neutralization of the Åland Islands were all governed by a single resolution of the League of Nations, dated June 24, 1921, they should be seen as two separate documents (Scarpulla, 2002, p. 28). Therefore, the provisions on autonomy refer to "the Province of the Åland Islands" while those governing the special military status apply to "the Åland Region" (Hannikainen, 1992, p. 56). Moreover, the territory to which the demilitarization and neutralization provisions applied is not identical as the political boundaries of the Åland Islands. An additional issue, and one of great consequence under international law, is that of the retreat of glaciers causing the Åland Islands to rise at the rate of 4.5 to 6.5 mm per year. This results in the emergence of new islets that geographically belong to the archipelago (Bonusiak, 2009, pp. 31–32). The ultimate result is that the Finnish province of Åland is subject to provisions relating to autonomy while the Åland archipelago is governed by regulations on military status (Scarpulla, 2002, p. 28).

On the eve of the outbreak of World War II, faced with a deadlock in the League of Nations and fearing that the defenseless islands would become an easy target for other states, Finland again raised the issue of fortifying the archipelago. The proposed changes required the consent of the countries guarantors of the demilitarization agreement and the leaders of the League of Nations. The Soviet Union expressed keen interest in the fortification of the Islands, seeing it as an opportunity to strengthen its position, and especially its capacity to defend the city then known as Leningrad. Yet, the consent of the eastern neighbor was contingent upon its involvement in arming the fortifications and its control over the placement of armaments. Furthermore, the Soviet Union proposed that Finland agree that the Soviets erect fortifications on the Finnish island of Suursaari¹⁹ (Jussila, Hentilä, 2001, p. 194). The Finnish government firmly opposed all of the Soviet proposals.

In July 1938, acting in agreement with Sweden, Finland drew up the so-called Stockholm Protocol,²⁰ which – as an inter-governmental covenant – was signed by foreign ministers in January 1939. The covenant envisaged the joint fortification of the three southern islands of the Åland archipelago – Lågskär, Kökar and Björkör – and the establishment of conscription duty on the Islands over a 10-year period. All states signatories of the Åland Islands Agreement of 1921, with the exception of the USSR, signed the covenant. The solution was opposed by the inhabitants of the archipelago, more than 6,000 of whom took to the streets in the capital of Mariehamn. The plan was never carried out (Rotkirch, 1968, p. 371).

¹⁹ The island is known as Gogland or Hogland in the English language. It is the largest island in the Gulf of Finland, located ca. 40 km from the Finnish coast.

²⁰ Kersten calls it "the Stockholm Plan," cf. Kersten, 1973, p. 381.

Despite the failure of the plan, Finland sent its troops to the Åland Islands after the Soviet attack during the so-called “Winter War” and again in June 1941, during the so-called “Continuation War.” The deployments were explained with the need to defend the neutral status of the archipelago.

After the “Winter War” ended in September 1940, the USSR forced Finland, to enter into a separate treaty with the Soviets (*Treaty*, 1940). In a short document comprising merely four sections, the governments of both states stressed that the treaty’s aim was to strengthen security and peace in the Baltic Region. Finland reiterated its assurances regarding the demilitarization of the Islands, their non-fortification and unavailability for the armed forces of other states. The Soviet Union was allowed to establish a special consul, who, in addition to customary powers, would oversee the observance of the adopted provisions (Article 3). Should any irregularities be discovered, the consul was to submit his objections to the Finnish authorities, who would then set up a joint investigative committee. Interestingly, the document refers solely to the demilitarization of the islands, islets and reefs located on the Åland Islands while ignoring the legal status of the surrounding waters (Bugajski, 2006b, p. 13).

After the end of World War II, the Paris Peace Treaties, signed in February 1947, included an article on the Åland Islands. Article 5 thereof provided for the Åland Islands to retain their demilitarized status “in accordance with the situations as at present existing.”²¹ One year later, the Soviet Union confirmed that the treaty of 1940, among other agreements, would remain in force (*Letter*, 1948). After the collapse of the Soviet Union, the document was mentioned in the 1992 Protocol, in which Russia enumerated the treaties between the Republic of Finland and the Russian Federation that were to remain in effect (*Protocol*, 1992).

It is worth noting that, in 2005, the Finnish Ministry of Justice recognized the need to precisely demarcate the demilitarized and neutralized zones of the Åland Islands. Although the changes to their borders made in 2012 by the EUREF-FIN method differed only slightly from the limits proposed in 1921 (*Technical..., 2012*), they definitively resolved the issue.

Finland is clearly determined to protect the status of the Åland Islands as a demilitarized and neutralized area. Finnish President Tarja Halonen considers the demilitarization of the islands to be a major factor for stabilizing the Baltic Region. She emphasized that Finland would consistently advocate the strictest possible definition of the archipelago’s status to ensure the welfare of Åland Islanders and safeguard regional security (*Peace*, 2006). In 2004, a governmental committee on foreign and security policy, acting jointly with the Finnish President, blamed Sweden and Norway for having violated the status of the archipelago. The case they referred to concerned the Swedish soldiers who, on their way to the Nordic Peace maneuvers in Finland, used a passenger ferry which called at the port on the Ålands. Similar comments were presented to the Norwegians whose helicopters breached the archipelago’s airspace. The only military aircraft allowed to enter and remain in the Åland airspace are those carrying the highest ranking politicians. Even those, however may not be armed or

²¹ To learn more about the validity of the 1921 Convention, which was contested e.g. in connection with the United Nations’ refusal to assume the commitments of the League of Nations, see Filipek, 2011, pp. 145–148.

contain spying equipment. The Prime Minister of the Åland Islands thanked the Finnish government for its interventions (*Tighter*, 2004).

Conclusions

The 1921 regulations applying to the Åland Islands did not fully satisfy any of the concerned parties. In spite of the widespread frustration, especially among the Swedes, each party benefited from the solution. Finland retained its sovereignty over the archipelago, Sweden received assurances that the Ålands' status as a demilitarized and neutralized area would not pose a military threat and that the Åland Islanders themselves could enjoy a far greater autonomy (Eriksson, 1995, p. 13). The solutions were also widely accepted by the Baltic states.

The Ålands have been used as a bargaining chip on many occasions since the mid-19th century. This reflected the wider logic of rivalry not only among the countries of the region, but also among major European powers. Despite international rules, the archipelago was fortified repeatedly, albeit always for defensive purposes to prevent an occupation of the Islands (Rotkirche, 1968, p. 373). The intention behind granting the archipelago its unique status was thus achieved. No direct conflict ever broke out over the Åland Islands, navigation in the region remained free, while the status of the Islands helped build confidence and establish security measures.

Despite broad interest in the “Ålandian model,” both the Finns and the Åland Islanders stress that the mechanism is far from universal and cannot be easily applied to any other potential conflict. Former Finnish President Martti Oiva Ahtisaari warned against excessive optimism: “I think we need a bit more restraint in delighting in the solution employed on the Åland Islands. While the system is working exceptionally well in this particular case, I am not entirely sure that it is indeed universal. One has to be careful not to believe that all of the world’s problems can be resolved by following the Åland model” (Mykkänen, 2005).

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Demilitaryzacja i neutralizacja na przykładzie Wysp Alandzkich

Streszczenie

Demilitaryzacja i neutralizacja należą do katalogu szczególnych ograniczeń wykonywania zwierzchnictwa terytorialnego. Pomimo, iż są to rozwiązania stosowane w praktyce międzynarodowej stosunkowo często, to brakuje powszechnie uznanej definicji tych kategorii. Prowadzi to do wielu różnych podejść interpretacyjnych, co szczególnie wyraźnie widać w odniesieniu do demilitaryzacji.

Klastycznym przykładem obszaru zmilitaryzowanego i zneutralizowanego są Wyspy Alandzkie. Ze względu na swoje strategiczne położenie kilkukrotnie stały się ważnym elementem politycznych rozgrywek pomiędzy mocarstwami w Europie, na przestrzeni ostatnich dwóch stuleci. Wyspy postrzegano bowiem jako swoisty klucz do realizacji bałtyckiej polityki i równoważenia sił europejskich potęg.

Konflikty, które targały regionem w XIX w., doprowadziły do stopniowego wypracowania rozwiązań demilitaryzacji, a później neutralizacji archipelagu, co zostało ostatecznie uregulowane w 1921 r. w międzynarodowej konwencji i potwierdzone po zakończeniu II wojny światowej. Przyjęty wtedy status prawnomiedzynarodowy archipelagu zachował trwałość, a obecnie służy jako swoisty wzorzec efektywnej demilitaryzacji i neutralizacji.

Słowa kluczowe: demilitaryzacja, neutralizacja, Wyspy Alandzkie, region Morza Bałtyckiego

