

# **The right to be small and different**

## **On self-governing Åland and the EU**

Martin Ekman

Mariehamn 2006

(Modified from an article published in the Faeroese paper Sosialurin 2004)

# **The right to be small and different**

## **On self-governing Åland and the EU**

Martin Ekman

### **Introduction**

The Åland Islands (Å being pronounced as “aw” in “law”) constitute a small self-governing group of islands in the middle of the Baltic Sea, between Sweden and Finland. The 25,000 people living on Åland have an identity of their own and a will of forming their own small-scale democratic archipelago society, based on their special conditions. Although a small-scale society, Åland also is international; it has a world-wide shipping. Åland is an example of a society that is neither an independent state nor an ordinary region of another state, but enjoys a special status for particular geographical, historical and cultural reasons. In this way it is quite similar to the Isle of Man in the Irish Sea, Jersey or Guernsey in the English Channel, or the Faeroes in the North Atlantic.

However, two things make Åland deviate from the other small island autonomies: Åland has a special status according to international law, and Åland is a kind of member of the European Union (EU). The membership in the EU has turned out to be a steadily growing problem, conflicting with the very idea behind Åland’s status according to international law. This gave rise to news articles in The Daily Telegraph earlier this year and deserves a fundamental discussion, including a brief historical background to the situation.

### **Demilitarization and autonomy**

The special status of Åland goes back to the year 1856. Åland, originally a part of Sweden, had, together with Finland, been ceded to Russia half a century earlier. In the Crimean war between the United Kingdom and France on one side and Russia on the other side, British and French forces attacked the huge Russian fortress Bomarsund that had recently been erected on Åland. The fortress was blown up, and in the peace treaty of Paris 1856 the three powers agreed on a specific convention turning Åland into a demilitarized territory. After the first world war an extended convention on the demilitarization of Åland was adopted on the initiative of the newly founded League of Nations, in 1921.

At the end of the first world war, in connection with Finland’s independence from Russia, the Ålanders wanted a reunion with Sweden. In a referendum arranged by the Ålanders close to 95 % voted for a reunion. Finland then proposed partial autonomy for Åland, to some extent modelled after that of the Isle of Man, and stated

that in the long run the autonomy would become as complete as possible without making Åland a fully independent state. However, the Ålanders refused, and finally the whole matter was brought before the League of Nations. In 1921 the League of Nations decided that Åland should belong to Finland but be both autonomous and demilitarized, with the autonomy being strengthened in relation to the Finnish proposal. Since then the Åland autonomy has been gradually increased, particularly in 1951 and in 1991, with extended rights for Åland to make legislation of its own.

The autonomy of the Isle of Man has a completely different background, as is also the case with Jersey and Guernsey as well as the Faeroes. However, all these autonomous islands, including Åland, have one thing in common: Their degrees of autonomy have been systematically increased during the past century. This has led to improved democracy, with the distinctive character of each island society being taken into consideration in a better way.

### **Strength and fragility**

The Åland autonomy today is both strong and fragile. Åland's most fundamental strength is its status according to international law, based on the above-mentioned decision of the League of Nations. Åland's more concrete strength is to be found in the construction of its autonomy constitution. This gives the right to Åland not only to make its own laws within a large number of fields, but also the right to keep this right. This is secured by the fact that the autonomy constitution cannot be amended by Finland without the consent of Åland itself. Thus Åland has the power over its own legislative power so to speak.

In connection with Finland joining the EU the question of what to do with Åland came up. According to the autonomy constitution, Finland cannot enter into an international agreement affecting Åland without Åland giving its consent to it. In the end Åland was associated with the EU according to the so-called Åland protocol of 1994. According to this protocol, specifically founded on "the special status that the Åland Islands enjoy under international law", Åland in a few important cases (mainly indirect taxation and real property rights) remains outside the union. Based on this protocol, and after both Sweden and Finland had joined the EU, Åland decided to join too, partly because of fear of otherwise being left outside the customs union. The development of the EU has, however, put the autonomy under heavy pressure and tends to make the autonomy more and more fragile, in a way that neither the League of Nations nor the Ålanders had anticipated.

The autonomies of Isle of Man, Jersey, Guernsey and the Faeroes may be described as strong where that of Åland is fragile, and fragile where that of Åland is strong. These island autonomies do not have a status according to international law as Åland has, but they do have a much more free status in relation to the EU.

## **Threats and possibilities**

Now, what is the problem with the autonomy of Åland in relation to the EU? The main point is most likely that Åland with its special status is unique within the EU. The EU has obvious difficulties in handling this and tries to avoid the problem by pretending that it does not exist. In practise the problems are of two kinds: The first one is related to the special status of Åland, the second one has to do with the smallness of Åland.

First, Åland has its own legislative parliament, which is not subordinate to the Finnish one but is a separate parliament side by side with the Finnish one, while the EU only recognizes independent states and, therefore, pretends that the Åland parliament does not exist. This has caused a lot of trouble and conflicts concerning legislation about fishing, sea birds, moist snuff etc. New conflicts steadily appear. In addition to this there is a language problem. Åland's official language is Swedish, while EU matters, that have to go through Finland, often are hurried and, therefore, handled in Finnish only, contrary to the autonomy constitution.

Second, Åland is tiny and is aiming at solutions suitable for a small archipelago society in the Baltic Sea, while the EU is huge and is aiming at identical solutions in the whole of Europe. Typical problems here occur with the small-scale and environment friendly farming, with future problems threatening to appear with small-scale banking, day nursery and so on.

Obviously vital parts of Åland's special autonomy and small-scale culture are simply not compatible with the EU in its present form; rather they are contradictory to the development within the EU.

Now, independent states that are members of the EU leave some of their powers to this organization while they in return get some influence via the commission, the council of ministers etc. Tiny autonomies, on the other hand, cannot possibly be given the same influence as such states, but neither can they then leave their powers to the EU in the same way. The solution to this dilemma must be that such autonomies are treated in a special way, giving them a more free relation to the EU. This has been done with the other island autonomies, i.e. Isle of Man, Jersey, Guernsey and the Faeroes. It is now essential that the relation between Åland and the EU is considerably changed in the same direction, in order to safeguard the intentions behind Åland's special status according to international law. One may note here that in the formalized cooperation between the Nordic countries, Åland as well as the Faeroes and Greenland have been given a much stronger position and full possibilities to go their own ways.

## **A wider perspective**

The special status of Åland has attracted a lot of attention from other small peoples, especially in eastern Europe and Asia. It is sometimes referred to as the "Åland example". Due to foreign demand, the autonomy constitution of Åland is

now available in 8 different languages. The interesting point is that the Åland example allows a separate identity and a considerable freedom for a small people with a special history and culture, without introducing full independence. This solution is in the interest of both the smaller part, being afraid of losing its identity, and of the mother country, being afraid of losing territory to a new independent state. Hence such a solution also is contributing to peace.

Because of the fundamental problems with the EU, the valuable Åland example of peaceful conflict solution now runs the risk of losing its credibility in the surrounding world. How should a small part in a conflict with its mother country be able to trust, in the long run, a proposal of autonomy instead of independence? Even if the autonomy would be ever so guaranteed in relation to the mother country, it might in some unknown future be manipulated through strange processes in partly supranational organizations like that of the EU. In order to safeguard the future of the Åland example it is necessary that Åland, with its roots in the League of Nations, is given a considerably more free relation to the EU, similar to that of the other island autonomies, i.e. Isle of Man, Jersey, Guernsey and the Faeroes. It would also be favourable if autonomies like Åland, Isle of Man etc. had some kind of recognition from the United Nations.

In the end it all comes down to a most essential but often forgotten right: *The right to be small and different*. To respect the right to be small and different is to promote peace, democracy, and cultural diversity on our Earth!

### *References*

For extensive treatments of the special status of Åland see Hannikainen & Horn, eds (1997): *Autonomy and demilitarisation in international law: The Åland Islands in a changing Europe*, Kluwer Law International, and Jansson & Salminen, eds (2001): *The second Åland Islands question: Autonomy or independence?*, Julius Sundbloms Minnesstiftelse.