

The Prospects of the Åland Example as a tool of Nordic Peace Mediation – Tackling Conflicts, Autonomy Rights

Conflict Solving Mechanisms

The Åland autonomy is one of the few conflicts that have been settled by an international organisation in a sustainable way. It was one of the very first conflicts where this form of autonomy arrangement was implemented, and many of the special features were created specifically for these cases. It has therefore been natural to look at the Åland autonomy and ask if it doable anywhere else. Could it be copied as such, and applied in other conflicts? Is it a model?

The answer is no, all minority disputes, and internal conflicts are different. There are different needs, there have different background, different history, different possibilities. But conflict solving mechanisms being part of our autonomy and proven successful could be copied, or could at least inspire to similar solutions.

No trust – No Confidence

The Åland solution was the result of conflict resolution in a situation when there was no trust and no confidence. An overwhelming majority of the population simply wanted to reunited with Sweden. The resolution therefore had to be felt like secure for both sides. That is why all this forms for guarantees had to be put in place. The Swedish language and culture was the basis for the entire autonomy. It was not the question of integration, as would probably have been the purpose if it had been today. It was an eternal minority protection. The language of tuition in other than private schools, weather financed by the state or the Åland authorities should be Swedish.

The Åland Parliament passed laws on the same level as the Finnish Parliament, but in other spheres. Two jurisdictions were thereby created in Finland. It was not a matter of delegation of power, nor decentralization, not even devolution. The legislative competence was divided between the parliaments in Mariehamn and Helsinki. Where there is no trust a very strict control system has to be put in place. The Supreme Court and the President of Finland were given very important roles in the system, and this was possible thanks to the position the president had in the Finnish constitutional system.

A special arbitrary body called the Åland delegation, with two members appointed by the Finnish Government and two by the Åland Parliament was created. The chairman of this organ is the representative of the Finnish state in the islands. This person is appointed by the President of the Republic after agreement with the Speaker of the Åland Parliament. I would claim that nowhere in the world a minority have such an influence on who is to represent the state in a minority area.

The final measure that could be taken was to pass a complaint to the League of Nations or to the Permanent Court of International Justice as the solution was built on an international decision. And

I do believe that some forms of international guarantees are needed in many places of the world, especially after war actions.

This seminar is organized in cooperation with the Constitutional Committee of the Finnish Parliament even the Åland autonomy is not entrenched in the Finnish Constitution. It is the Supreme Court that is the final interpreter of the Åland Constitution, and not the Constitutional Committee, but this Committee has become the specialist on the Åland questions within the Finnish Parliament. As you all know the structure of the Åland autonomy is very legalistic, and that of course as its historical reasons. Finland was an autonomous part of Russia, but built on the Swedish Constitution.

The fact that Åland is demilitarized and neutralized, and I would like to underline neutralized and not neuter which is something completely different, makes it especially interesting for minority war stricken territories. It is the only territory in the world with this so called status mixed that has autonomy.

Kin-state

This is how the trust could be built over the decades. I said that this is not a model, but I would claim that our kin-state has acted in a way that it could be labeled a model

Sweden accepted the outcome of the conflict, but took the moral responsibility, and has supported the Ålanders when it comes to the language, such as providing education on an equal footing with special quotas for students from Åland, providing hospital care in Swedish, TV- programs etc. Sweden has always honored the decision, and never meddled in internal Finnish policy. It is very, very unlikely that Sweden would support any demands for independence. This is of course contrary to many other kin-states. The role of a kin-state has been explored in the so called Bolzano declaration formed under the auspices of the High Commissioner of National Minorities in the OSCE.

Effective cross-border cooperation with the kin-state is crucial for any minority.

Rich and Civilized People in a Democracy

During my three and a half year working on autonomy questions with the UN in former Yugoslavia during the war I was from the beginning warned by the Serbs in Croatia, don't come here and talk to us about autonomy, we are only interested in independence. What do you know of bloody conflicts you who come from one of the rich and civilized Nordic states.

So I always had to start my discussions by saying, Finland was definitely not a rich and civilized country in 1917 at its declaration of independence. The second city in Finland was looking like Vukovar, it was levelled during the bloody fighting in the civil war. The civil war in Finland was not about the Åland question, but it was in the same time, with the same people, in the same spirit that the Åland solution should be applied and the confidence built.

Of course we should in today's world all support democracy and parliamentary systems. We should encourage conflicting parties to respect human rights and minority rights, but we are not

allowed to give up just because the situation is not perfect. Finland was an autonomous part of Russia when the country was far from perfect.

Democracy implies transparency and predictability, elements that makes conflict resolution so much easier, but each one would have to do without if they are not in place. Than the strict control system is just simply more important.

Model mechanisms

There are many elements in the Åland autonomy solution that is interesting for others to study, and one of them is the fact that the decision that should be implemented was against the will of the people, and still this form of power sharing has despite this lasted for more than 90 years. I think one could say that the ålanders have been fighting ever since for their rights, but never with weapons. We are on a daily basis unsatisfied, and negotiating for developing the autonomy, and the majority must understand that there is always a need for improvement of the system. Many factors such as the EU have made this more and more difficult and necessary. The EU only knows of independent states as members, while we are used to represent ourselves from the Nordic cooperation where the autonomous territories are not bound by a decision within their legal competence before they have given their consent, a unique construction which makes the Nordic Council of Ministers to a precursor in international cooperation.

The Åland autonomy is not a happy-end solution that could be copied, but it could be, and has been a source of inspiration. I would claim that the shortcomings, the mistakes, the disputes, the unsolved problems are equally important when it comes to a learning process. How do we share power, what is good-governance, how do you create a system with rule of law in such a small society? Lesson number one for a mediator is to overcome this reaction from both sides. All minorities and majorities, regions, small peoples, conflicting-parties tend to exaggerate the importance of symbols. One has to over and over explain that it is the content that matters, the substance and not the words. In Yugoslavia there were three constituent peoples, and then suddenly i.e. the Serbs in Croatia were a minority. No-one wanted to be a minority in the Balkans. The Åland solution was by the League of Nations labelled a minority solution. Otherwise some of the strong protection mechanisms would not have been acceptable. And you can even today hear people say that the Ålanders have privileges, while it is in fact a form for compensation for the not getting their will to be part of Sweden through. It is never a privilege to be a minority, a privilege is to belong to the majority in the country. We have accepted to have autonomy and be a minority, and we have only benefited from it.

The question of army, security and policing is often one of the core issues in such discussions, and it was in the case of Aceh with the existence of a gerilla movement present. Åland is one of the few autonomous territories having its own police force. The Åland police is cooperating with the Finnish police, and also carrying out tasks on their behalf through a special legal arrangement. This I am sure was studied in the case of Aceh. Thorvald Stoltenberg has used it in the case of Palestine, and he used to say “you don’t shoot at your own people”. The policeman in Åland is one of us.

Knowledge and experience

When trying to assist in other conflict the most important things are not only to have experience of how the Åland autonomy functions in practice. It is equally important to have deep knowledge of

the parties you address. Why is has there been a war, how did they live together before the violence broke out, is there anything that functioned well and that could be developed, are there components to the problem that must be avoided. Knowledge of the Copenhagen criteria, and the Oslo declaration are adamant but it is not enough to have a theoretical insight. Practical experience of the system functions in reality is equally important if one should be successful.

It is necessary that the majority is ready to promote and defend the solution in the long term. The majority must understand that minority protection is not a privilege, but a compensation for the all the negative factors that being a minority entails.

Autonomy arrangements are never static in our globalized world, but differences must be respected despite the ongoing globalization, and I believe that a counteraction to the globalization is the ongoing regionalization.