



The Åland Example and Its Components – Relevance for International Conflict Resolution

Conference Presentation

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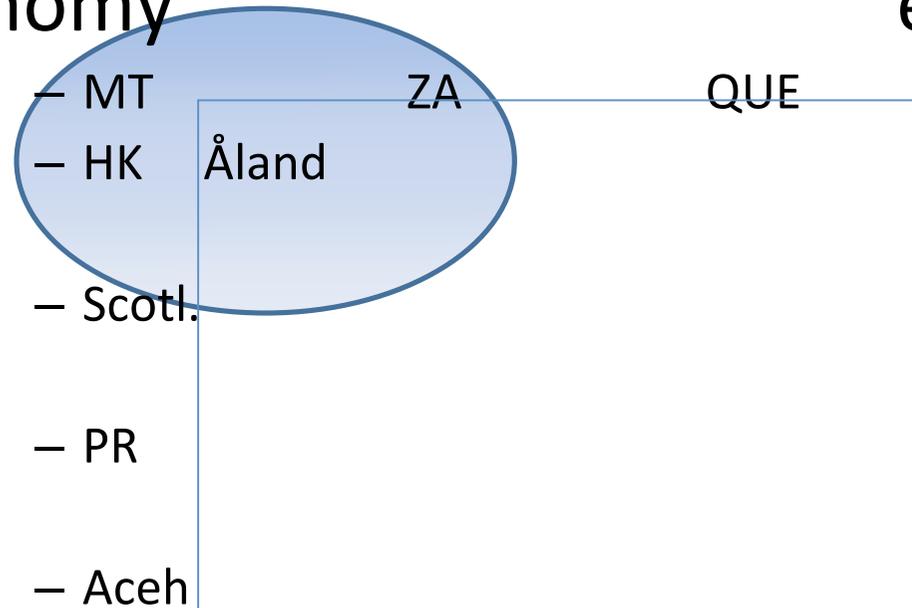
Explaining the robustness and longevity of the Åland example and of autonomy solutions

Panel debate II

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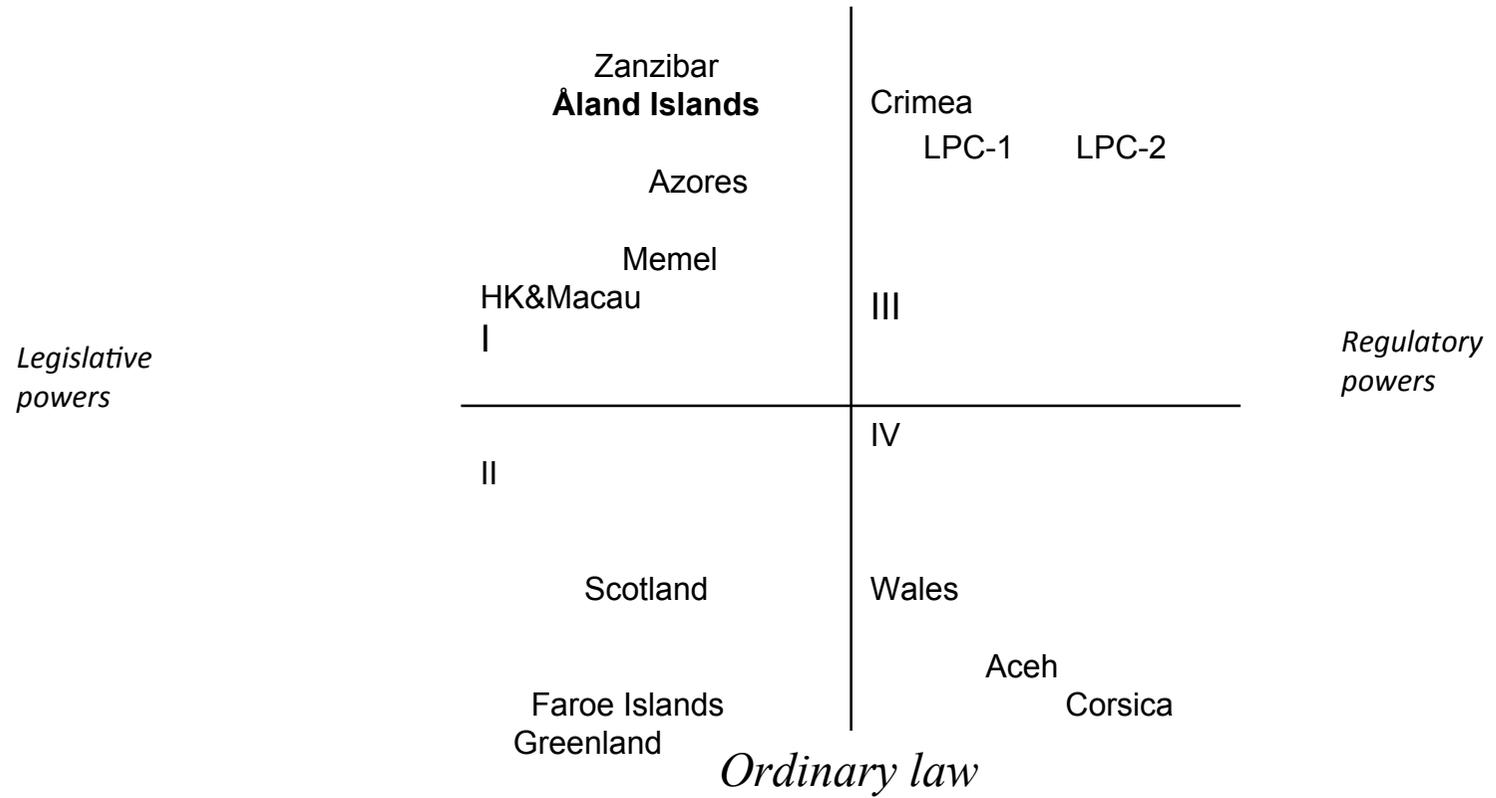
Conceptual distinctions: absence of preemption or supremacy doctrine

- Territorial
 - autonomy
- Federal entities



- Administrative self-government

Constitution



EIGHT FORMS OF ENTRENCHMENT

1. *General entrenchment*

- the sub-State arrangement is established in the national constitution
- e.g., Åland Islands, Spanish autonomies, Italian regions

2. *Semi-general entrenchment*

- the sub-State arrangement is originally created in an organic law under the constitution of the country
- e.g., former Croatian autonomy arrangement, Macau, Hong Kong

3. *Regional entrenchment*

- a separate regional reaction through the representative assembly of the sub-State entity or through a regional referendum is envisaged whenever the legislation concerning the sub-State arrangement is being amended
- e.g., Åland Islands, Spanish autonomies [Faroe Islands and Greenland under the preambles of Acts on Self-Government]

4. *Special entrenchment*

-the statute outlining the more practical modalities attached to the sub-State can be amended only according to a special amendment rule that complicates the amendment of the statute
-e.g., Åland Islands,

5. *International entrenchment*

-the international community guarantees a sub-State arrangement in the creation of which it perhaps has participated
-e.g., Åland Islands

6. *Treaty-based entrenchment*

-two or more States agree in a formal treaty that one of them creates a sub-State arrangement for a minority in its territory
-e.g., South Tyrol

7. Entrenchment under the right of self-determination

-could protect existing sub-State arrangements against weakening of the arrangement against the will of the population, provided that the beneficiaries of the arrangement could be characterised as a people
-e.g., all those autonomous territories the populations of which can be regarded a people, such as Greenland

8. Entrenchment through constitutional conventions

-the specific legal effect of such entrenchment would, however, be somewhat difficult to pinpoint
-e.g., Scotland, Wales, Faroe Islands (?), Greenland (?)

Conclusions concerning the Åland Islands

The international guarantees are not carved in stone but can be and have been changed

- Some by the Åland Islands law-maker itself
- Some through membership in the EU
- Consent of the Åland Islands required
- The international guarantee through the League of Nations has disappeared through the dissolution of the organization
- All special rights of the Åland Islanders do not stem from the Åland Islands Settlement, but have been created by the national law-maker
- Prosperity and happiness of the inhabitants of the Åland Islands
- Human Rights problems may occur in the jurisdiction of the Åland Islands
 - Ekholm v. Finland, ECHR, judgment of 24 July 2007