

Journal of Autonomy and Security Studies

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Articles

The Åland Islands,
Finland and European Security
in the 21st Century
Saila Heinikoski
pp. 8-45

Mapping Historical Consciousness:
Mental maps of Time and Space among
Secondary School Students
Janne Holmén
pp. 46-75

A Comparative Study of the Autonomy
Arrangement of the
Former Netherlands Antilles
Lotte Tange
pp. 76-113

Other Contributions

Project Note:
Autonomy Arrangements in the World
Levente Salat and Sergiu Constantin
pp. 114-117

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Publisher

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About JASS

The Journal of Autonomy and Security Studies (JASS) is a peer-reviewed, open access e-journal published by the Åland Islands Peace Institute (AIPI), Mariehamn, Åland, Finland. The journal addresses its overarching theme of peace and security from the perspectives of autonomy, demilitarisation, and minority protection.

Each issue of JASS will include scholarly articles that in some way deal with the subjects mentioned above. All articles have been subject to a double-blind peer-review process. JASS issues may also include other types of contributions such as project notes, book reviews, and information on pending conferences. JASS is published twice a year – in May and in November.

The editorial board invites articles and other contributions to JASS via the email address *submissions@jass.ax* and looks forward to proposals on articles, thematic issues, and other suggestions to make JASS a relevant and accessible scholarly journal in its field. It is appreciated if manuscripts sent to us have undergone language editing.

Acknowledgements

Starting a new journal is a project in itself. Therefore, in this first issue we wish to acknowledge all of those whose extraordinary efforts have helped to shape the form and content of the journal. Besides the group of peer reviewers, an indispensable function for the quality of any issue, we have benefitted in particular from contributions from Nicklas Boehm, who has had a significant role in both developing the journal website and in the editorial process, from Jonny Andersen, who has provided extensive technical assistance, and from Susann Simolin and Stephen Phillips, who have lent their eyes and minds to ensure that the desired standards are met. Finally, we are also grateful for the useful guidance and insights given by the senior editors during the various phases of the realization of this project.

On behalf of the whole editorial team,

Kjell-Åke Nordquist
Editor-in-Chief

Elias Vartio
Managing Editor

Foreword

With this first issue of the Journal of Autonomy and Security Studies (JASS) we wish to introduce a journal which, as we see it, contributes to the shaping of an area that has up to now not been addressed by any other journal.

JASS brings together and reflects three fields of study, which together make up a particular core problematique: autonomy, security, and minority issues. We believe that these issues are of great importance in the complex and multilevel world of today, and that by bringing them together new insights may be gained.

In this first issue we present three articles, which may look thematically very different. Nevertheless, they all reflect perspectives on the outer world that emanate – although not totally, of course – from relations between perceived centres and peripheries in colonial, regional and multilevel settings characterised by some asymmetry.

It should come as no surprise that asymmetry, whether formulated in terms of classical power terms, or as a globalisation perspective, is likely to be a recurrent theoretical and empirical point of departure for studies in a journal that deals with autonomy, minority and security issues. This first issue of JASS is an illustration of this.

Pleasant reading!

The Editors



Journal of Autonomy and Security Studies

Volume 1 Issue 1

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Volume 1 Issue 1

Table of Contents

ABOUT JASS.....	2
ACKNOWLEDGEMENTS	3
FOREWORD	4

ARTICLES

Saila Heinikoski:

THE ÅLAND ISLANDS, FINLAND AND EUROPEAN SECURITY IN THE 21ST CENTURY	8
1. ÅLAND IN INTERNATIONAL POLITICS IN THE 21ST CENTURY	9
2. THE CHANGING EUROPEAN SECURITY CONTEXT.....	11
2.1. <i>Regional Interests to Militarise the EU</i>	11
2.2. <i>The EU's New Security Structure</i>	13
2.3. <i>European Defence Agency and its Role</i>	15
2.4. <i>NATO and its Activities in Europe</i>	16
2.5. <i>European Neighbourhood Policy and Enlargements</i>	18
2.6. <i>Brexit and its Impact on EU Security Policies and Åland</i>	20
3. THE FINNISH SECURITY CONTEXT	21
3.1. <i>Finland – National Interests to Militarise the EU</i>	21
3.2. <i>Political Perspectives to the Security Situation</i>	23
3.3. <i>Finland's Security Paradox: Finland-Russia-NATO</i>	25
4. ÅLAND IN THE NEW SECURITY SYSTEM	29
4.1. <i>Ålandic Interests not to Militarise</i>	29
4.2. <i>Political Discussion on Demilitarisation in the 21st Century</i>	31
4.3. <i>Demands for Change</i>	33
4.4. <i>Åland and NATO</i>	33
4.5. <i>Strategy and Politics</i>	34
4.6. <i>NATO Members Include Demilitarised Areas</i>	35
4.7. <i>Åland's Security from an Ålandic Perspective</i>	37
5. CONCLUDING REMARKS.....	39
BIBLIOGRAPHY	41

Janne Holmén:

MAPPING HISTORICAL CONSCIOUSNESS: MENTAL MAPS OF TIME AND SPACE AMONG SECONDARY SCHOOL STUDENTS FROM TEN LOCATIONS AROUND THE BALTIC AND MEDITERRANEAN SEAS	46
1. INTRODUCTION	47
1.1. <i>Historical Consciousness</i>	48
1.2. <i>Mental Mapping</i>	53

1.3. <i>The Schools</i>	54
1.4. <i>From Survey to Map</i>	55
2. THREE CATEGORIES OF HISTORICAL CONSCIOUSNESS	58
2.1. <i>National Historical Consciousness: Morocco and Italy</i>	58
2.2. <i>Americanized Historical Consciousness</i>	61
2.3. <i>Multipolar Historical Consciousness: Estonia, Åland and Malta</i>	63
3. CONCLUSIONS	67
APPENDIX	69
REFERENCES.....	71

Lotte Tange:

A COMPARATIVE STUDY OF THE AUTONOMY ARRANGEMENT OF THE FORMER NETHERLANDS ANTILLES IN RELATION TO THE ÅLAND EXAMPLE	76
1. A BRIEF INTRODUCTION	77
2. A BRIEF HISTORY OF THE DUTCH WEST INDIES	78
2.1. <i>Geography and Demography</i>	79
2.2. <i>History and Economy</i>	81
3. THE KINGDOM CHARTER OF 1954	82
3.1. <i>Power Distribution and 'Kingdom Affairs'</i>	83
3.2. <i>Unified by Freedom</i>	84
4. COMPARATIVE FRAMEWORK.....	85
4.1. <i>Timing of the Autonomy Establishment</i>	86
4.2. <i>The Nature of the Conflict</i>	87
4.3. <i>The Democracy Requirement</i>	89
4.4. <i>The Role of External Actors and the International Society</i>	99
4.5. <i>The Institutional Design of the Autonomy Arrangement</i>	102
5. THE ROLE OF THE NETHERLANDS IN THE AUTONOMY SETTLEMENT.....	105
6. CONCLUSION.....	107
REFERENCES	109
APPENDIX	112

OTHER CONTRIBUTIONS

Levente Salat and Sergiu Constantin:

PROJECT NOTE: AUTONOMY ARRANGEMENTS IN THE WORLD	114
1. <i>Autonomy Research and its Pitfalls</i>	115
2. <i>Autonomies in Context</i>	116
3. <i>Methodology</i>	116
4. <i>Developments</i>	117
5. <i>Contributions</i>	117
CALL FOR PAPERS	118

The Åland Islands, Finland and European Security
in the 21st Century

Saila Heinikoski

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Abstract

This article reviews the Åland Islands in the European and Finnish security context. The Åland Islands is a demilitarised, neutralised and autonomous province of Finland, and the aim of the article is to look at how the more than 160-year old demilitarisation regime relates to the current security context. The time period to be examined is limited to the 21st century, encompassing deeper security cooperation of the European Union and debates on Finnish foreign policy in the European context as a non-NATO country. A major theme of the discussion is to look at the militarisation trends in Europe and how that might affect Finland and the Åland Islands. The article also touches upon topical issues such as Brexit, advancement of European security cooperation, and Finnish NATO debates. It examines the demands for change concerning the status of the Åland Islands as well as how security is approached from the Ålandic perspective. Moreover, the issue of what could happen if Finland would join NATO is discussed. The article concludes that the status appears to have very stable role stipulated in international law, despite securitising and militarising trends in the surrounding region. Indeed, a multilateral solution such as demilitarisation serves as a contrast to the regionalisation operating on military logic.

Keywords

Åland Islands, Finland, European Union, Demilitarisation, Militarisation

The Åland Islands, Finland and European Security in the 21st Century

Saila Heinikoski¹

1. Åland in International Politics in the 21st Century

This article was inspired by a report written by Teija Tiilikainen entitled “The Åland Islands, Finland and European security”, which was published by the Åland Islands Peace Institute in 2002.² Much has happened since in both Finnish and European foreign and security policies, which has also spurred debate on the demilitarisation of the Åland Islands, an autonomous Swedish-speaking province of Finland. Those who are interested in what has happened before the turn of the millennium should get their hands on Tiilikainen’s book, while this article focuses on the recent decade, more specifically, European and Finnish foreign and security policies after the EU Security Strategy published in 2003. I have utilised the same structure and even maintained many of the titles of the 2002 report, so anyone interested in having a longer timeframe for the contexts and debates on different topics is able to do so. This report also brings up more theoretical and analytical observations on the security policies and their relation to the Åland Islands. I have deliberately left out the specified legal implications of the status to be handled by experts in these issues.

The aim of this article is to look at the Åland Islands in a security context and to identify possible threats to the status of the islands. A major theme that is involved throughout is militarisation, i.e. the increase of military cooperation and spending, which is discussed in different contexts. I aim to trace the long-term

¹ Saila Heinikoski is a researcher in the project "Demilitarisation in an increasingly militarised world. International perspectives in a multilevel framework - The case of the Åland Islands" and will defend her doctoral dissertation in International Relations at the University of Turku in autumn 2017. Her previous work has focused on the European Union and its external policies, including the Common Security and Defence Policy as well as immigration and free movement policies. In addition to numerous published articles on European Union politics, she has written articles on Finland’s foreign policy and the role of the demilitarisation of the Åland Islands in Finnish and European security policies. Her research is widely interdisciplinary, stemming from her two Master’s degrees, one in Humanities and the other in Social Sciences (including International Relations, Philosophy and European Studies).

² Tiilikainen 2002.

security trends that can be observed over the past 15 years, including the justification of further military cooperation with alleged threats. The threat discourse has been common also with regard to the Åland Islands recently, and the security of the islands is densely connected to affairs in Europe and in Finland.

This article is divided into four main sections, which are further divided into subsections. After this first introductory section, I discuss the changing European security context, including the legal changes introduced by the Lisbon Treaty (particularly solidarity and mutual assistance clauses), the European Defence Agency established in 2004, the enlargement process of the EU, as well as NATO and its activities in Europe, and the changes brought by the British decision to leave the EU. The purpose of the section is to present the wider security framework for the Åland Islands. I also touch upon the development of European security conceptions in the 21st century, from the 2003 Security Strategy to the 2016 Global Strategy on Security and Defence Policy.

In the third section I discuss Finland's security policy in the 21st century in the EU context and the question of how Finland's non-alignment policy has been calibrated as "no membership in military alliances".³ I also examine the Finnish Government Reports on Security and Defence Policy from 2004 to 2016, during which time four such reports have been published. Debate on Finland's possible NATO membership is taken into account, culminating in the 2016 report commissioned by the Foreign Ministry to assess the effects of Finland's possible NATO membership.⁴

In the final section I discuss the Åland Islands in the security context of the European Union and Finland and illustrate how the Åland Islands have been taken into account in Finnish policies, what sort of demands for change have been made, and how possible NATO membership would affect the islands. In addition, I examine demilitarisation from an Ålandic perspective and illustrate how the Ålanders have themselves appeared as the most active proponents of the demilitarised and neutralised status of the islands. Major developments that have spurred discussion on the islands' status in the 21st century include legal changes and intensified defence cooperation in the European Union, as well as terrorist attacks, and Russian activities in Ukraine and the annexation of Crimea. I ask in this article, 'how do the Finnish and European security contexts relate to the demilitarised area of the Åland Islands?'

³ Finnish Ministry for Foreign Affairs 2016b, p. 10.

⁴ Finnish Ministry for Foreign Affairs 2016b.

2. The Changing European Security Context

2.1. Regional Interests to Militarise the EU

The security context in the European Union has witnessed several terrorist attacks and deterioration of relations with Russia, with economic sanctions in place against Russia after the annexation of Crimea. The recent terrorist attacks and wars both in the Eastern and Southern neighbourhoods make people in Europe increasingly aware of security risks. Terrorist attacks of the 21st century in Spain, the UK, France and Belgium have further increased pressure to also control the internal borders in the European Union. Terrorist attacks and Russian actions have also been employed as an argument for further defence cooperation in the Union.

The conflicts in Northern Africa and Middle East have also spurred a flow of migration to the European Union, which has made some countries reintroduce border controls and even question the viability of the borderless Schengen Area. The number of asylum-seekers has also resulted in the EU concluding a much-criticised agreement with Turkey. The agreement allows for the return of asylum-seekers to Turkey in exchange for taking refugees from Turkish camps.⁵ Furthermore, the EU provides money and has promised to grant visa-free travel for Turkish citizens. At the time of writing, the visa liberalisation has still not entered into force and seems unlikely to do so in the near future after President Erdoğan's harsh measures responding to the failed coup in July 2016.

Security is not only a military matter, but security can also be regarded as a major incentive for the EU to conduct enlargement policy. In the 21st century, the European Union has also successfully enlarged to cover thirteen new countries: Bulgaria, Czech Republic, Croatia, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovakia and Slovenia. There are other countries wishing to join the Union, but instead of preparing new enlargement rounds, the Union is about to lose one Member State after the British referendum to leave the EU in June 2016. The implications of "Brexit" for EU security policies are as yet unclear, but it might also provide the possibility to increase military cooperation after the exit of a reluctant Member State. Indeed, the UK has traditionally been the harshest opponent to EU defence, and after the British decision to leave the EU, defence cooperation has been intensified as decided by the European Council in December 2016. Then again, the EU simultaneously loses one of its strongest military actors, which undermines the EU's capability.

⁵ European Council 2016.

The Union has already strengthened its legal and institutional security structures with enhanced cooperation on security, making it not only a domestic matter. A historical principle in military affairs has been a state monopoly on the legitimate use of force, which has been divided into domestic order and inter-state relations, that is, the police and the military. The EU has blurred these lines as well as the lines between different aspects of security. Traditionally, a trilogy of security threats, security strategies and security organizations has formed the basis of security policies, while today this trilogy has fallen apart in the Common Security and Defence Policy (CSDP, previously European Security and Defence Policy).⁶ The increased emphasis on military security is also in contrast with the view that the European Union is often perceived as a peace project; the European integration was launched after the Second World War to unite the continent into a security community.⁷ However, the actual framing of the CFSP, including the European Security and Defence Policy (ESDP), did not start until the incorporation of the so-called Petersberg tasks into the Treaty of Amsterdam⁸ of 1997.

The political push for the ESDP was provided by the UK and France in the declaration of St Malo in 1998, followed by the Council's Helsinki Headline Goal of 1999. The ESDP was officially established at the Council's meeting in 1999, preceding the European Capability Action Plan (ECAP) of 2001. However, the EU is in great difficulties when trying to draft common approaches to security challenges. This was evidenced, for example, in the inability to find a common stance in the Libyan crisis in 2011, as well as in the problems of drafting common principles to deal with the number of asylum-seekers. The question of migration has particularly demonstrated the differences between the western and eastern Member States, as some of the eastern countries have taken very harsh stances on migration, building fences and refusing to agree to any quotas at the EU level. Furthermore, although proponents of a deeper defence community exist, it is unlikely that the EU would witness defence cooperation including all Member States. Instead, Permanent Structured Cooperation⁹, enabled in the Lisbon Treaty that came into force in 2009, could be one option for willing Member States to establish a smaller defence alliance.

⁶ Schroeder 2011, pp. 19–24.

⁷ See e.g. the transactionalist integration theory of Deutsch et al. (1957).

⁸ The Treaty also established the architecture for the internal security with the title “Visas, asylum, immigration and other policies related to free movement of persons”.

⁹ A military alliance constituted by willing EU Member States.

2.2. The EU's New Security Structure

The European Union has undergone a process of enhanced militarisation during the past 15 years. In addition to political turmoil around the failed constitutional treaty of the European Union, much has happened in the EU's security structure. In 2003, the European Security Strategy (ESS) was launched, defining the general strategic objectives of "addressing the threats", "building security in our neighbourhood", and fostering "an international order based on effective multilateralism", but it was mainly a general statement of principles instead of a detailed strategy.¹⁰ The first European Security and Defence Policy (ESDP) missions were launched in 2004, preceding the establishment of the European Defence Agency (EDA) in the same year. The EU Battlegroup concept and a new Headline Goal 2010 were also launched in 2004. In 2010, the Internal Security Strategy (ISS)¹¹ was published and complemented by the Commission with five steps towards a more secure Europe. The ISS was preceded by technical programmes of Tampere (1999–2004), Hague (2005–2009), and Stockholm (2010–2014) for internal security. In 2015, the Commission published a European Agenda on Security, which "was the basis for the European Council's endorsement of a renewed internal security strategy".¹² This agenda was mainly focused on preventing terrorism, organised crime and cybercrime, and related less to military security. Military security, in turn, was given more space in the Global Strategy for the European Union's Foreign and Security Policy published in June 2016.¹³

In addition to political strategies, defence cooperation has progressed at the legal level. Although the EU Constitutional Treaty envisioned at the beginning of the 21st century did not become a reality, the Lisbon Treaty of 2009 included the same defence clauses that were introduced in the constitutional draft, including those concerning Permanent Structured Cooperation, mutual assistance, and solidarity. The Treaty of Lisbon also renamed the ESDP into CSDP and introduced the European External Action Service (EEAS). The Treaty provides a legal framework for further defence cooperation, including, *inter alia*, the following provision:

"The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common

¹⁰ European Union 2003.

¹¹ The Internal Security Strategy emphasised a comprehensive approach to security, being an "indispensable complement" to the European Security Strategy (European Council 2010).

¹² European Commission 2016, p. 2.

¹³ Mogherini 2016.

defence, when the European Council, acting unanimously, so decides.” (Article 42(2) of the Consolidated Treaty on Functioning of the European Union). It is thus possible that the EU would have a true common defence in the future.

Permanent Structured Cooperation is the measure closest to a military alliance, which would be limited to Member States willing to participate in such arrangements. With the Lisbon Treaty, the security guarantees of the previous European defence alliance, the Western European Union, were also incorporated in the so-called mutual assistance clause: “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power” (Article 42(7), TEU). Another EU assistance provision is the so-called solidarity clause (Article 222 of TFEU), which obliges Member States to help in case of a terrorist attack or a natural or man-made disaster. Instead of the solidarity clause, France activated the mutual assistance clause after the Paris terrorist attacks in November 2015. This was an unexpected decision in the sense that the solidarity clause specifically mentions terrorist attacks. However, the mutual assistance clause enables tougher military measures and is intergovernmental, in contrast to the supranational solidarity clause.¹⁴ All Member States stated that they would provide assistance to France, including Finland, which is also in the process of adopting a new act to be able to receive and provide military assistance.

Recently, there has been more pressure for deeper defence cooperation in the Union. For example, the current European Commission President Jean-Claude Juncker has made a “forceful call for a European army”, and proposed launching Permanent Structured Cooperation in his State of the Union speech in 2016.¹⁵ Permanent Structured Cooperation was also discussed in the Global Strategy published in June 2016, and the Council accepted its implementation strategy in November 2016. Furthermore, France and Germany have called for a European Security Compact, and Germany has also proposed a European Security and Defence Union under the EU.¹⁶ Nevertheless, it is up to the Member States to decide whether they deem such defence necessary, given that most states are also NATO members. Only six out of the 28 EU Member States are not part of NATO: Finland, Sweden, Austria, Ireland, Malta and Cyprus. None of these countries has refused to participate in European defence cooperation, and Finland and Sweden have even been active supporters of it, especially in crisis management. Indeed, instead of preparing for war, the European Union has traditionally been more focused on preventing different types of risks from mate-

¹⁴ See also Spiliopoulou Åkermark forthcoming.

¹⁵ European Commission 2015; Juncker 2016.

¹⁶ The Federal Government of Germany 2016, p. 73; Steinmeier & Ayrault 2016, p. 3.

rialising, including conflicts around the world. This requires civil-military cooperation, and the intertwining of these aspects may make military activities more justifiable, also in the European Defence Agency.

2.3. European Defence Agency and its Role

The European Defence Agency is a central actor in the process contributing to the militarisation of the Union, i.e. increasing the role of the Union in military affairs. The Agency's purpose is to promote pooling and sharing of defence equipment and resources, and all Member States except for Denmark participate in it. Nevertheless, it is up to the Member States to decide which activities they want to join. The EDA is tasked by the European Council and governed by national Defence Ministers constituting the Steering Board of the agency. Although the EDA may not be well known to the general public, the Agency has been discussed in military and academic circles. The role of the EDA can be characterised as controversial, which "some regard as redundant and others as part of an undesirable militarization of the EU".¹⁷ It has been argued that in the context of the EDA common defence procurements and measures are presented as a non-choice, i.e. the Member States are seen as having no other choice but to harmonise their defence.¹⁸ With the Ukraine crisis and the Russian annexation of Crimea, the need for stronger European military capability can also seem more easily acceptable.

Military cooperation is not obligatory under the umbrella of the EDA, since it is up to the Member States to decide which EDA projects they want to participate in. The EDA is officially an intergovernmental organisation, where national politicians make the decisions. However, it seems to have some individual power rather than being merely the sum of its parts.¹⁹ The EDA is officially presented as an interface between national Defence Ministries and EU institutions,²⁰ and this status was reinforced by a Council decision in November 2015 that gave more power to the Commission in defence matters.²¹ There is also some willingness to provide more power for the EDA, preferably by establishing the Permanent Structured Cooperation (PESCO) as defined in the Lisbon Treaty.²² PESCO is presented by the European Commission as the ultimate military solution to address potential risks,²³ and there is increasing willingness to adopt such cooperation.

¹⁷ MacKenzie 2012.

¹⁸ Davis Cross 2015.

¹⁹ Davis Cross 2015.

²⁰ European Defence Agency 2015.

²¹ Council of the European Union 2015.

²² Mauro & Thoma 2016, p. 7.

²³ European Commission 2015.

Finland has also been an active participant in the projects of the European Defence Agency, in which the demilitarised status of the Åland Islands has to be taken into account. The Åland Islands are part of the European Union, and EU defence cooperation is not usually considered to threaten their status. For example, all cooperation in the European Defence Agency is done on a voluntary basis, and the EU Battlegroups are the only “troops” that the Union has. Moreover, the CSDP of the Union has been more focused on crisis management and activities outside Europe. The defence of the Union has been traditionally considered to be covered by NATO, but there have been recent implications of the desire to have a stronger independent European defence. The EDA is one institution that could drive such a process. However, it appears that Finland is not very active in insisting on the demilitarisation of Åland in the cooperation under the EDA if it is not strictly necessary.²⁴ The same applies to relations with NATO; the Åland issue is rarely brought up in the Finnish NATO debate.

2.4. NATO and its Activities in Europe

The current EU defence cooperation is not much opposed in the Åland Islands, but Finland’s NATO membership would be more complicated.²⁵ NATO membership is not likely in the near future, but NATO can also enter “through the back door”, along with the EU and the Alliance cooperating more closely. The close relations were reflected also in the signing of a joint NATO-EU declaration in July 2016, stating that: “A stronger NATO and a stronger EU are mutually reinforcing. Together they can better provide security in Europe and beyond”.²⁶ In contrast, the EU Global Strategy compiled by the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, stated that the EU should develop its own military capabilities to go beyond NATO: “European security and defence efforts should enable the EU to act autonomously while also contributing to and undertaking actions in cooperation with NATO”.²⁷ It seems that both tracks are important to follow.

Of course, the autonomous capability of the EU and increased NATO cooperation are not mutually exclusive, a view that is also reflected in many Finnish political documents. For example, the 2016 Report on Foreign and Security Policy of the Finnish government states that: “It is important to develop the EU’s defence cooperation in concert with NATO, which also serves Finland’s interests”.²⁸ Furthermore, according to a joint defence declaration of

²⁴ Spiliopoulou Åkermark 2017.

²⁵ Tiilikainen 2002, p. 46; Parliament of Åland 2013.

²⁶ Tusk et al. 2016.

²⁷ Mogherini 2016, p. 11

²⁸ Prime Minister’s Office Finland 2016, p. 21.

Finland and France in summer 2016, the EU and NATO should work in concert: “While NATO remains the cornerstone of collective defence, the EU's role as a security and defence provider both within Europe and abroad needs to be reinforced, including through a more strategic approach to its relations with NATO”.²⁹ It appears to be in the Finnish interest to reinforce the defence capabilities of the EU, while simultaneously cooperating more with NATO. In this manner, Finland could obtain security defence partners while not having to fear Russian reactions to full NATO membership.

Although Finland has enhanced its military cooperation with NATO, there is no wide-ranging support for applying for membership among the Finnish public. The Finnish government still wants to maintain the NATO option, and NATO is not planning to close the door to further applicants. The Alliance has grown to cover all the Central and Eastern European Member States that joined the Union after the millennium, of which Poland, Hungary and the Czech Republic joined the organisation in 1999. In 2004, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia also joined the Alliance, and in 2009 Albania and Croatia became members. NATO has thus even enlarged to cover countries not accepted as members of the European Union. Albania only received EU candidate status in 2014 and has not even started membership negotiations with the EU. There are also four aspiring countries to NATO, none of which is an EU Member State: Montenegro, The Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, and Georgia. Ukraine has not formally pursued membership since 2010, although in 2002 Ukrainian President Leonid Kuchma maintained NATO membership as a goal.

Recently, NATO has strengthened its presence in Europe, *inter alia*, by establishing a mission shield in Romania. NATO has also been more visible in the Baltic Sea, which has not been positively approached in the Kremlin. As the presence of US NATO forces has increased in the Baltic Sea there have been reports of Russian troops harassing the US navy, after which the US made a formal protest.³⁰ It has also been envisioned that NATO should draft a NATO maritime framework for the Baltic Sea due to Russian activity in the area.³¹

One recent and particularly controversial NATO exercise was the BALTOPS exercise in summer 2016 in the Baltic Sea, in which non-NATO members such as Finland and Sweden also participated. BALTOPS exercises have been organised since 1971 in the Baltic Sea region, and Russia has also been part of the exercises several times, *inter alia*, in 1998, 2001, 2008, 2011 and 2012. Reflecting the current tense relations between Russia and NATO, the 2016

²⁹ France & Finland 2016, p. 2.

³⁰ Nordenman 2016.

³¹ Kramer & Nordenman 2016.

exercise was criticised by Sergei Lavrov, the Russian Foreign Minister, who maintained that Russia would respond to NATO activity in the Baltic Sea and that the country has a “sovereign right to guarantee its security with measures proportionate to the current risks”.³² However, no serious disturbances occurred.

2.5. European Neighbourhood Policy and Enlargements

In addition to military security, there are other efforts to enhance European security, such as enlargement and neighbourhood policy. During the 21st century, the European Union has gone through three enlargement rounds, including the 2004 “big bang” enlargement, when 10 new countries joined the EU, increasing the number of Member States to 25. In addition to Malta and Cyprus, eight countries from Eastern and Central Europe joined the Union (the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia). In 2007, Bulgaria and Romania joined the Union, and Croatia became the 28th Member State in 2013. Despite this impressive pace of enlargement, the European Union is currently cautious about taking any new commitments, and it is unlikely that any of the current candidate countries – Albania, Macedonia, Montenegro, Serbia and Turkey – will join the Union any time soon. Turkey has been the most controversial candidate country, and despite being granted candidate status in 1999, it is questionable whether it would ever be able to join the Union. The current President Recep Tayyip Erdoğan introduced much criticised measures after the failed coup in July 2016, which makes the possibility of joining the Union a more distant scenario.

Instead of enlargement policy, the European Union seems to currently put more emphasis in its neighbourhood policy, which allows for impacting the policies in the neighbouring states without promising any membership perspective. Although it might seem like a “looser” instrument than enlargement policy it can also be very controversial, especially in the countries that Russia considers central to its interests. This is particularly palpable in the Ukraine conflict, with its roots in President Yanukovych not signing the Association Agreement with the EU in November 2013. This agreement was later signed in June 2014, but the Netherlands rejected the agreement in a (non-binding) referendum in April 2016. The Netherlands has demanded some changes in the agreement, but at least the lower house of the Dutch Parliament backed the agreement and the senate is expected to do the same by the end of June 2017.³³ Some parts of the agreement have already been applied, including a number of free trade provisions. At the same time, fighting in Eastern Ukraine persists.

³² Reuters 16 June 2016.

³³ Kroet 2017.

Traditional territorial wars have not been the major source of concern in the European Union, but the Ukrainian conflict has reintroduced war on European soil. This also shows how the EU's "soft power" instruments can lead to more military tension and provide an incentive for increased military cooperation inside the Union.

Another neighbour of the European Union that causes controversies is Moldova, with its autonomous and Russian-speaking Transnistria and Gagauzia regions. In 1992, Transnistria declared independence after the war of Transnistria under the title of a Pridnestrovian Moldovan Republic, but it lacks the recognition of the international community. In 2014, Russian loyalists in Transnistria also asked to join Russia after the annexation of Crimea, while the response of Kremlin has been to ease the application of Russian citizenship. In contrast, the Gagauzia province voted with 97 % in favour of joining the Eurasian Union in 2014, whereas the Moldovan state has signed an Association Agreement with the EU and strives to become a Member State. If Moldova becomes an EU member, Gagauzia would be constitutionally able to separate from Moldova in such a situation.³⁴

Despite Moldovan pursuits, the European Union has not accepted it as a potential candidate, but cooperates with Moldova under the umbrella of the European Neighbourhood Policy. With further deepening of free movement and trade agreements between Moldova and the EU, more actions may also be required from the Moldovan side, also in solving the Transnistrian issue. The EU concluded an Association Agreement with Moldova in summer 2014, in which "the Transnistrian issue will constitute one of the central subjects on the agenda of political dialogue and cooperation between the Parties".³⁵ Since January 2016, a free trade area agreed in the Association Agreement with Moldova covers the entire area, including Transnistria. Russian reactions, however, may impact the development of EU-Moldova relations. According to a report commissioned by the Finnish Foreign Ministry, Russia seems to consider that EU membership inexorably also leads to NATO membership, which is why it opposes EU membership in its neighbouring countries.³⁶ As a constitutionally neutral state with high dependence on Russia, Moldovan NATO membership is unlikely, but the country has furthered its cooperation with the Alliance.

³⁴ Lauri Hannikainen and Tero Lundstedt, "Kansainvälisen oikeuden rooli nyky-Venäjän ulkopoliitikassa [The Role of International Law in the Foreign Policy of Today's Russia]," *Finnish Ministry of Defence*, 2016, p. 56.

³⁵ Anon 2014.

³⁶ Finnish Ministry for Foreign Affairs 2016b, p. 24.

2.6. Brexit and its Impact on EU Security Policies and Åland

In addition to having countries wishing to join the Union, the EU is about to lose one Member State. The United Kingdom voted to leave the European Union in a referendum on 23 June 2016. It is as yet unknown how the decision will impact EU security cooperation, but the consequences can be expected to be major in every policy field. As already noted, the UK has been the most reluctant country to share sovereignty in defence matters,³⁷ and the eventual exit of the country might make it easier for the Union to foster common defence. In the post-Brexit months, several national politicians have proposed increased military cooperation, including Finland.³⁸ In addition to the three major founding states,³⁹ such proposals have been heard also from the traditionally “Eurosceptical” Eastern European countries such as Czech Republic and Hungary.⁴⁰ Furthermore, the Commission President Jean-Claude Juncker proposed establishing a joint civil-military headquarters in his 2016 State of the Union speech, and this might become reality in the form of the proposed European Military Planning and Conduct Capabilities (MPCC) unit.⁴¹ The UK had vetoed previous plans to establish such headquarters, but does not have much bargaining power now.

In contrast, the two-year negotiations launched in March 2017 on leaving the Union may also stall further integration in the field of defence. A further problem is the eventual mushrooming of the British referendum: Dutch and French populist parties have already demanded referenda in their countries, and similar reactions are expected in other countries. To address this problem, it is likely that the Union will be tough in the negotiations with the UK in order to prevent others calling for similar arrangements. Within the UK, there is also a fear that the pro-European Scotland will revote on independence.

Overall, Brexit is likely to result in much political instability in the European Union for several years to come. The Union will also be a weaker actor and it might be more difficult to find a common stance on conflict situations, which could even be a risk for the security of the Union. In contrast, security is one of the fields where the Union has most incentive in cooperating with the UK; the British Commissioner appointed after Brexit was assigned responsible for “security union”. As reported in the press, “Terrorism is the only topic where the Commission wants to keep the UK in for as long as possible”.⁴² Security seems

³⁷ Biscop 2012.

³⁸ France & Finland 2016.

³⁹ Heath 2016; Steinmeier & Ayrault 2016.

⁴⁰ BBC 2016.

⁴¹ Juncker 2016; Barigazzi 2017.

⁴² De la Baume et al. 2016.

to be the main field where the Union needs the UK, one of the greatest military powers in Europe. Then again, losing such a powerful security actor may further push the Union to strive for closer military cooperation among the 27 Member States. Brexit thus creates a controversial situation: on the one hand, there might be better momentum to create common defence, but on the other hand, deeper integration may be overshadowed by the British exit negotiations and economic instability. With Britain, the Union loses a large part of its power in external affairs. It should not be forgotten that the absence of Britain naturally decreases the global power of the Union. As a NATO member, Britain will continue to be a major actor in the European security and defence policy, but probably not part of the security and defence cooperation led by the Union.

The UK is also a signatory to both the original 1856 agreement on the demilitarisation of the Åland Islands as well as the 1921 League of Nation Convention. Furthermore, it is a signatory to the 1947 Paris Peace Treaty confirming the demilitarisation of the Åland Islands. In other words, the UK is part of all the legal agreements on the status of the islands except for the bilateral treaty between Finland and the Soviet Union in 1940 and renewed in 1992. The British EU exit does naturally not affect the agreements as such, but it results in a situation where all the 1921 signatories are no longer EU Member States. It might thus be more complicated to mobilise the signatories to the Treaty through EU structures if the status of Åland was endangered. It has also been speculated that the demilitarised status could be questioned in the EU's defence cooperation,⁴³ and Brexit would mean that there is one less signatory to eventually defend maintaining the status.

This first section has demonstrated how EU militarisation involves many different components, ranging from institutional and legal preconditions to geopolitical ones. Although Finland has supported defence cooperation in the EU, Finland has its own security context, with its own institutional, legal and geopolitical components. These are the topics of the following section.

3. The Finnish Security Context

3.1. Finland – National Interests to Militarise the EU

In recent years, Finnish security policy has started to be increasingly affected by the harmonisation of European policies, and Finland has been active in furthering the EU's defence cooperation. It can even be stated that Finland has sought to further the militarisation of the EU. Finland participates actively in the crisis management conducted under the umbrella of the EU, and Finland has had

⁴³ Tiilikainen 2002, p. 351.

to reinterpret its traditional policy of non-alignment in the 21st century due to the new obligations that were introduced in the Lisbon Treaty. Indeed, it was reinterpreted by the Finnish Government during the treaty negotiations that the non-alignment policy is a policy of not being part of any military alliance.⁴⁴ The Government Programme of 2007 describes the foreign policy line, if it can even be called such, as “not a member of a military alliance” instead of describing Finland as a non-aligned country.⁴⁵

Teemu Palosaari has analysed Finland’s Europeanised foreign policy and concluded, *inter alia*, that after 2003 the emphasis changed from peacekeeping to military crisis management. In addition, the role of the EU’s Common Foreign and Security Policy (CFSP) became larger in the Finnish debate; CSDP, crisis management operations, battle groups, the solidarity clause and mutual defence were the main EU issues under discussion. Since 2004 Finland has also participated in the EDA, and it contributes to EU battlegroups and crisis management missions. In terms of politics, traditional politics of consensus decreased in importance in the Finnish foreign policy, but domestic discourse in general became more supportive towards the CDSP.⁴⁶ Although Finland has been an active supporter of the CSDP, the mutual assistance clause of the Lisbon Treaty has been much discussed, eventually gaining wide-ranging support. Despite the obligation of providing mutual assistance that may include military means, the Government Report on Foreign and Security Policy in 2012 argued that the EU does not yet have any common defence arrangements, but that Finland supports the development of the CSDP:

The Member States have not discussed the implementation of the mutual assistance obligation. Finland will improve its capacity to provide and receive assistance and, during the present Government’s term in office, aim to determine the needs to review its legislation so as to enable the implementation of the clause. In its own policy Finland takes into account the fact that the Union does not have any defence planning of its own, nor common defence arrangements. Finland advocates the development of the common security and defence policy, which will facilitate the ability to receive and provide assistance.

In Finland, there were some reservations regarding the solidarity clause. While issues of internal security are usually tackled by police, the solidarity clause includes military as one response to terrorist attacks. This was opposed, *inter alia*, by a Finnish MEP and a member of the defence working group of the constitutional treaty, Esko Seppänen (Left Alliance), stating that “I am also

⁴⁴ Palosaari 2011, p. 185.

⁴⁵ Finnish Government 2007, p. 9.

⁴⁶ Palosaari 2011, pp. 173–206.

against the idea that the military should be involved in terrorist actions, as would be the result of such a clause”.⁴⁷ Furthermore, Finland, Sweden, Austria and Ireland issued a letter to the President of the Council of the European Union stating that “formal binding” would not be compatible with the security policies of these countries.⁴⁸ Despite these and other critical comments, the solidarity and mutual assistance clauses were approved, as previously discussed. However, it was stipulated that the mutual assistance provision shall not compromise the foreign policy lines of Member States, and a separate Protocol on Irish concerns was even appended to the treaty.⁴⁹

3.2. Political Perspectives to the Security Situation

In the early 21st century Finnish emphasis in the EU’s Common Security and Defence Policy was mainly on crisis management, leaving aside territorial defence. However, a constant topic of discussion relates to eventual NATO membership and Russian reactions towards it. Along with the European development, there have also been proposals on abolishing the conscript army that have lacked wide-ranging support. It could be argued that it is rational to maintain the conscript army and territorial defence, since it might increase the attractiveness of Finland as a defence partner, which seems to be the line taken by the incumbent government. There is also much divergence in the political rhetoric on security and defence, which has recently become more focused on threats. Indeed, the past decade has testified significant variation in the perception of threats in Finland’s neighbourhood, ranging from stability to tension. In the 2004 Government Report on Security and Defence Policy, the perception was overtly positive: “the overall impression is that the enlargements of the European Union and NATO, deepening integration of the EU and changes in Russia have increased stability in Finland’s neighbouring areas”.⁵⁰ A similar sentence was included also in the 2009 report, but the Georgian war was considered to have an impact: “Russia’s use of military force against Georgia will also have knock-on effects on security thinking in Finland’s neighbouring areas. This might result in a review of defence arrangements, especially in the Baltic States”.⁵¹ It seems that Russian behaviour towards its neighbouring states is the main factor that determines whether the security situation in Finland is considered good or bad.

⁴⁷ The Secretariat of the European Convention 2002; see also Martino 2014, p. 23.

⁴⁸ Conference of the Representatives of the Governments of the Member States 2003.

⁴⁹ Anon 2013.

⁵⁰ Prime Minister’s Office Finland 2004, p. 75.

⁵¹ Prime Minister’s Office Finland 2009, p. 56.

After the Georgian war, no major conflicts between Russia and other countries occurred before the Ukraine war that began in 2014. Apparently that quiet period led the Finnish government of the time to conclude that the security situation was also good in the Baltic Sea. Indeed, according to the 2012 report, the security situation in the neighbourhood was considered good, and “The consolidation of cooperation in the Baltic Sea area and in the north, based on mutual interests, strengthens stability and promotes comprehensive security in Finland’s neighbourhood”.⁵² In spring 2013, when the report was discussed, it was still considered that states around the Baltic Sea have consolidated cooperation, and no threats were in sight.

In contrast, the change between the 2012 and 2016 Foreign and Security Policy Reports is striking. While the Baltic Sea was seen as an area of cooperation in 2012, it had turned into a place militarily threatening Finland in 2016. According to the Government Report on Finnish Foreign and Security Policy published in June 2016, “The security policy environment of Finland [...] has transformed. A tenser security situation in Europe and the Baltic Sea region will directly impact Finland. The use or threat of military force against Finland cannot be excluded”.⁵³ Such comments can also be interpreted as securitisation,⁵⁴ whereby politicians employ threat rhetoric in order to justify exceptional measures to address those threats. It is not certain what these measures could be, but the possibility of Finland joining NATO is also much more discussed, without wide-ranging public support for membership.⁵⁵ It can be questioned whether the situation had really changed that much or whether the party political changes in the government had a larger impact. After the 2015 parliamentary election, the more left-wing government parties stayed in opposition and the Finns Party has come to hold both Foreign and Defence Minister posts. The government also published a separate Defence Report in February 2017, which started from the premise, that: “Finland’s military operating environment has changed. Military activity and military tensions have increased in the Baltic Sea region. The early-warning period for military crises has become shorter and the threshold for using force has lowered”.⁵⁶ This securitisation can be reflected in the context that the report was accompanied by calls for more defence resources.

The general pursuit for more military partners is visible in the fact that Finland concluded a defence cooperation pact with the UK and with the US. In addition to these practical pacts, the current government considers that in case of

⁵² Prime Minister’s Office Finland 2013, p. 64.

⁵³ Prime Minister’s Office Finland 2016.

⁵⁴ For securitisation, see e.g. Vuori 2011.

⁵⁵ Yle 2017.

⁵⁶ Prime Minister’s Office Finland 2017, p. 5.

further tension in the Baltic Sea Finland might have to apply for NATO membership, which the government considers a stabilising force in the Baltic Sea: “In response to the deteriorated security situation NATO aims to stabilise the Baltic Sea region through its measures while continuing to prepare for a possible outbreak of a military crisis” and “The presence and action of NATO brings security to the region”.⁵⁷ In the parliamentary debate on the report, the opposition accused the government of scaring people with threats and of having an uncritical position towards NATO, which, according to these politicians, may not really stabilise the situation in the Baltic Sea.⁵⁸ Indeed, in addition to changes in the foreign and security policy line, it seems that the previous foreign policy consensus is further eroding in Finnish politics. According to Teemu Palosaari, the purpose of the Government Reports has been to seek consensus in foreign policy, but that pursuit appears to have decreased in significance lately.⁵⁹

3.3. Finland’s Security Paradox: Finland-Russia-NATO

The incumbent Finnish government, in power since 2015, has declared that Finland would not apply for NATO membership during their term. With regard to NATO membership, the 2016 Government Report on Foreign and Security Policy states that “While carefully monitoring the developments in its security environment, Finland maintains the option to seek NATO membership”⁶⁰. The political institutions also revived the NATO debate in Finland, especially in spring 2016. First, Finland contributed to hosting a large NATO-led military exercise BALTOPS, which spurred discussion on Finland’s relations with NATO and the parliamentary control of NATO exercises. Baltic Sea security is obviously important for NATO, also testified by the activities and exercises NATO forces have conducted in the area. Secondly, the Foreign Ministry published a commissioned report on the eventual impacts of Finland’s NATO membership,⁶¹ which aroused much debate about whether it would be possible for Finland to join the Alliance. In addition to the specific reports on NATO, two separate reports on Russia were also published in summer 2016, one on Russia and international law commissioned by the Finnish Defence Ministry⁶² and the other on Russia’s role in Finland’s neighbourhood by the Prime Minister’s Office.⁶³ All three reports were commissioned by different ministries and provide a different picture of Finland, Russia, and eventual NATO membership.

⁵⁷ Prime Minister’s Office Finland 2016, p. 12

⁵⁸ Finnish Parliament 2016.

⁵⁹ Palosaari 2011, p. 55.

⁶⁰ Prime Minister’s Office Finland 2016, p. 24.

⁶¹ Finnish Ministry for Foreign Affairs 2016b.

⁶² Hannikainen & Lundstedt 2016.

⁶³ Martikainen & Pynnöniemi 2016.

All the reports expect Russia to react strongly to its neighbours' intentions of joining NATO, but whereas the report on Russia and international law deems that Russia respects and appeals to international law in its activities, the report on Russia's role in Finland's neighbourhood provides a gloomier picture of the Finnish-Russian relations. It can be concluded that the approach towards Russia depends much on who is looking and from which perspective, but it is safe to say that the approach of Finns towards Russia is controversial.

The support of the public is not in favour of NATO membership, but the military personnel have in general supported NATO membership. In a spring 2017 poll 21% of respondents reported being in favour of NATO membership, while 51 % were against. The largest change has occurred in the share of don't-knows, which grew from 16% in 2014 to 28 % in 2017.⁶⁴ Taking into account the reluctance of the public, it may be seen as rather surprising that two political parties openly support membership. The Coalition Party has traditionally been a supporter of NATO membership, and the Swedish People's Party even declared in their party programme in spring 2016 that Finland should be a NATO member by 2025.

There seems to be a wide-spread political consensus in Finland that Finland and Sweden should join NATO simultaneously if they chose to do so, and in particular, if Sweden were to join NATO Finland should follow suit. This is unlikely to occur very soon, since the current Swedish government has announced unequivocally that Sweden would not join NATO. Furthermore, a government-commissioned security report in autumn 2016 considered that Finland should be taken into account while contemplating NATO membership. However, Finland should not prevent Sweden from joining.⁶⁵ A major concern with regard to Finnish membership relates to the reactions of Russia, which were extensively speculated in the NATO report commissioned by the Finnish Foreign Ministry. It is to be expected that the most difficult period would be the application period for joining NATO, when Russian reactions would be harshest in an effort to stop the negotiations. In case Finland was to join the Alliance, it is argued that it should keep the transition period as short as possible in order to minimise antagonism from Russia.⁶⁶ In this regard, the UK Defence Committee of the House of Commons has even proposed that Article 5 could already apply during the transition period in order to prevent the harshest reactions from Russia.⁶⁷ The tensions between NATO and Russia are also visible in the report, which states that "Dialogue between NATO and Russia is essential to reduce the

⁶⁴ Yle 2017.

⁶⁵ Bringéus 2016, pp. 150–151.

⁶⁶ Finnish Ministry for Foreign Affairs 2016b, p. 7.

⁶⁷ Defence Committee of the House of Commons 2016, p. 40.

risk of military escalation and misunderstandings between them both. It is not incompatible with a more adversarial relationship, such as has recently developed”.⁶⁸ In addition to describing the adversarial relationship between Russia and NATO, the report also states that the relations between Russia and the UK are at an “all-time low” and Russia is described as a strategic competitor rather than as a partner.⁶⁹

Russian politicians often comment on the relations between Finland and NATO. The incumbent Foreign Minister, Sergei Lavrov, has even announced that Russia would not attack any NATO country.⁷⁰ The comment is controversial in the sense that it might be used as a further argument for Finland to join NATO. According to Edward Lucas’s Baltic Sea Security Report, it is also unlikely that Russia would attack a non-NATO country like Finland due to the diplomatic cost of such aggression.⁷¹ This creates a paradox: while Finland is more vulnerable outside NATO, there is less reason for Russian aggressive behaviour. If Finland were part of NATO, it would be covered by security guarantees but more likely to be the subject of “intimidation and subversion” as measures that would not trigger Article 5.⁷² Finland also has strong economic interests with Russia, including the right of the partly state-led flight company Finnair to fly over Russia. Russia could “raise the costs of overflights at the stroke of a pen”,⁷³ and might be tempted to do that in case Finland were to apply for NATO membership.

The leading Finnish politicians reiterate the need to have public support for NATO membership. In 2014, Juha Sipilä, who was elected as the Finnish Prime Minister the following year, stated that a referendum should be organised before Finland could apply for membership. He has also speculated that eventual membership would decrease Finland’s political room to manoeuvre, but would not remove the need to strengthen Finland’s own defence capability.⁷⁴ In a political speech held at the party conference of the Centre party in June 2016 he reiterated his view on organising a referendum and emphasised that NATO membership would be an enormous change in Finnish foreign policy.⁷⁵ In the speech he also quoted the NATO report published in spring 2016, stating that “It is, in essence, a question of grand strategy, which has to be considered

⁶⁸ Defence Committee of the House of Commons 2016, p. 34.

⁶⁹ Defence Committee of the House of Commons 2016, p. 7.

⁷⁰ Sharkov 2016.

⁷¹ Lucas 2015, p. 13.

⁷² Lucas 2015, p. 13.

⁷³ Lucas 2015, p. 10.

⁷⁴ Pirjo Kontio, “Juha Sipilä: Nato-jäsenyys rajoittaisi Suomen liikkumatilaa [NATO Membership Would Restrict Finland’s Freedom to Manoeuvre],” *Suomenmaa*, June 15, 2014.

⁷⁵ Juha Sipilä, “Seinäjoen puoluekokous poliittinen linjapuhe 11.6.2016 [Political Speech at Seinäjoki Party Conference],” June 11, 2016.

thoroughly. Small nations do not often change their basic foreign policy guidelines. They are more dependent on continuity than great powers.”⁷⁶ Without a doubt, NATO membership would be a huge shift in the Finnish foreign policy tradition. In addition to the change in status, NATO membership would transform the Finnish foreign policy identity as a country not part of military alliances. Traditionally, continuity in foreign policy has been important for Finland, which has sought to maintain its foreign policy principles such as neutrality and non-alignment as long as it has been possible. The neutrality policy was only abandoned when Finland joined the EU, and not being a member of a military alliance is held onto, even though Finland committed to the defence clauses of the European Union. Then again, it is questionable whether Finland can describe itself as not a member of a military alliance while simultaneously pushing forward European defence. NATO membership would obviously abolish this principle altogether.

Continuity is also what Ålanders emphasise as crucial in the demilitarisation regime. Russian reactions to Finnish NATO application or to any attempt at modify the existing demilitarisation agreements are likely to be critical, to say the least. In her report in 2002, Teija Tiilikainen suspected that in case Finland joined the Alliance it would not bring reformulation of the demilitarisation of the Åland Islands to the table in an attempt not to polarise the already tense situation with Russia. Alternatively, Finland could try to “sell everything in one package” and aim at changing the demilitarisation regime simultaneously.⁷⁷ Demilitarisation thus appears a relevant question even in eventual NATO membership. However, in the 2016 assessment report on Finland’s possible NATO membership drafted by Tiilikainen and other experts, the Åland question is not discussed despite much devotion to Russian reactions. The only entry on the Åland Islands reads as: “The relationship between the international agreements that cover the sui generis status of these islands and the undertakings implied in membership need to be examined further”.⁷⁸ In legal terms, making a reservation concerning the demilitarised islands would probably not be a problem. However, in military strategic terms it might be challenging, as NATO would have to provide security guarantees for the entire of Finland under Article 5.

The relations between Finland and Russia are good but not without tension. However, there seems to be some interest from the Russian side to improve the atmosphere in the Baltic region, as Russia has invited NATO countries in the Baltic Sea area as well as Finland and Sweden to a multilateral debate in

⁷⁶ Finnish Ministry for Foreign Affairs 2016b, p. 56.

⁷⁷ Tiilikainen 2002, p. 48

⁷⁸ Finnish Ministry for Foreign Affairs 2016b, p. 4.

Moscow to discuss tensions in the Baltic Sea.⁷⁹ The countries have, nevertheless, taken a rather sceptical approach to such a proposal. Although Russian leaders maintain that Finland's membership is a domestic issue, they assure that they would react if Finland were to join NATO. President Putin predicted in June 2016 that "NATO would gladly fight Russia to the last Finnish soldier" and that Russia would have to react if Finland's defence forces would no longer be independent but under NATO command.⁸⁰ President Putin assumes that Finland could no longer make independent defence decisions if it were a NATO member. If this were so, Finland might not be able to maintain the status of the Åland Islands in case it was contested. In Mr Putin's rhetoric Finland appears a friendly neighbour which is at risk of becoming subsumed under an evil organisation dictating to Finland what it should do. Simultaneously, in Russian accounts, NATO has been presented as a warring organisation, while Russia has been highlighted as the friendly neighbour pulling its troops further from the Finnish border.⁸¹ If such perceptions are really considered to be valid, the transition period towards Finnish NATO membership could be very tense. That does not mean that it would affect Åland.

Although the question of the demilitarised Åland Islands might not have a major role in the political discretion over NATO membership, the decisions made by Finland in terms of security and defence policy also impact the islands. The islands do not have any foreign policy competence, but Ålanders do take a stance on the foreign policy decisions made in Finland. There is currently much discussion on eventual Finnish membership in NATO, but the demilitarised Åland Islands do not often feature in the debate. In addition to Russia, Finland would have to discuss the international agreements with the parties to the 1921 League of Nations Convention if it were to alter the status.

In the next section, I focus on the role of the demilitarised and neutralised Åland Islands in the current security framework. I touch upon the Finnish debate on demilitarisation, the eventual NATO membership in Ålandic terms, and the Ålandic perspective towards security.

4. Åland in the New Security System

4.1. Ålandic Interests not to Militarise

Despite much happening in the Finnish and European security policies, Finland has little incentive or possibility to change the demilitarised and neutralised status of the Åland Islands, which is stipulated in several international

⁷⁹ YLE News 2016b.

⁸⁰ YLE News 2016a.

⁸¹ YLE News 2016a.

agreements.⁸² Demilitarisation refers to the absence of military equipment or personnel during peace time, whilst neutralisation stipulates that the islands may not be used for any war-like purposes during war time. The demilitarisation of the Åland Islands can be seen as a contrary example to the militarisation trend in Finland and in the European Union. Despite being bound by the international agreements, Finland seems to have some leeway in interpreting the 1921 League of Nations Convention on demilitarisation and neutralisation.⁸³ Finland has, however, chose to assure that no changes in the status are foreseen, despite further defence cooperation with other states. Before the entry into force of the Lisbon Treaty, it was estimated that the situation of the Åland Islands could become an object of increased strategic planning when common European defence is established.⁸⁴ Strategic planning concerning the islands is obviously not public, but the relation between Åland demilitarisation and European defence cooperation is surprisingly little discussed in any contexts, although the mutual assistance provisions obviously concern the islands. A report drafted in 2008 by Teija Tiilikainen on the mutual assistance provision of the Lisbon Treaty states that “In the implementation of the mutual assistance provision, it is necessary to take into account the international obligations concerning the demilitarisation and neutralisation of the Åland Islands”.⁸⁵ While Finland was recently drafting legislation on providing and receiving international assistance, however, it was not considered that such legislation would impact the status of the islands in any way.⁸⁶

The Treaty of Lisbon (Art. 57 TEU) also defines the international legal personality of the Union, which makes it possible for the EU to also become a party to the 1921 Convention. The 1921 Convention authorises the high contracting parties both to intervene in case of aggression as well as to include new signatories to the convention (Articles 7II and 9). The Convention currently

⁸² For example, the 1921 League of Nations Convention on the demilitarisation and neutralisation of Åland provides that Finland could ask for help from the signatory states, which include Denmark, Estonia, France, Germany, Great Britain, Italy, Latvia, Poland and Sweden. Russia is not a party to the treaty, but Finland and Russia have a separate agreement on the demilitarisation of the islands, concluded first in 1940 and renewed after the Soviet collapse in 1992. Originally, the demilitarisation of the islands was stipulated in a convention of 1856 after the Crimean war, and also the Paris peace treaty after the Second World War confirmed the status of Åland.

⁸³ An interesting note is that the Tall Ships Races competitions in 1988 inspired Finland to interpret the 1921 agreement so that each foreign state may have one ship in the Ålandic area. None of the signatories to the convention opposed to this interpretation. It seems that Finland can relatively rather freely interpret the 1921 convention without opposition from the signatories, but Russia might not be as tolerant towards Finnish deviations from their bilateral agreements.

⁸⁴ Tiilikainen 2006, p. 351.

⁸⁵ Teija Tiilikainen, “Report on the Mutual Assistance Provision in the Lisbon Treaty of the European Union” 2008, p. 38.

⁸⁶ Finnish Ministry for Foreign Affairs, “Legislation on the Provision and Reception of International Assistance” 2016, p. 82–83.

includes 10 EU Member States, and the EU's membership could further strengthen the authority of the EU in a crisis situation. The prospect of the EU joining the Convention was speculated by Lauri Hannikainen as early as 1994,⁸⁷ but it appears that the issue has not been seriously considered. An argument for not putting this issue on the table is that introducing new parties to the convention might cast a shadow on the status of demilitarisation and neutralisation as part of customary international law. In addition to being a legal matter, demilitarisation also features in the Finnish political debate.

4.2. Political Discussion on Demilitarisation in the 21st Century

The demilitarisation of Åland was one of Finland's concerns in the intergovernmental conference (IGC) of the European Union, which started to prepare a constitutional treaty for the EU in 2001. The draft constitution included provisions on intensified defence cooperation. Although the constitution failed, the following Lisbon Treaty, in force since 2009, maintained the provisions concerning solidarity and mutual assistance. In the Finnish Government Report 2/2003 regarding the IGC, it was stated that the Protocol on the Åland Islands included in the Finnish Accession Treaty to the European Union was not a conflictual issue in the intergovernmental conference and that the provisions on common foreign and security policy did not affect the status of the islands.⁸⁸ Furthermore, Prime Minister Matti Vanhanen specified that maintaining the position of the islands was one of the Finnish objectives that were reached.⁸⁹

The 2004 Government Report on Foreign and Security Policy did not mention demilitarisation, and the absence of references was justified with the lack of changes by the Finnish President Tarja Halonen: "[t]he report does not discuss the special position of Åland, because in this regard no changes have occurred or been considered [...] I take it for granted that Finland respects the international legal status of the Åland Islands".⁹⁰ In the subsequent 2009 report, the demilitarisation of Åland was considered relevant enough to be mentioned, but the report only included one reference to the islands: "[t]he Province of Åland Islands has a recognised status under international law. The special status of the province does not prevent Finland from intensifying defence cooperation within the European Union and in international organisations".⁹¹ The same was

⁸⁷ Hannikainen 1994.

⁸⁸ Finnish Government, "Government Report to the Parliament on the Results of the Convention and on Preparation to the Intergovernmental Conference 2/2003," 2003, 6.

⁸⁹ Matti Vanhanen, "Prime Minister's Announcement Made to the Parliament Concerning the Intergovernmental Conference of the EU on 22 June 2004," 2004.

⁹⁰ Tarja Halonen, "President of the Republic Tarja Halonen at the Inauguration of the Parliament of Åland on 1 November 2004," 2004.

⁹¹ Prime Minister's Office Finland 2009, p. 70.

reiterated in the 2012 and 2016 reports in a slightly different form, and seems to be added in order to take into account the demands of the Ålandic politicians. Indeed, the one Ålandic MP in the Finnish Parliament is usually the one to bring up the Åland case in the debate on the Government Reports.

The Government Report 2012 explicitly stated that the solidarity clause introduced in the Lisbon Treaty should not affect Åland's status: "Regarding this [the mutual assistance clause], the international obligations on the non-fortification and neutralisation of the Åland Islands are also taken into account in Finland".⁹² Furthermore, new types of non-military threats were also discussed: "The Government will establish how the special status of the Åland Islands will be taken into consideration during potential oil spills and other crises, and how to ensure the appropriate authorities' sufficient preparedness".⁹³ This promise was fulfilled with a report on the Defence Forces providing executive assistance in the islands.⁹⁴ A surprising feature of the report is that it is dealing with ultimately civil activities, but was drafted by the Defence Ministry. This may also be read as a sign of an increased militarisation in Finland.

An interesting observation is that while the perceptions of threat varied greatly in the reports, as discussed before, the changes had no impact whatsoever on the formulations regarding the status of the Åland Islands. In 2016, the Foreign and Security Policy Report only mentions demilitarisation with the traditional formulation: "the Province of Åland Islands has a recognised status under international law. This does not prevent Finland from intensifying defence cooperation within the European Union, with international organisations and in the Nordic context."⁹⁵ While previous governments only mentioned the EU and international organisations, the current government wanted to emphasise Nordic defence cooperation, which has indeed intensified after the establishment of Nordic Defence Cooperation (NORDEFCO) in 2009.

As can be observed from this recent period, the government argues the demilitarisation to be a rather stable arrangement, which receives little attention in the security and defence policy debate. Nor have the Finnish parliamentary debates on the reports been very active on Åland. In order not to give room for demands for changing the status, it is of course rational to assure that the demilitarisation agreements do not hinder Finland conducting defence cooperation in any arenas. Leading politicians have thus not questioned this status, but sought to adapt the obligations into changing situations. However, outside the political scene the demands for change have been more vocal.

⁹² Prime Minister's Office Finland 2013, p. 57.

⁹³ Prime Minister's Office Finland 2013, p. 88.

⁹⁴ Finnish Ministry of Defence, "Report on the Implementation of Tasks in Åland" 2015.

⁹⁵ Prime Minister's Office Finland 2016, p. 12.

4.3. Demands for Change

There is currently much discussion on the alleged deteriorated security situation in the Baltic Sea area, reflected also in the recent government reports. A couple of years ago, the Finnish discussion on risks facing the demilitarised Åland Islands was heated by a researcher of the Finnish Institute of International Affairs who speculated the potential of Russian “green men” entering the islands.⁹⁶ This risk seems to have been internalised to some extent by the current government, considering similar comments of the incumbent Finnish Defence Minister about potential green men in the islands.⁹⁷ Other researchers have also speculated about a possible Russian occupation of the Åland Islands,⁹⁸ arguing that demilitarisation might pose a security threat.

Traditionally, the proponents of changing the demilitarisation regime have come from the military personnel, who argue that demilitarisation has not prevented the use of the Ålandic territory in wars, that weapon technology has made it easier to attack, and that Finland’s international freedom to manoeuvre enables it.⁹⁹ This debate was most vivid in the 1990s, but the military forces never received support from the government in calls for re-examination of the regime.¹⁰⁰ The current Defence Minister has also been worried about the vulnerability of the demilitarised islands, but the contrary has also been argued, particularly before the alleged deterioration of security situation. For example, with regard to the 2009 Government Report on Security and Defence Policy, the Foreign Affairs Committee of the Finnish Parliament stated that: “The arrangements concerning the Åland Islands’ position contribute to maintaining peace and stability in the Baltic Sea area”.¹⁰¹ As we already observed, despite critical comments, no demands for change have come from the high political level. However, it has been argued that calls for change could come from outside Finland in the course of intensified military cooperation or eventual NATO membership.¹⁰²

4.4. Åland and NATO

If Finland joined NATO, it would have to make a reservation that no military equipment or personnel could access the demilitarised zone. This is not impossible, as NATO already includes demilitarised zones, such as

⁹⁶ Saloniemi-Pasternak 2014.

⁹⁷ Nurmi 2015.

⁹⁸ Myntti 2016; Tarkka 2015a; Komulainen 2005, pp. 277–278.

⁹⁹ Tiilikainen 2002, p. 38; Hannikainen 1994, p. 627.

¹⁰⁰ Poullie 2016, p. 207.

¹⁰¹ Finnish Parliament Committee for Foreign Affairs 2009.

¹⁰² Tiilikainen 2002, p. 44; Tiilikainen 2006, p. 355.

Svalbard/Spitsbergen and a group of Greek islands in the Mediterranean.¹⁰³ Some neutralised and demilitarised areas, such as Malta, are impeded by international law to join NATO,¹⁰⁴ but in that case demilitarisation covers the entire country. In contrast, the Åland Islands would have to be excluded from the sphere of military activities if Finland were to join NATO.

It is also possible that there would be demands from NATO to end demilitarisation in case Finland was a member of the Alliance. However, it has also been speculated that the European Union would make such demands,¹⁰⁵ but no discussions on the issue have been reported. Moreover, since the members of NATO and the EU partly overlap, it is unlikely that these countries would present such demands at any arena.¹⁰⁶ Upon joining NATO, Finland would have to demand commitment from the other Alliance members to maintain the demilitarisation and neutralisation of the Åland Islands.

It is particularly in the interest of Russia to maintain the demilitarisation regime. Russia is part of the 1856 demilitarisation agreement and has also concluded a bilateral treaty with Finland in 1940, which was renewed after the Soviet collapse in 1992. Although Russia is not a party to the 1921 League of Nations agreement on demilitarisation and neutralisation, Russian consent for terminating the demilitarised status would be helpful to say the least. Russia has a particularly strong position in monitoring demilitarisation, since the Russian Consulate in Mariehamn is tasked with observing this. It was established after the 1940 treaty between Finland and the Soviet Union in order to monitor compliance with demilitarisation. It would thus be difficult for Finland to agree with the other signatories to terminate the 1921 treaty but not to negotiate bilaterally with Russia on the issue.

4.5. Strategy and Politics

The Åland Islands have a strategic position in the middle of the Baltic Sea. This became infamously clear in the comment of Finnish Defence Minister Jussi Niinistö in summer 2015, when he stated that Åland is not defended for the Ålanders' sake but due to the islands' strategic importance for Finland.¹⁰⁷ He later regretted his choice of words, but has often reiterated the strategic significance of the islands and challenges in defending them. As claimed by a Finnish historian Jukka Tarkka, the one who controls the Åland Islands controls

¹⁰³ Ronzitti 1985; Ronzitti 2010; Grydehøj 2013.

¹⁰⁴ Ronzitti 2010, p. 20.

¹⁰⁵ Tiilikainen 2002, p. 39.

¹⁰⁶ Källman 2007, p. 55.

¹⁰⁷ Vuorikoski 2015.

the Northern Baltic Sea.¹⁰⁸ Other Finnish researchers and former politicians have made similar comments on how militarily vulnerable the islands are.¹⁰⁹ However, military personnel, who have traditionally been the most critical towards demilitarisation, have not publicly commented on the issue in recent years. Then again, there have been enough others who have done so.

With new hybrid warfare and technology, defending the islands may be more complex on the one hand, as no military troops or equipment may be positioned in the islands. On the other hand, new military technology may also make it easier to protect and monitor the islands. In a strategic document from 1995, Anders Gardberg speculates that European integration may make Finland and Sweden coordinate their efforts in protecting the islands and adds that: “The development in arms technology can offer new possibilities for Finland and Sweden to make the defence of the islands more effective, each in its own territory, independent of the limitations stipulated in the conventions.”¹¹⁰ This is the dual face of modern military technology: it makes monitoring easier, but may also leave the islands more vulnerable to others using remote military technology.

In the 1990s, the Finnish Defence University also published some other reports in addition to the Gardberg report on the Åland Islands, but recent publications of the University related to the Åland Islands include mainly master’s theses. In one of these, the Åland Islands were seen as strategically extremely important; they are important for sea and air transport as well as for communication technology. They also provide a challenge for Finland, which is obligated to restore the demilitarised and neutralised status in a crisis situation.¹¹¹ Another challenge is the eventual position of Finland in a military alliance, whereby it would have to ensure the security of the islands while simultaneously ensuring that the alliance does not violate the demilitarisation agreements.

4.6. NATO Members Include Demilitarised Areas

As already mentioned, NATO countries include demilitarised areas, such as Svalbard/Spitsbergen in Norway and the Greek islands of Lemnos, Lesbos, Chios, Samos, Nikaria, and the Dodecanese Islands. The case of Svalbard is most similar to the Åland demilitarisation case, whilst the demilitarisation of the Greek islands is a more complex question. Although NATO has not held any military exercises in the area, the Greeks themselves have not entirely complied with demilitarisation. During the Cold War, the Soviet Union often criticised

¹⁰⁸ Tarkka 2015b, p. 130.

¹⁰⁹ Salenius-Pasternak 2014; Moberg et al. 2015; Lehtinen 2016; Myntti 2016.

¹¹⁰ Gardberg 1995, p. 62.

¹¹¹ Lindgren 2014.

Greece for not holding onto demilitarisation, i.e. playing in the hands of NATO, and Turkey accuses Greece of violating its obligations every once in a while. It could even be said that the demilitarisation of the Greek islands is a dormant issue.¹¹²

The Svalbard case can be compared to that of the Åland Islands. The Svalbard Treaty dates back to 1920, but posed no difficulties for Norway to join NATO in 1949. The Soviet Union argued nevertheless that Norway violated demilitarisation provisions when Norwegian vessels visited the islands and when it was placed under NATO command.¹¹³ The Svalbard archipelago is extraordinary also in the sense that the signatories to the 1920 Svalbard Treaty have the right to economic access in the islands, which has been exploited by Russia, which established a coalmine there in 1932.¹¹⁴ It is noteworthy that the NATO agreement does not mention Svalbard at all, but NATO membership may also be important for Norway in light of defending Norwegian interest in Svalbard.

Although NATO includes demilitarised areas, there does not seem to be interest in demilitarising further areas. It has been speculated that Svalbard might be employed as a start to create Arctic nuclear weapon-free zones,¹¹⁵ but no such intentions have been publicly present. Researcher Franklyn Griffiths has in the past proposed a seminar on demilitarising the Arctic and brought up the issue also at a NATO Arctic workshop in 2010. However, representatives from Norway, Russia and United states shot down his views right away “as unrealistic and as undesirable in proposing to alter the high-seas regime in international law”. Similar speculations of a demilitarised Mediterranean have been presented, but that too remains a distant scenario. Italy and Libya have agreed to promote the Mediterranean as a WMD-free zone, which can be seen as an effort, albeit a modest one.¹¹⁶ Furthermore, during the Cold War there were Finnish proposals on creating a Nordic nuclear-free zone. Responding to these, Swedish Foreign Minister Hans Blix proposed making the entire Baltic Sea nuclear-free, and the Soviet Union also showed some interest in a nuclear-free zone in its neighbourhood. However, no consensus was reached, and Norway was particularly reluctant to give up its nuclear option.¹¹⁷

When compared to the other European demilitarised areas, the Åland Islands have a fairly stable position. For example, the Svalbard Treaty is under constant negotiation, as especially Iceland and Russia have questioned the Norwegian

¹¹² Ronzitti 2010, p. 5.

¹¹³ Byers 2013, p. 21.

¹¹⁴ Byers 2013, p. 18.

¹¹⁵ Byers 2013, p. 256.

¹¹⁶ Ronzitti 2010, pp. 20–21.

¹¹⁷ Gutteridge et al. 1981, pp. 111–114; Rotkirch 1986, p. 357; Joenniemi 1993.

interpretations of the treaty as regards resource exploitation in the area. Although the disputes do not relate to demilitarisation, Norway has called for its military allies to support the Norwegian interpretations. Petroleum interests in the north also have a strategic significance, in addition to the military interests in the area.¹¹⁸ Such interests can create tensions, but the Svalbard and Åland Islands have one striking difference: while there are only around 2,500 inhabitants in Svalbard, the Åland Islands are constitutionally autonomous and have almost 30,000 inhabitants, as well as well-functioning political institutions to take a stance to the demilitarised status.

4.7. Åland's Security from an Ålandic Perspective

Ålandic politicians are obviously the ones that most eagerly discuss the issue of demilitarisation, both in the Finnish Parliament and in the Ålandic political institutions. It goes without saying that support for demilitarisation is high on the islands, and local politicians constantly seek reaffirmation from the Finnish government that there are no intentions to make changes in the status. For example, at the request of Ålanders Finland made a unilateral declaration on maintaining the demilitarisation and neutralisation of Åland in the minutes of a meeting of the European Union Permanent Representatives in November 2009.¹¹⁹ The Government of Åland also drafted Guidelines for the Government Opinion on Åland's demilitarisation and neutralisation in 2013. In this document, the Government of Åland assumed the view that demilitarisation and neutralisation in no manner hinder the development of the foreign and security policy of the EU. Article 351 of the Treaty on the Functioning of the European Union would obligate Member States to overrule all agreements that are not in conformity with the EU Treaties, but demilitarisation agreements are not considered such.¹²⁰

The current world involves many threats of other than military nature, but the demilitarisation agreements only deal with military affairs. Finland has, according to the 1921 convention, the right to have armed forces visit the islands to maintain order. However, in 2013 the Ålandic Government deemed that this should be interpreted restrictively and civil means should be used in civil crises.¹²¹ A related issue under discussion is the separation between the Border Guard and the Defence Forces. While the Border Guard is in Finland under the command of the Ministry of the Interior, there are discussions on transferring the

¹¹⁸ Anderson 2009, pp. 353–354.

¹¹⁹ Council of the European Union 2010.

¹²⁰ Government of Åland, "Policy for Åland's Demilitarisation and Neutralisation" 2013.

¹²¹ Government of Åland 2013.

Guard under the Defence Ministry and using conscripts in border guard tasks.¹²² However, it has been acknowledged in this process that the Åland question would be problematic, since the Border Guard would no longer be able to operate in the islands.¹²³ The Ålandic politicians also recognise that the current situation often requires cooperation between civil and military authorities, which is a problem for the demilitarised Åland.¹²⁴ The starting point, according to the stance of the Autonomy Committee of Åland in 2014, should be that all eventual events in the Åland Islands should be able to be addressed without military involvement.¹²⁵ The committee also deemed that all visits of Finnish military ships should be terminated in the islands, as new technology enables monitoring the islands without physical presence.¹²⁶ The Ålandic politicians thus seem to be reluctant to have any military presence unless strictly necessary.

The Ålandic Government would also like to have power in cases where Finland's international agreements or obligations relate to the demilitarised status of the islands.¹²⁷ Indeed, if Finland were to be part of NATO or another collective defence organisation that would place the Åland Islands under a defence commitment, the Government of Åland should be informed and offered the possibility to participate in the negotiations.¹²⁸ There are also split opinions among Ålandic politicians on whether they should have a role in international defence cooperation in any manner. While the Government of Åland stated in its Government Opinion that Åland should remain completely outside the Nordic defence cooperation, a few representatives of the Ålandic Parliament thought they should be active.¹²⁹

NATO is also discussed in the islands in connection to demilitarisation. In 2013, the Premier of Åland asked in a debate at the Parliament of Åland whether "the demilitarised and neutralised status is at all compatible with joining security policy cooperation such as NATO".¹³⁰ Then again, a number of MPs in the Parliament of Åland thought that since NATO already has demilitarised areas, membership would pose no threat to the status. One MP even deemed that demilitarisation and neutralisation could become stronger after NATO membership, since the status was, according to him, reinforced after EU

¹²² Jarmo Huhtanen, "Eastern Border Preparing for New Threats - This Is How the Border Guard Would Operate in a Crisis Situation" *Helsingin Sanomat* 26 February, 2016.

¹²³ Huhtanen 2016.

¹²⁴ Parliament of Åland 2014.

¹²⁵ Autonomy Committee of the Parliament of Åland, "Report of the Self-Governance Committee" 2014.

¹²⁶ Autonomy Committee of the Parliament of Åland 2014.

¹²⁷ Government of Åland, "Policy for Åland's Demilitarisation and Neutralisation"

¹²⁸ Katariina Simonen, "Suomi, Ahvenanmaa ja liittoutuminen" *Lakimies* 4 (2004): p. 678.

¹²⁹ Parliament of Åland, "Plenum den 4 december 2013 Kl. 14.00," 2016.

¹³⁰ Camilla Gunell, Parliament of Åland 2013.

membership.¹³¹ Already this brief glimpse of the Ålandic debate reveals that there is no single “Ålandic opinion”. There seems to be a wide consensus on supporting demilitarisation, but views on defence cooperation differ. As long as there is support for membership in the islands, it is also difficult for Finnish politicians to strive for changes in the status. If the Ålanders themselves support demilitarisation for various reasons, arguments on the vulnerability of the islands lose some of their power.

5. Concluding Remarks

It seems that there are no threats in sight for the status of the Åland Islands. There is much pressure to intensify European defence cooperation, but I cannot see it resulting in any calls to terminate demilitarisation. A few critical voices are heard in Finland, but no serious political discussion on the issue is held. However, the question of NATO is one that divides people both on the mainland and in the Åland Islands. As NATO includes demilitarised areas, the membership as such does not threaten the status of the islands, but the question might be more of a principle. As the Ålanders are proud of their “islands of peace”, this identity might be more difficult to sell if Åland was under the umbrella of NATO. In this report I have not discussed the use of the Åland example in conflict management, but NATO membership could also weaken the power of the example of non-military solutions to territorial disputes.¹³² Both in the Finnish and in the Ålandic discussion, the most important issue seems to be maintaining the status quo no matter what.

This report was intended as a presentation of the security political situation surrounding the Åland Islands. The surrounding area of the islands has witnessed increased tension in recent years, and the Åland Islands could also become a topic of discussion outside Finland. This tension in the Baltic Sea has even inspired Sweden’s decision to remilitarise the Gotland Island, although there have also been proposals that Gotland could become a demilitarised area like the Åland Islands.¹³³ Indeed, one of the strengths of the demilitarisation and neutralisation of the islands is its successful record, although it must be stated that the islands have not been completely outside World Wars. However, hardly any battles have taken place in the islands, and the question has mainly been of constructing fortifications. The islands might have been a more desired target for foreign powers to occupy if there had been military presence. The example of

¹³¹ Roger Jansson, Parliament of Åland, “Plenum den 4 december 2013 Kl. 14.00.”

¹³² Spiliopoulou Åkermark 2011.

¹³³ Lars Ingelstam, “Kan Gotland bli som Åland?” *Mänsklig Säkerhet*, December 8, 2015.

self-government and demilitarisation is also what the islanders themselves try to purport, and this may also be wise in terms of guaranteeing the status of the islands.¹³⁴

Teija Tiilikainen stated in the end of her report in 2002 that “Not even in today’s peaceful situation is Åland’s status a question that is of concern only to Finland”.¹³⁵ I would argue that not even in today’s tense world is the status of the islands questioned outside Finland. Hardly any calls for ending the demilitarisation and neutralisation have come from outside Finland, and Sweden, whose capital is close to the islands, can be seen as one of the fiercest supporters of the demilitarised status.¹³⁶

In addition to discussing the role of the Åland Islands, this report has illustrated the militarisation trend in the Finnish and European security policies, which has barely concerned the Åland Islands. Indeed, the Åland Islands remain a relic of the past, where threats do not lead to abandoning old agreements, at least during peacetime. The Åland Islands can be regarded as a very early multilateral security solution. Currently, the European Union tries to build regional solutions to alleged security threats, supported by Finland. However, Åland reveals that this is not the only option.

¹³⁴ Wigell 2013.

¹³⁵ Tiilikainen 2002, p. 52.

¹³⁶ Komulainen, *Taistelu Ahvenanmaasta - Oolannin iäisyyskysymys*, 274.

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Mapping Historical Consciousness:
Mental Maps of Time and Space among Secondary School Students
from Ten Locations around the Baltic and Mediterranean Seas

Janne Holmén

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Abstract

The article investigates the temporal and spatial structure of historical consciousness among secondary school students from ten locations around the Baltic and Mediterranean seas. It examines what eras and spaces in history are important to the students, and discusses how the mental maps of individuals at a certain location are affected by geopolitics and interpretations of historical experiences.

The results are primarily based upon one open survey question: 'Write down the names of as many important historical figures as possible within five minutes'. Psychological theories of memory are used in order to explain how such simple memory retrieval can be used in studies of historical consciousness. The data from the survey is presented in the form of maps, using techniques of mental mapping developed by geographers.

The empirical investigation reveals three categories of historical consciousness: national, found in Italy and Morocco, Americanized, found in Sweden, and multipolar, found in Estonia, Åland and Malta. The article argues that each of the three strands of historical consciousness is linked to specific historical and geopolitical circumstances.

Keywords

Mental Maps, Historical Consciousness, Sweden, Estonia, Åland,
Morocco, Italy, Malta, Survey, Secondary Schools

Mapping Historical Consciousness: Mental Maps of Time and Space among Secondary School Students from Ten Locations around the Baltic and Mediterranean Seas

Janne Holmén¹

1. Introduction

In the period since the Second World War, professional historians have become increasingly interested in how history is perceived outside of academic circles.² Orientations such as historical consciousness, collective memory, history culture, memory culture, uses of history, and history didactics have investigated, from a variety of angles, the views of history found in popular history, films, novels, and textbooks. Of these concepts, historical consciousness is perhaps the most ‘democratic’ in the sense that it carries an ambition to investigate views of history held by ‘ordinary people’ who are not themselves producers of history. However, few studies on historical consciousness have employed empirical methods, such as surveys and interviews, which would be suitable for exploring the historical consciousness of these broad groups.

¹ Janne Holmén is a historian, currently attached to the Department of History, Uppsala University, Åbo Akademi University and the Institute of Contemporary History, Södertörn University. His main research interests are historiography, mental mapping, textbook research, island studies, history didactics, educational history and comparative history.

² This article is an outcome of the research project “Past and present in the minds of secondary school students: a bottom up approach to mental mapping in the Baltic and Mediterranean rim”, which investigates mental maps and historical consciousness among upper secondary school students from the Baltic Sea and Mediterranean regions. It is a subproject of “Spaces of Expectation: Mental Mapping and Historical Imagination in the Baltic Sea and Mediterranean Region”, which studies attempts at region building in the Baltic Sea and Mediterranean regions as well as the perceptions of these regions and their histories, financed by the Baltic Sea foundation. The role of this subproject within the main project is to contribute to the discussion regarding whether the attempts by political and academic elites to construct Baltic and Mediterranean regions correspond with the images held by broader layers of the population, and the selection of locations for the surveys are adapted to this question. However, the focus of this paper is on historical consciousness in a broad sense. A forthcoming article in *Journal of Cultural Geography* will investigate perceptions of the Baltic and Mediterranean Seas, region-building, and geographical mental maps.

The present paper investigates the temporal and spatial structure of historical consciousness among secondary school students from ten locations around the Baltic and Mediterranean seas. It examines what eras and spaces in history these students consider important, and discusses how the mental maps of individuals at a certain location are affected by geopolitics and historical experiences.

The results presented in this paper are, although they address broad issues of students' perception of time and space, mainly based upon one open survey question: 'Write down the name of as many important historical figures as possible within five minutes'. The chapter "Historical consciousness" is dedicated to explaining how such a simple approach can be useful, and in many respects even preferable to the more elaborate batteries of questions used in previous studies. Using psychological theories of the workings of the human memory, it is even argued that such simple memory retrieval can give an insight into one of the most elusive aspects of historical consciousness: the connection between past, present, and future.

The data from the survey is presented in the form of maps, using techniques of mental mapping developed by geographers. Mental maps and historical consciousness are treated as parallel terms – both describe human worldviews, the first focusing on the spatial and the second on the temporal dimension of the world.

The present paper explores the differences between the mental maps of students from different locations. It introduces – based upon empirical findings – the categories national, Americanized, and multipolar historical consciousness, and discusses the special spatial and historical circumstances under which each of these strands of historical consciousness have emerged.

1.1. Historical Consciousness

The historical consciousness concept was used at least as early as 1837, when the German philosopher Heinrich Moritz Chalybäus described Hegel's philosophy as the latest phase in the development of human historical consciousness. He did so by making an analogy to psychology and the development of individual consciousness.³ The concept was thereafter in regular use, but was first systematically studied in the 1960s.⁴ The development of theory and research within the field accelerated after the publication of Karl-Ernst Jeissman's "Geschichtsbewußtsein" in 1979.⁵ By this point, the concept had several

³Chalybäus, 1860; Chalybäus, 1854, p. 7.

⁴Aaron, 1961; Gadamer, 1963; Lukacs, 1968.

⁵Jeissmann, 1979.

different meanings: knowledge of the past; awareness that past, present, and future are always present; ability to reflect upon the links between past, present and future; and collective memories in the sense of emotionally founded interpretations of history. This study primarily investigates historical consciousness in the sense of knowledge of the past and collective memories. However, as will be argued below, this simple aspect of historical consciousness provides an inroad into the deeper meaning of the concept.

Historical consciousness has also been considered crucial for the formation of identity. This has secured a place for the concept in national history curricula – but it has also resulted in the criticism that historical consciousness is simply a rephrasing of traditional historical nation building.⁶ However, it is not necessary to limit the meaning of historical consciousness to an individual or group's awareness of the history of their own political entity or ethnic group, although that has been the case in most studies.

Despite significant efforts to develop the concept of “historical consciousness” theoretically, it has proven difficult to utilize in empirical research. Some historians have adopted these theories as a point of departure when studying the uses of history or artefacts of history culture, but it is doubtful whether they have actually made use of the theories in their empirical work. It has been argued that the concept is indeed unsuitable for such studies.⁷

Several attempts have been made to directly investigate historical consciousness by interviewing a limited number of individuals, through surveys of larger groups, or through a combination of these methods.⁸ However, previous studies have asked questions concerning limited and sharply defined aspects of historical consciousness rather than attempting a comprehensive mapping such as the one presented in this paper.

The large survey “Youth and History” investigated the historical consciousness of 32,000 teenagers in Europe. Magne Angvik, one of the editors of the final report, claimed that German and Scandinavian researchers of historical consciousness considered history “a complex connection of interpretations of the past, perceptions of the present and expectations of the future”, a theory the “Youth and History” questionnaire was an attempt to operationalize.⁹

The Youth and History survey consisted of 280 multiple choice questions. Despite – and maybe in part because of – the multitude of questions and the huge number of participating students and researchers, the results of the project

⁶ Laville, 2004, pp. 165 - 182.

⁷ Axelsson, 2004, pp. 11 - 26.

⁸ For example, Rosenzweig & Thelen, 1998; Hartsmar, 2001; Potapenko, 2006; Potapenko, 2010.

⁹ Angvik & von Borries, 1997, p. 36.

remained vague and fragmented. It has been claimed that the project's shortcomings were related to an insufficient theoretical framework,¹⁰ but I would argue that the main problem can be found at the methodological level.

The surveys and interviews in previous research have used closed questions, attempting to establish that the remembrance of certain historical events is important to an understanding of the present and the future, and to identity formation. These questions are either formulated based on assumptions that certain historical events 'ought' to be of importance for the historical consciousness and identity formation of certain groups of students, or on a normative theoretical hierarchy which differentiates between 'good' and 'bad' forms of historical consciousness.¹¹ With such methods, it is difficult to discover aspects of historical consciousness that are not already presupposed by the theoretical point of departure. There is a risk that central aspects of historical consciousness remain undiscovered if they are not directly addressed by the questions – and this risk cannot be eliminated even with the most extensive battery of questions.

Additionally, when attempting to empirically investigate an extremely complicated theoretical concept such as historical consciousness, it is problematic to begin with its most abstract aspect, the perceived link between past, present, and future. A more intuitive approach is to start with the simplest aspect: *what* are people conscious of in the past – what constitutes their collective memories?

However, a sceptic might question whether it is actually possible to investigate historical consciousness by broadly surveying students' knowledge of history. How will it, according to this sceptical line of reasoning, be possible to find the important pieces of information – the ones related to the students' historical consciousness or identity – among all the information to which the students have been exposed during their lifetime, for example through school, media, and popular culture? Most of this information will no doubt be of very little interest and devoid of deeper meaning to the students. Luckily, we have a tool at our disposal that is incredibly efficient at identifying the bits and pieces that people perceive as important and meaningful from the vast oceans of information, which swell over them during their lifetime – the human memory itself.

Humans are exposed to a constant flow of information and experiences, but only the information which is considered important passes through the process of encoding into, storage in, and retrieval from the semantic and episodic

¹⁰ Seixas, 2004, pp. 3-24.

¹¹ The most well-known hierarchy is Jörn Rüsen's concepts traditional, exemplary, critical and genetic historical consciousness. Rüsen, 2004, pp. 63-85.

memories. The semantic memory stores our general world knowledge, while the episodic memory contains recollections of our own experiences, although it has been suggested that there is no definitive line between the two.¹²

The connection between past, present, and future that is so crucial to theories of historical consciousness has also been recognized in psychological research, since it has been argued that “episodic memory plays a critical role in future-oriented thinking and planning”.¹³ Episodic memory is connected to “autonoetic consciousness” – the awareness that you are the same individual today as you were yesterday and will be tomorrow – and to the self. Psychologists have also begun to recognize that the development of memory and identity is related to cultural and societal factors:

EAM [Episodic-autobiographical memory], autonoetic consciousness and the self are intimately linked, grounding, supporting and enriching each other’s development and cohesiveness. Their development is influenced by the socio-cultural–linguistic environment in which an individual grows up or lives. On the other hand, through language, textualization and social exchange, all three elements leak into the world and participate to the dynamic shaping and re-shaping of the cultural scaffolding of the self, mental time traveling and EAM formation.¹⁴

Based on these psychological models of how human memory works, we can suppose that by simply investigating what aspects of history students retrieve from their memories we will know what historical knowledge they perceive to be relevant in the present and expect to be important in the future. We can also suppose that the memories a person retrieves are affected by the history culture to which that person has been exposed. Furthermore, through social interactions that individual contributes to the history culture, thereby affecting what historical information other persons will consider important enough to encode into and retrieve from their memories.

By using open questions, like asking students to write down as many important historical figures as possible within five minutes, we will not get a complete overview of a person’s repository of historical knowledge, but rather an insight into what is ‘on top of their minds’ and is considered most important. If the same person is surveyed at different times it is likely that different things are considered important, and that slightly different historical information would be retrieved in the survey. It has been shown that retrieval of episodic memories is context dependent, and that associations play an important role in the retrieval

¹² McRae & Jones 2013, pp. 206-219; Tulving, 2013, pp. 1-25.; Gallo & Wheeler, 2013, pp. 189-205.

¹³ Evidence for this is that people with amnesia are less likely to engage in elaborate future-oriented thought than people with intact episodic memory. Gallo & Wheeler, 2013, p. 192.

¹⁴ Markowitsch & Staniloui, 2011, pp. 16-39.

of semantic memories.¹⁵ The influence of context and associations on memory retrieval makes it all the more important to keep survey questions open, neither directing students with leading questions nor by providing examples.¹⁶

Another methodologically problematic aspect of many previous studies of historical consciousness has been their openly normative nature. A substantial proportion of the scholars in the field have come from history didactics or other educational disciplines, and desire to conduct research that is policy relevant vis-à-vis the formulation of curricula, which commonly promotes progressive values such as democracy and tolerance.¹⁷ It is possible that this normative ambition has favoured the emphasis on theory over empirical studies, as well as the choice of closed rather than open questions in the few empirical studies that have been conducted. Critical empirical research does not readily produce norms regarding what constitutes a ‘good’ historical consciousness, and can therefore not be easily fitted into models for normative history education.¹⁸

One of the many paradoxical effects of this normatively theorizing approach is that despite repeated concerns about an overly westernized historical consciousness, almost no studies have been conducted on historical consciousness outside the Western world.¹⁹ In part, that might be a result of the idea that modern historical consciousness – the realization of historicity, the understanding that everything is historically situated – is a relatively recent Western discovery.²⁰ The perspective from psychology and memory research presented above does suggest, however, that historical consciousness could instead be understood as part of a universal human system for constructing images of and orientating in time and space.

Another reason for the lack of research outside the West might be the perceived problem of developing “... comparative frameworks that will be capacious enough to begin such work without implicitly elevating Western historical consciousness to an a priori ideal of development”.²¹ The complexity of intercultural comparisons is yet another argument in favour of utilizing open questions.

¹⁵ Eich, 1980, pp. 157-173; Raaijmakers, 1981, pp. 93-134.

¹⁶ Potapenko, who has mainly worked with interviews, did in his 2010 study include a small survey with open questions. He found that it exceeded his expectations regarding the quality of the material. However, when he asked the students about what geographical areas they would like to know more about he made the mistake of providing examples, and the students generally ended up discussing these examples rather than formulating free answers. Potapenko, 2010, pp. 102&105.

¹⁷ Seixas, 2004, p. 10; Potapenko, 2010, p. 25.

¹⁸ Seixas, 2004, p. 15.

¹⁹ What exist are a few studies on the perception of history in European overseas settlements, for example “Social identity and the perception of history: cultural representations of Aotearoa/New Zealand” and “The madman and the migrant: Work and labor in the historical consciousness of a South African people”

²⁰ Lukacs, 2005, pp. 10-16.

²¹ Seixtas, 2004, p. 14.

In order to investigate human consciousness of the spatial dimensions of the world, geographers have developed a method for unravelling peoples' worldviews by surveying what is 'on top of their minds' through open questions: Mental mapping. Since a growing body of evidence suggests that human perception of distances, directions, and movements in time is based upon metaphors from – and even involving the same brain areas as – spatial thinking, there is reason to believe that the original spatially-oriented mental mapping techniques could also be of use in the temporally-oriented research of historical consciousness.²²

1.2. Mental Mapping

The 'Mental map' concept has been used to describe both how people orientate in their environment and how they perceive the world, and it is approximately synonymous with 'cognitive map'. Although both terms are used in geography, behavioural science and psychology, geographers more commonly use the term 'mental maps'.²³ The term has also recently been used by historians, who have tried to describe the world views of political leaders,²⁴ the French colonial mind,²⁵ or images of the region around the Baltic Sea.²⁶ They have not, however, used the quantitative methods of mental mapping developed within the social sciences, but have instead used it as an analytical concept in qualitative studies.

It has been suggested that Immanuel Kant anticipated mental maps in his writings on geography.²⁷ However, the modern geographical research field of mental maps emerged in 1960 with the publication of Kevin Lynch's *The Image of the City*, although Lynch did not actually use the term 'mental maps' but the term 'image'.²⁸ Another founder of the field was Peter Gould, who from 1966 used the term 'mental maps' for his maps of students' information and perception of different areas.²⁹

Previous research on mental maps has used several forms of data collection: interviews,³⁰ route descriptions,³¹ freehand maps³², and surveys. In 2014 and 2015, I conducted surveys investigating mental maps and historical consciousness among secondary school students in ten locations in the Baltic Sea

²² A good overview of this research is found in Cooperrider & Núñez, 2016.

²³ Hannes et al., 2012, pp. 143-165.

²⁴ Casey & Wright 2008; Casey & Wright 2011.

²⁵ Thomas, 2011.

²⁶ Götz et al., 2006.

²⁷ Richards, 1974, pp. 1-16.

²⁸ Lynch, 1970.

²⁹ Gould, 1966.

³⁰ Lynch, 1970.

³¹ Lynch, 1970; Fraczak, 1998, pp. 185-200.

³² Saarinen & MacCabe, 1995, pp. 196-204.

and Mediterranean regions: Gävle and Uppsala in Sweden, the Åland Islands in Finland, Noarootsi and Valga in Estonia, Bologna and Venice in Italy, Valetta on Malta, as well as Tangiers and Fez in Morocco.

My questionnaire (see appendix) primarily used a method inspired by Peter Gould, who constructed mental maps based upon quantitative data from surveys.³³ The present paper is principally based upon the third question in the survey, which investigated the students' historical information maps, but to some extent also upon questions four to seven, which investigated their perception of history. The other questions in the survey, which investigated geographical mental maps, that is information and perception of space, are used in a supportive function in the present paper.

1.3. The Schools

The project design aimed at surveying one class of 20–30 secondary school seniors in each school. In Gävle and Malta the survey was conducted on two different occasions in order to get a sufficient number of students. All surveys were conducted in person, except in Malta where I was present via Skype.

Comparisons between the surveyed countries are complicated by the fact that the school systems vary. The diversity within each country's school system is also substantial and has increased during recent decades, when schools in many countries have been encouraged to profile themselves and specialise. Despite diversity, the basic similarity of schools and classrooms worldwide makes them the best setting available for comparative surveys such as the present one, where the contextual influences on memory retrieval need to be controlled.

Large discrepancies in the levels of the schools have been avoided. It is possible that the knowledge level of students might influence their mental maps, and great differences in knowledge levels might therefore obscure the differences caused by location and other factors that I want to investigate. For that reason, schools with an elite profile as well as schools known for sub-par performance were avoided.

In Malta, the students surveyed had already begun Junior College at Malta University at age 18–19, while the other students in the survey were still in their last year of secondary school at this age. I chose to study the more selective Junior college rather than the last year of secondary school. The question about geographical information does indicate that the students from Malta were in the middle range of the classes surveyed regarding knowledge levels, which suggests Junior College students are comparable to upper secondary school seniors elsewhere.

³³ Gould & White 1986.

Students from the penultimate year of secondary school were surveyed in Åland, since the final year students were preoccupied with matriculation exams. In Noarootsi, final year students were combined with younger students in order to get a sufficiently large sample. This did not mean that the students from Åland and Noarootsi underperformed. They actually displayed average knowledge levels higher than in all other locations except Venice.³⁴ More detailed information about the surveyed classes can be found in the appendix.

1.4. From Survey to Map

This article is mainly based upon information gathered from question three of the survey, where students were asked to write down as many important historical figures as possible within five minutes and the city or country with which they are most commonly associated. The names produced have been analysed according to their spatial and temporal distribution.

In investigating the spatial distribution, I have followed the participant's suggestion for the place with which the individual are most associated. For example, this means that Adolf Hitler is sometimes categorized as Austrian, but most often as German. When the students have mentioned a person without stating the country with which they are most associated, I have followed the most common practice among the students of the class, and if no clear practice exists I have in undisputed cases used encyclopaedic information. Cosmopolitan individuals, such as Albert Einstein, have, if the students have not assigned them any city or country, been lumped together in the category "others". These examples are not displayed on maps, but form part of the total number of individuals from which percentages are calculated. The distribution of historical figures among some of the most commonly mentioned countries are displayed in Table 1.

The mental map representations used in this article, the cartograms (Figures 2, 3, 4 and 5), are based upon the same information as Table 1. A cartogram can be described as a hybrid of a map and a pie chart, where each piece of pie has the shape and location of the spatial unit that it represents. In this article the area units used are modern nation states and autonomous regions. Their areas in the cartogram are proportional to the number of important historical figures the students associated with them.

³⁴ Based upon the number of place names they were able to write down within five minutes in question 1.

Table 1. Spatial distribution.

The ten most common countries of origin among the historical figures mentioned by students from each surveyed location.

Fez	%	Tanger	%	Malta	%	Venice	%	Bologna	%
Morocco	33	Morocco	42	Malta	15	Italy	29	Italy	47
Germany	9	Arabian peninsula	10	Germany	12	France	16	France	12
Arabian peninsula	8	Germany	9	Italy	11	Spain	12	USA	10
Egypt	7	Palestine	7	France	10	USA	10	Germany	9
Turkey	6	Turkey	6	USA	10	Germany	9	Greece	5
Iraq	4	Iraq	4	Russia	9	UK	8	UK	5
Palestine	4	Einstein ³⁵	3	UK	8	Russia	3	Russia	4
USA	4	Egypt	3	India	5	Greece	2	Austria	2
France	2	UK	3	South Africa	4	China	2	Spain	2
Libya	2	Newton	2	Libya	4	Cuba	2	India	1
Uppsala	%	Gävle	%	Åland	%	Valga	%	Noarootsi	%
USA	28	USA	32	USA	13	Russia	22	Estonia	28
Sweden	22	Sweden	13	Russia	13	USA	21	Russia	15
Germany	13	UK	9	France	11	Estonia	16	USA	10
Russia	8	Germany	9	UK	11	Germany	8	UK	10
UK	6	Russia	6	Germany	9	Italy	6	Germany	9
France	5	France	6	Finland	6	UK	5	France	5
Italy	3	Greece	4	Sweden	6	Greece	5	Italy	4
Spain	3	Italy	4	Italy	4	France	4	Austria	4
Israel	2	India	1	Spain	3	Iraq	2	Greece	2
India	2	Israel	1	Austria	3	Egypt	2	China	1

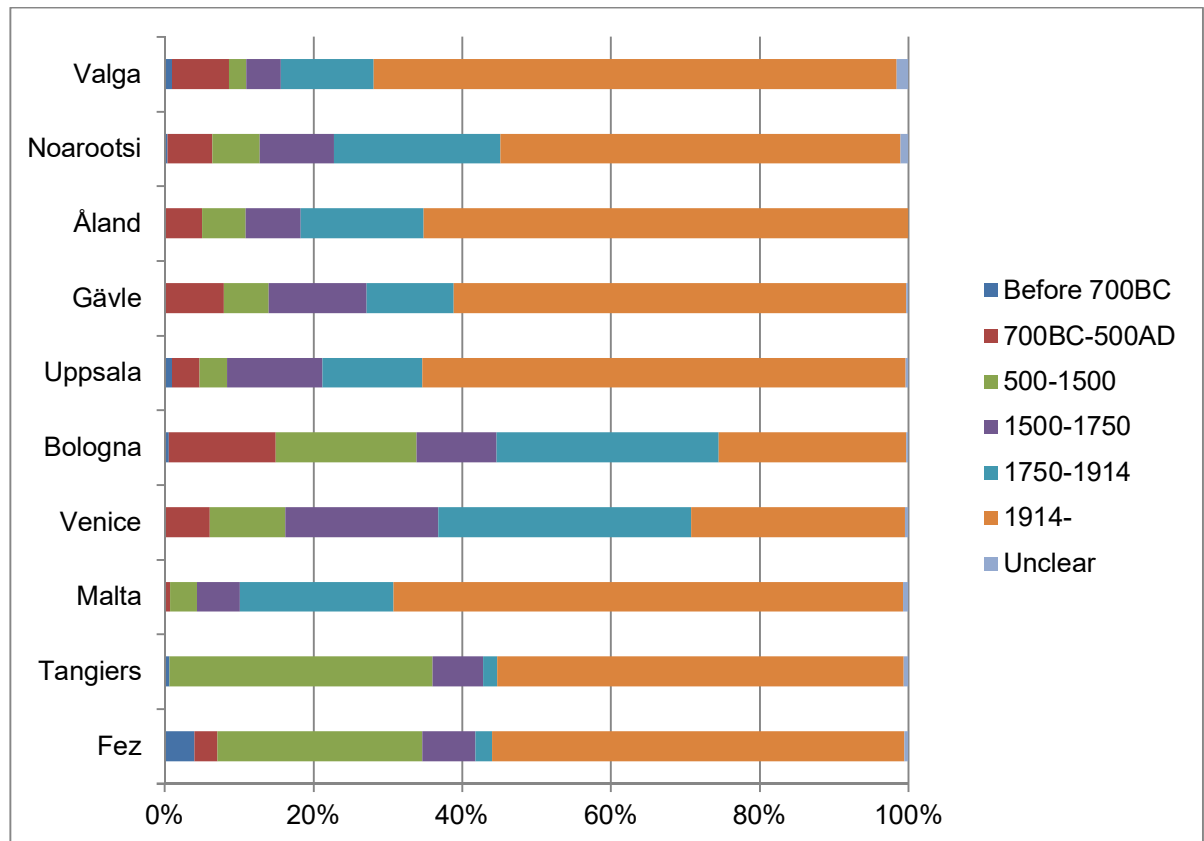
Since the cartograms are based on a world map with contemporary political units, and political borders have shifted over time, the created maps are undoubtedly anachronistic. However, they still transmit a general picture of which areas the students consider to have been important in history.

The temporal distribution of the figures mentioned by the students, the ‘mental timeline’, is displayed in Figure 1.

³⁵ Einstein and Newton were mentioned by many of the science students from Tangiers, but they did not associate them with any country.

Figure 1. Temporal Distribution, ‘Mental timeline’.

The historical figures mentioned by the students distributed on a timeline.



In coding the temporal distribution, the main methodological problem is that the lifespans of some historical figures transcend the arbitrarily constructed limits of time periods used in the present paper. The main rule followed is that a person is coded as belonging to the period with which the person is primarily associated. For example, Lenin, who lived most of his life prior to 1914, is still coded in the post 1914 period, since he is arguably associated primarily with the Russian revolution. Of course, there is always a certain element of arbitrariness in such decisions and some individual cases might have been handled differently. However, there are not enough uncertain cases to change the fundamental structure of the mental maps and mental timeline.

2. Three Categories of Historical Consciousness

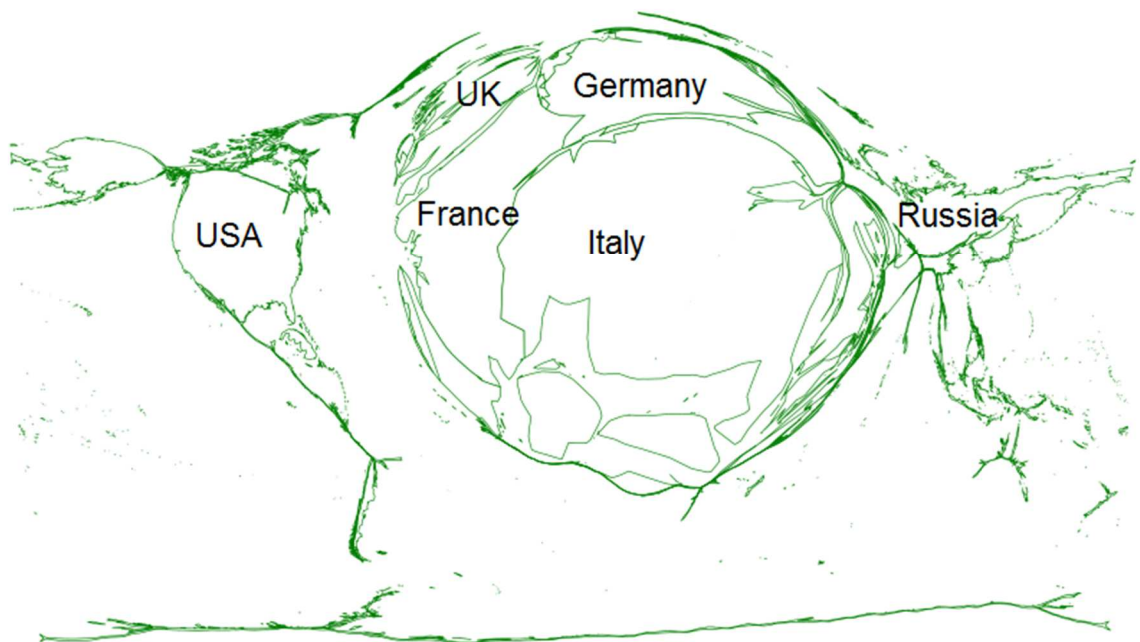
In this chapter, three categories of historical consciousness are introduced: the national, the Americanized, and the multipolar. They are not based upon any pre-existing model or theory, but are derived directly from the empirical material.

2.1. National Historical Consciousness: Morocco and Italy

The diagram of spatial distribution (Table 1) illustrates the share of important historical people from the participants' own nation is highest in Morocco and Italy, and the national bias is also evident in figures 2 and 3. This probably reflects a national focus in Moroccan and Italian history teaching and history culture.

Figure 2. Bologna: National Historical Consciousness.

Students from Italy mentioned many Italian historical figures, and very few individuals from outside Europe and the USA.



In one of the few earlier articles that tried to combine perspectives of temporal and spatial cognition, based on a series of experiments by the psychologist Ulf Lundberg, concluded that both physical and temporal distances are inversely proportional to emotional involvement.³⁶ That is, the further away from us in time and space something takes place the less likely we are to care about it. This pattern fits the data from most locations investigated in the present paper: Estonian, Swedish, Ålandic, and Maltese students listed a high number of important historical figures from the latest period (1914–), and then fewer and fewer for periods further back in time. However, this pattern was broken in Italy and Morocco.

The mental timeline (figure 1) illustrates that in both countries the focus is upon periods central in the history of ideas, largely consisting of Arabic medieval scholars – often identified as Moroccans – and Italian renaissance intellectuals. The Moroccan fight against colonialism in the 20th century and the Italian reunification of the 19th century are other periods which generate many important historical figures.

However, in Italy the period from 1914 and in Morocco the period from 1750 to 1914 are less well represented, likely because they are associated with national decline and confusion. A comparison illustrates the dramatic exclusions of these periods: the period from 1914 amounts to 28% in Venice and 25% in Bologna, whereas that period accounts for between 54% and 70% in the responses from other schools. In Morocco, 1750–1914 amounts to only 2%, compared to between 12% and 34% in other locations. The aversion to this period, during which Moroccan power waned until the country was eventually colonized, is confirmed by question five, since five of the 41 students from Fez mentioned “the enlightenment” on their lists of periods in history during which they would not like to have lived. In other countries, the enlightenment was perceived as something exclusively positive. Likewise, answers to question eight illustrate that Italian students associate present-day Italy with mismanagement and corruption.³⁷ Thus, the national historical consciousness in Italy and Morocco focuses upon periods of national grandeur and unification, and downplays periods that challenge the national narrative.

However, the finding that the Moroccan and Italian students’ historical consciousness is mainly preoccupied by their own country does not necessarily mean that they have a positive perception of their own history. It was only in these two countries that their own country tops the list of times and places in

³⁶ Lundberg, 1973, pp. 322-337.

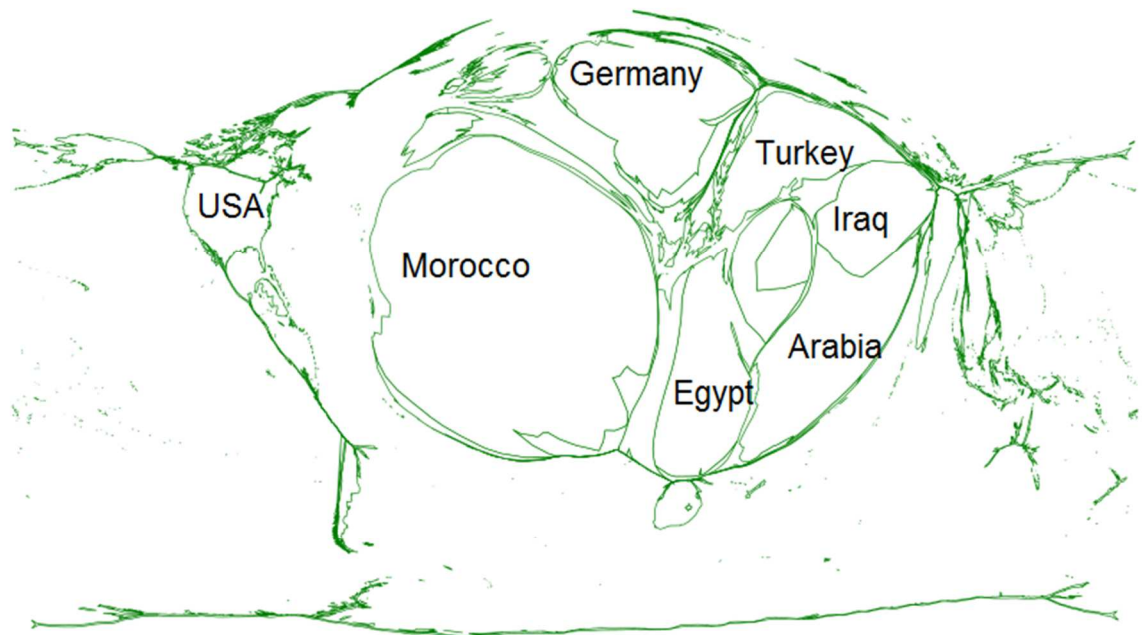
³⁷ Question eight actually concerned the perception of the Baltic Sea and Mediterranean regions. However, in all locations students tended to describe their own country rather than the region as a whole.

history where the students would not like to have lived.³⁸ In Italy, periods of Italian history also top the rankings of times in which the students would like to have lived in history, but not in Morocco, where periods in the history of Turkey, the Arab peninsula, and, for participants in Fez, Egypt are more popular.³⁹

Although Italian and Moroccan students' mental maps of history are similar in the respect that they were dominated by figures from their own nations, they differed greatly regarding the provenance of the foreign figures on their lists. Italian students, like those from other European locations, mostly mentioned figures from Europe and the USA, while the Moroccan lists were dominated by persons from the Middle East and Turkey, such as the prophet Mohamed, Yassir Arafat, Saddam Hussein and Suleiman the Great. The only person on top of both the European and Moroccan lists was Adolf Hitler.

Figure 3. Fez: National Historical Consciousness.

The Moroccan students associated many historical figures with Morocco, but also mentioned many from Turkey and the Middle East.



³⁸ Based on question five.

³⁹ Based on question four.

2.2. Americanized Historical Consciousness

The Swedish students' *geographical* mental maps were among the most national in the whole survey. However, as illustrated in figure 4, Sweden is substantially outweighed by the United States on their historical information maps, which was the second most important country on their geographical mental maps.

Thomas Nygren has claimed that the focus of Swedish history education shifted from national to international history in the 1950s, under the influence of UNESCO guidelines. Although Sweden's entrance into the European Union in 1994 caused a shift in the curriculum towards European history, the preferences of Swedish students remained internationally oriented, at least until 2002.⁴⁰ The present study does, however, indicate that the internationalism of Swedish students, when investigated in 2014 through open ended questions and compared to that of other nations, primarily equated to Americanism. It has been claimed that although Sweden is a deeply Americanized society, it is so in a particularly Swedish way.⁴¹ In that context, it is interesting to reflect upon the American individuals that made it onto the lists of Swedish secondary school students.

Some Americans have had a prominent role in Swedish history education for a long time. For example, Benjamin Franklin, in the role of a diligent student, was used as an important role model for Swedish children until the 1950s, when he began to disappear from textbooks.⁴² Consequently, Franklin no longer holds an important position in the historical consciousness of Swedish students, and is entirely absent from the lists of the Gävle and Uppsala students.

The people from the United States mentioned by the Swedes in this study are mostly from the 20th century. The Americans are either presidents such as Kennedy and Lincoln, civil rights activists such as Martin Luther King or – in the Gävle class, which had a cultural profile – artists such as Michael Jackson. If we compare this list with the Smithsonian's list of the 100 most significant Americans of all time,⁴³ we notice that the categories "Religious figures" and "Outlaws" are entirely absent from Sweden, and that "Rebels and Resisters" are only represented by civil rights activists, not by the Confederate generals and Native Americans that appear on the Smithsonian list. In Sweden, businessmen, labelled as "Empire-Builders" on the Smithsonian list, are only represented by Edison and Disney, who might be perceived as an inventor and a cultural figure. Conservative aspects of American society such as religion, big business, resistance to central government, and the myth of the frontier are thus not part of Swedish historical consciousness.

⁴⁰ Nygren, 2011.

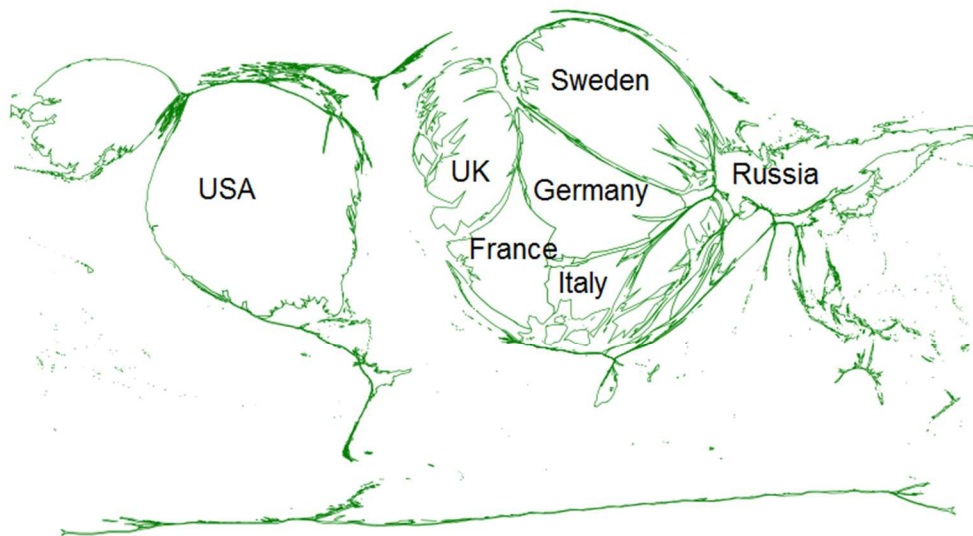
⁴¹ O'Dell, 1997.

⁴² Holmén, 2006, p. 139.

⁴³ Frail, 2014.

Figure 4. Gävle: Americanized Historical Consciousness.

Swedish students mentioned more historical figures from the US than from any other country, including Sweden.



Swedish national consciousness is probably more linked to modernity than national history. It has been claimed that other countries have history and culture, while Sweden has rationality and the future.⁴⁴ Thus, the American figures prevalent in the students' lists are probably there as symbols of progressive modernity. It should be noted that the same Americans appear on the lists of students from other countries, the difference being that they are mentioned much more often in Sweden.

The answers to questions four, five, six, and seven, which investigated the students' perception of different historical periods and realms, confirm that Swedish students have a more Americanized historical consciousness than the other students in the survey, and that they also have a predominantly positive view of American history. Asked when they would like to have lived in world history, 25% and 29% of the periods chosen by Gävle and Uppsala students were from American history, compared to between 4% (Fez) and 23% (Åland) in other locations.

⁴⁴ Berggren & Trägårdh, 2015, p. 234.

2.3. Multipolar Historical Consciousness: Estonia, Åland and Malta

The historical mental maps from Valga and Noarootsi in Estonia, as well as the islands Malta and Åland (Figure 5), are neither predominantly national nor Americanized, but multipolar. In these locations, Russia is given approximately equal weight to the USA. In Malta, Italy and Germany are more prominent than either Russia or the USA.

The two islands, Åland and Malta, display the most spatially dispersed historical consciousness. Their own island was the most common place of origin for important historical figures found on the lists of Maltese students, comprising 15% of the total. In Åland, Sweden and Finland was each home to around 6% of the important historical figures, while individuals from Åland itself amounted to only 1.5%. The sum of Sweden, Finland and Åland, 13.5%, is equal to that of people from Sweden on the lists of students from Gävle, who displayed the second least national historical consciousness found in the survey.

Since the 1930s, the regional authorities on Åland, which forms an autonomous region in Finland, have attempted to inspire historiography about their own island, and Ålandic history is mandatory in schools. However, all Ålandic people mentioned in the survey were contemporary sports personalities or teachers, with the exception of the ship owner Gustav Eriksson (1872–1947), who was mentioned once. Eriksson was himself a major funder of Ålandic maritime history writing, which has been internationally oriented.⁴⁵

In other locations that have undergone struggles for independence or reunification, such as Malta, Estonia, Italy, and Morocco, individuals involved in that struggle were prominent on the students' lists of important historical figures. In Åland there was no mention of anyone from the Åland movement, the struggle for reunification with Sweden, which led to autonomy for Åland within Finland in 1921. However, Carl Gustaf Mannerheim, arguably the main hero of Finnish national historiography, was mentioned by 39% of the students. Thus, it seems that the history of their own autonomous region has left little impression on the historical consciousness of Ålandic students. In part this might reflect the fact that Ålandic regional identity primarily draws strength from sources other than history, first and foremost the Swedish language.

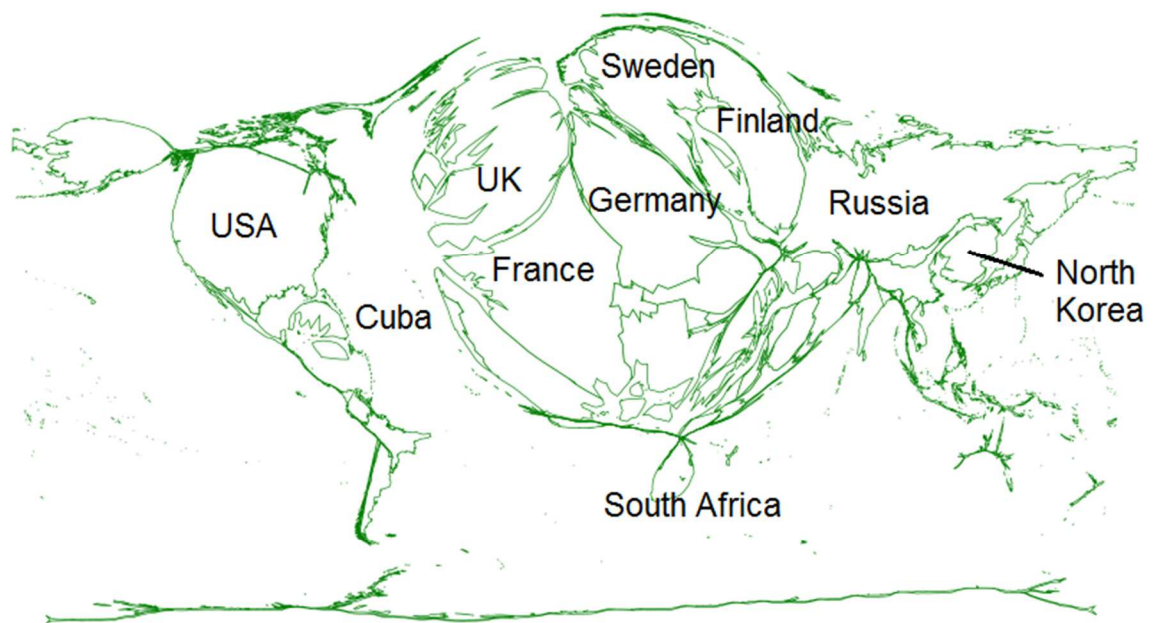
However, the mention of figures such as George Clemenceau and Woodrow Wilson, who only appear among Ålandic students, and maybe also the fact that Lenin is more frequently mentioned on Åland than in any other location,

⁴⁵ Regarding regional and maritime history writing in Åland, see Edquist & Holmén, 2015, pp. 143-241.

suggests that students from Åland are interested in and knowledgeable about the historical processes that led to the island's autonomy in 1921. They apparently consider local activists less important than the multitude of strong foreign actors that were involved in the complicated chain of events that led to autonomy.

Figure 5. Åland: Multipolar Historical Consciousness.

No single nation dominated the historical mental map of Ålandic students, since they mentioned historical figures from many different countries.



The multipolar historical consciousness does seem to be prevalent in small countries or autonomous regions which have largely had their historical destinies decided by foreign powers. In a small nation it might be easier to grasp that not only their own nation and the USA have been of importance in history. The Canadian historiographer Chris Lorenz has suggested that “the emphasis on the mediating functions and on the relative ‘openness’ of a nation is probably connected to its relative weakness”.⁴⁶

The multipolar historical consciousness is also linked to a preference for the Roman Empire. In Malta, Åland, and Noarootsi, the Roman Empire was the most commonly mentioned historical polity in question six, and in Valga it was

⁴⁶ Lorenz, 2004, p. 41.

second. By comparison, in Bologna and Venice, situated at the old heart of the empire, it was only the third and fourth most commonly mentioned polity. In Malta – where European studies are taught as a separate subject in secondary schools⁴⁷ – the European Union is also commonly mentioned and popular. It is possible that supranational organizations and empires seem most alluring in smaller nations, which might question their viability alone in an environment of stronger nation states. Since their own national heritage is less pronounced, there is an accentuation of the common Western heritage represented by the Roman Empire.

That the Maltese like Europe the most does not mean that they are the most Eurocentric. On the contrary, they displayed the least Eurocentric historical consciousness found in any European location, although still only 19% of the historical figures they mentioned were non-Western.⁴⁸

A survey conducted in 2007 found that Estonian youths were also positive towards the European Union.⁴⁹ My inability to find confirmation of this in 2014 might be due to differences in methodology, but it is also possible that the appeal of the EU has declined in the intervening years. However, the Estonian students' strongly expressed view in 2007, that Europe was the most important continent in history, is in accordance with my findings.

In Table 2, the ten cities surveyed are placed in a grid where the horizontal axis represents national, Americanized, or multipolar historical consciousness, and the vertical the Eurocentricity of the historical consciousness. It is striking that classes from the same countries converge on both axis, occupying the same square. This illustrates that the students' historical consciousness is indeed largely determined by national factors such as national history curricula and history culture. It is also interesting that the basic structures of historical consciousness in Åland and Malta are so similar. Many individual historical figures mentioned by Maltese students overlap with those mentioned in nearby Italy, as is the case with Åland and neighbouring Sweden and Estonia. However, Malta and Åland share a greater understanding of their place and that of the West in global history than each does with their closest neighbours. This indicates that geopolitical situation, in the case of Åland and Malta as relatively small independent or autonomous islands, has an important effect on historical consciousness.

⁴⁷ Directorate for Learning and Assessment Programmes, n.d; see also: *European Studies*, 2011.

⁴⁸ Western is defined here as Europe (including Russia, but not Greenland, Turkey and the Caucasus) and the USA.

⁴⁹ Potapenko, 2010, pp. 107.

Table 2. Eurocentrism and Categories of Historical Consciousness.

Vertical: Eurocentrism displayed as percentage of non-westerners⁵⁰ among the historical figures mentioned. Horizontal: categories of historical consciousness.

	National	Americanized	Multipolar
3–9% Non-Western	Bologna, Venice	Gävle, Uppsala	Noarootsi, Valga
14–19% Non-Western			Åland, Malta
34–39% Non-Western ⁵¹	Fez, Tangiers		

Valga, and especially Noarootsi, do not display as extreme a multipolar historical consciousness as the islands, but are more national. Estonia's intermediate position in geopolitical terms, as a small state rather than a micro-state, is thus reflected by an intermediate historical consciousness. Potapenko's survey in 2007 revealed the same combination of focus on national heroes and interest in the history of neighbouring countries, particularly Russia, which according to one student "...unfortunately is our neighbour, and on top of that a large country, so we can't escape their history".⁵² Russian history occupies a larger share of the Estonians' historical consciousness than it does among of any other students, with Åland, also once part of the Russian empire, second (Figure 1). The same is not true of France, which is mentioned the most seldom in Morocco, despite most of Morocco having been under French colonial domination. In all countries surveyed Britain, which once dominated the seas, is more often mentioned in coastal than in inland locations, and most often on the Åland islands. However, of all coastal or island locations, British history is given least weight on Malta and in Tangiers, the very locations which have been under British control.⁵³ The weight of nearby Russia in the present, which is expected to remain significant in the future, makes it harder for the Estonians to forget their former imperial masters than it is for former French and British overseas protectorates to - perhaps as an act of mental decolonization - sever the bonds with their distant metropole's history. The diminished influence of both France and Britain in the present – and the expectation that this will wane further in the future – makes it easier to forget their pasts.

⁵⁰ Definition in note 47.

⁵¹ Excluding Morocco.

⁵² Potapenko, 2010, pp. 106.

⁵³ Britain was one of the most important administrators of the Tangiers international zone from 1924-1956.

3. Conclusions

The historical information that students retrieved from their memories during the survey seems to be connected to their present experiences and to their expectations of the future.

Swedish students displayed an Americanized historical consciousness that focused upon Americans and Swedes. The peculiar Swedish Americanized historical consciousness developed in a country which has been shielded by its geopolitical location from continental Europe's tumultuous 20th century, escaping the invasions by stronger neighbours that most European countries experienced during the same period. This relative isolation and security has created the perception that Sweden's fate is less dependent on the actions of nearby powers such as Russia, Germany, or France, and more on domestic, forward looking reforms. The assortment of Americans prevalent in the Swedish historical consciousness is associated with the same rational, progressive, future-orientated modernity that has been claimed to permeate the Swedish national project. As a paradoxical consequence, although internationalism is often stated to be part of this progressive modernity, there is little room in the Swedish historical consciousness for anything else than progressive Americans and Swedes. The degree to which historical consciousness in Sweden can be considered future-oriented is therefore debatable, since it focuses heavily on the present superpower, and leaves very little room for rapidly emerging powers such as India and China.

Students from Morocco and Italy displayed what can be described as a national historical consciousness that focused upon periods of past glory and upon the struggle for independence and reunification, and downplayed periods of national disunity and disgrace.

Like Morocco and Italy, Åland, Malta and Estonia have gained their independence or autonomy quite recently, and have undergone several periods of disunity or dependency. However, in their case this did not result in a national historical consciousness, highlighting periods of glory and forgetting troubled times, but in a multipolar historical consciousness which recognizes the influence of many foreign actors upon the fate of the students' own nation. Here, the difference is one of size: the multipolar historical consciousness appears in polities so small that the outside world simply cannot be neglected. These small nations also lack the rich repository of historical memories on which the Moroccans and Italians based their national historical consciousness.

The Youth and History survey concluded that countries united by “[...] late and difficult nation-building and by experiences with liberal economics and a liberal democracy after their defeat in 1945” shared similar attitudes towards history.⁵⁴ This study proves that observation to be part of a universal pattern: historical consciousness is highly dependent upon historical experiences and current political conditions, and therefore similarities in political conditions and historical experiences produce similarities in historical consciousness.

The categorization of historical consciousness introduced in the present paper is not normative in the sense that it suggests, for example, an educational programme directed at transforming a national historical consciousness into a multipolar one. Nor do the concepts national, Americanized, or multipolar historical consciousness depart from a theoretical notion of what historical consciousness ought to look like. Rather, it is a theoretical generalization from empirical observations. It is intended to explain how different geopolitical circumstances and historical experiences affect the historical consciousness among broad segments of the population.

The notion that historical consciousness is a reflection of long historical developments and present political needs lends itself to a certain scepticism regarding the possibility of altering historical consciousness through educational means. Generally, educational policies and curricula merely express and reinforce the political needs upon which the historical consciousness is based. Fundamental changes in historical consciousness would require dramatic changes in the geopolitical situation that thus created a need to reinterpret the past. However, mental mapping techniques might function as a pedagogical tool that puts local views of the world and world history in perspective, and opens our eyes to other ways of perceiving time and space.

Mental mapping through quantitative surveys might also be of use for professional historiographers. By revealing the emphasis and lacunae in historical consciousness, we might discover interesting topics for further investigation. These might be conducted by other qualitative means in order to enrich and deepen the general overview that mental mapping offers us. Mental mapping also provides a language for historiographers in which to communicate with other disciplines, such as geography and psychology. Thereby, it might contribute to unifying the research on perceptions of the world that has hitherto been conducted separately by scholars in different fields without much – if any – interaction with one another.

⁵⁴ Angvik & von Borries, 1977, p. 50.

Appendix

The survey

The questions in the survey were:

1. Write down as many place names as possible within five minutes.
2. If you could choose freely, where would you most of all want to live. Give the countries on the map points from 1 to 5. 5 is the highest point which you award to the countries where you most of all would like to live, 1 is the lowest which you award to the countries where you least of all would like to live. [...] (4 1/2 minutes).
3. Write down the name of as many important historical persons as possible within five minutes. You should also write down their place of domicile (city or country). If they are associated with several different places, enter the one to which they have the strongest relations.
4. If you could freely choose a time and place in history, where would you most of all want to live? You can enter several alternatives. (3 minutes)
5. Name some times and places in history where you would not like to have lived. (3 minutes.)
6. Write down as many important polities (states, countries, realms, empires) from world history as you can within three minutes.
7. Grade the polities which you wrote down in question 6 according to how much you like to have lived in them. [...] 1 to 5] (3 minutes)
8. Draw a line around the areas you consider to be part of the Baltic Sea region, and another line around the areas you consider part of the Mediterranean region. [...].

How much would you like to live in the Baltic Sea region? Denote your answer by drawing a circle around a number on the scale.

Not so much Very much

1 2 3 4 5

Justify your answer. What are the advantages and disadvantages of living in the Baltic Sea region? [...Then the same question for the Mediterranean region].

The Schools

Location	Date	Group size F/M	Grade in secondary school	Survey during class subject in	Survey language	Profile/specialisation of school or class
Valga Estonia	01.4.15	30 23/7	3 of 3	Estonian	Estonian	
Noarootsi Estonia	02.4.15	19 14/5	1 and 3 of 3	Swedish	Estonian	Boarding school, Nordic profile, Swedish language studies
Åland Finland	5.15	19 11/8	2 of 3	Geography	Swedish	
Gävle Sweden	2.6/25.8 2014	31 25/6	3 of 3	History	Swedish	Cultural profile (theatre, dance, circus)
Uppsala Sweden	23.9.14	25 19/6	3 of 3	History	Swedish	Social science programme
Bologna Italy	11.11.14	23 10/13	5 of 5	History	Italian	Technical school
Venice Italy	12.11.14	16 11/5	5 of 5	English	Italian	Language school
Valetta Malta	16–17. 11.15	26 13/13	Junior college	Geography (outside schedule)	English	
Tangiers Morocco	25.11.15	18 14/4	3 of 3	English	Arabic	Science class
Fez Morocco	23.3.15	41 21/20	3 of 3	English	Arabic	

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A Comparative Study of the Autonomy Arrangement of the Former
Netherlands Antilles in Relation to the Åland Example

Lotte Tange

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Abstract

In this study, the Caribbean part of the Kingdom of the Netherlands is examined as an example of an autonomy arrangement that has been subject to change, but is at the same time inflexible due to its robust constitutional entrenchment. With special reference to particular timeframes and conflicts, this research compares the autonomy arrangement of the former Netherlands Antilles to the Åland Example. All autonomies evolve in their unique directions. Those that are embedded in a relatively stable and democratic environment remain the longest, and contribute to the organisation of a state. As of now, the autonomy arrangement of Aruba, Curaçao and St Maarten seems to be constitutionally stable as it is domestically entrenched in multiple ways that are comparable to the Åland Example, and is safeguarded by the international community that advocates the right of self-determination of former colonies. The relations within the Kingdom of the Netherlands are, however, not completely exempted from the ghosts of the colonial era, as is visible in the authority of the country of the Netherlands within the Kingdom's relations, both institutionally and in its structural parenting role when it comes to law enforcement and finances. In the words of the fox in *The Little Prince*, the Netherlands still maintains a certain responsibility for its 'tamed' territories in the West.

Keywords:

Autonomy, Confederation, Entrenchment, Federation,
Integration, Right of Self-Determination

A Comparative Study of the Autonomy Arrangement of the Former Netherlands Antilles in Relation to the Åland Example

*“Men have forgotten this truth,” said the fox. “But you must not forget it.
You become responsible, forever, for what you have tamed . . . ”*

From *The Little Prince* by Antoine de Saint-Exupéry

Lotte Tange¹

1. A Brief Introduction

The Kingdom of the Netherlands currently consists of four autonomous constituent countries²: the Netherlands, Aruba, Curaçao and St Maarten, of which the last three are located in the Caribbean. The country of the Netherlands consists of a territory in Europe and the islands of Bonaire, Saba and St Eustatius in the Caribbean. Bonaire, Saba and St Eustatius are integrated with the Netherlands and have the status of *publieke lichamen*, which means in broad terms that their position is similar to that of municipalities, with adjustments for their size, distance from the European part of the Netherlands, local economy and geographical position.³ This constitutional order, which came into place on 10 October 2010, is relatively new. The overseas territories of the Netherlands were already granted autonomy under the Kingdom Charter of 1954, when the islands were still constitutionally unified under the Netherlands Antilles. The constitutional changes of 2010, and the several referenda that preceded this new legal order, show that the autonomy settlement of the Caribbean part of the Kingdom of the Netherlands has been subject to changes, and is thus not *settled* quite yet.

Although the timeframe and the conflicts that form the background to the autonomy negotiations of the former Netherlands Antilles are very different to that of the Åland Islands, it could be helpful to compare the two settlements both

¹ Lotte Tange has a Master's degree in International Relations from the University of Amsterdam. Her research interests include sustainable development, diplomacy, human rights and migration. In her work, she hopes to use her interdisciplinary background to establish a link between research, society and business in international development.

² Countries refer here to the sub-state territorial units making up the Kingdom of the Netherlands.

³ *New Constitutional Order*, n.d.

legally and institutionally. Both autonomy settlements concern islands that are separated from the mainland by water (and thus not located within the tangible borders of the central power), and are inhabited by people with a different language and cultural/historical background. The Åland Islands stands out as an autonomous territory with a very strong legal position, both in relation to its powers and the permanency of the autonomy arrangement.⁴ It could therefore be helpful to compare the new constitutional order of the Kingdom of the Netherlands with that of the Åland Islands, as the Åland Example is of concrete value as a very robust institutionalised autonomy solution.⁵ Moreover, different scholars have expressed the need to outline and systematise the wide scope of different institutionalised autonomy solutions,⁶ as it allows for a more context-sensitive analysis of current and future autonomy arrangements, as well as for their robustness and longevity.

In short, the study of the constitutional evolution of the Caribbean autonomy can make a contribution by (1) ensuring that the constitution of the Kingdom is no longer vulnerable to accusations of colonialism, and (2) by saying something about the longevity and robustness of the autonomy settlement. I will start by briefly describing the geography, demography, history and economy of the Caribbean part of the Kingdom of the Netherlands, as well as the first autonomy arrangement which the former Netherlands Antilles achieved under the Kingdom Charter of 1954. Since autonomy is a disputed matter in the social science literature,⁷ autonomy is hereby defined as “the transfer of certain powers from a central government to that of the (thereby created) self-governing entity, and the relatively independent exercise of these powers”.⁸ The interest of this research focusses on a territorial form of autonomy, and on the power sharing between the state or central power and the various autonomous governments involved.

2. A Brief History of the Dutch West Indies

I started this research with a quote from *The Little Prince* as this important lesson by the fox seems to have become a red thread in the history of relations between the Netherlands and its colonies in the West. When the Netherlands ‘tamed’ the Caribbean islands as important trade bases for slaves and goods in the colonial era, the country did not foresee the consequences in the long term – ultimately, the territories stopped being profitable, but continued to be both

⁴ Suksi 2013, p. 53.

⁵ Spiliopoulou Åkermark and Stephan 2013.

⁶ On the variance in autonomy positions see Suksi 2013. See also Wolff (2013) and *Autonomy Arrangements in the World*, 2016.

⁷ Ackrén 2009.

⁸ Wolff 2013, p. 4.

economically and politically dependent upon their metropolitan power. This section partly explains this dependency based on the geography, demography, history and economy of the small islands in the Caribbean. As all the research was conducted within the Netherlands, and it was not possible within the constraints of this study to collect material and sources from the Caribbean part of the Kingdom, this text should be read bearing these Dutch ‘glasses’ in mind.⁹

2.1. Geography and Demography

The Dutch territory in the Caribbean consists of six islands in total. The Leeward Islands of Aruba, Bonaire and Curaçao (also referred to as the ABC islands) are located off the north coast of Venezuela. The Windward Islands of St Maarten, St Eustatius and Saba (or the SSS islands) are located about 900 kilometres further to the north, close to Puerto Rico, Anguilla and St Kitts. St Maarten is the Dutch side of an island that is called Saint-Martin on the French side. Known as the smallest island in the world to have ever been split between two different nations, this island has been shared by the French and the Dutch for over 350 peaceful years under the Treaty of Concordia.¹⁰

Table 1. Caribbean Islands according to Population and Area.¹¹

	Area (sq. km.)	Population
Aruba	193	104000
Curaçao	444	159000
Bonaire	288	19500
St Maarten	34	39500
St Eustatius	21	3200
Saba	13	1950

Due to inadequate fresh water supplies, poor soils and overgrazing, nearly all consumer and capital goods of the Caribbean islands have to be imported. The SSS islands have volcanic, barren soil with little or no natural irrigation, which

⁹ There exists some linguistic confusion about the different names referring to the Netherlands. Citizens of the Netherlands are called Dutch as is their language. Since the citizens of the Caribbean part of the Kingdom share the same nationality as the people from the Netherlands, they are technically also Dutch. However, for clarity purposes in this research I refer to ‘Dutch’ affairs only when it considers affairs of the country of the Netherlands.

¹⁰ The division of this island does have significance for the debate about potential independence for St Maarten in the future, since France will automatically get involved in that scenario as Saint Martin opted to integrate with France.

¹¹ The population numbers in this table are approximate and based on calculations by the United Nations. See Worldometers, 2017 & Centraal Bureau voor de Statistiek, 2016.

problematises agriculture. Only 10% of the land is considered arable. The Southern islands of Aruba, Curaçao and Bonaire have bare and eroded soil as a result of overgrazing. Natural resources are also very limited, with some phosphates found on Curaçao and salt on Bonaire. It was not for nothing that the Spaniards named the ABC islands *Islas Inútiles* when they first laid hands on them. Needless to say, the territory is not of high significance to the Netherlands either when it comes to natural resources, which might partly explain the 'take-it-or-leave-it' character of the most recent autonomy negotiations.¹² While the Caribbean is not of much importance to the Netherlands, there is an asymmetry between the metropolis and the overseas territories that leaves an enduring mark on the Kingdom relations, which Oostindie & Klinkers call a "perpetual legacy of ambivalent Caribbean dependency".¹³ I shall come back to this Caribbean dependency later in this text.

On the ABC islands, Papiamentu is the dominant language. This creole descends from Portuguese and West African languages, with a strong admixture of Dutch and lexical contributions from Spanish and English. On the SSS islands, most people speak English and Caribbean English. In 2007, English and Papiamentu were made official languages in the former Netherlands Antilles, alongside the Dutch language.¹⁴ Legislation is still written in Dutch, but parliamentary debate is now in Papiamentu or English depending on the island, which was an important step in the acknowledgement of the identity and culture of the Caribbean populations in the autonomy arrangement.

The cultural variety of the islands is very diverse. A large part of the Antillean population descends from European colonists and African slaves. The remainder of the population originates from other Caribbean islands, Latin America, and East Asia, among others. Some of the islands are inhabited by more than 50 nationalities, with different religions and ethnic backgrounds (although Dutch nationality is still prevalent). The majority of the population are followers of the Christian faith, mostly Roman Catholic. Curaçao also hosts a sizeable group of Jews. No group can really claim to be indigenous, apart from the Arawak Indians who became extinct under the previous Spanish rule. The people of Curaçao now have the saying "everyone is a *Yu di Kórsou*" – a child of Curaçao.¹⁵ An appreciation of this cultural and ethnic complexity is important in the analysis of autonomy settlements, even though ethnic or religious conflict has been mostly absent in the autonomy negotiations of the Netherlands Antilles.

¹² In late 2008, the Dutch Prime Minister Balkenende commented that the deal had by now become the Antillean citizen's to 'take-it-or-leave-it' (Gardner & Prassl, 2009, p. 13).

¹³ Oostindie & Klinkers, 2003, p. 11.

¹⁴ Government of the Netherlands Antilles, 2007.

¹⁵ Gardner and Prassl, 2009, p. 7.

2.2. History and Economy

In 1634 the Dutchman Johan van Walbeeck conquered the island of Curaçao. This was a historical event that backfired in discussions on the future of the former Netherlands Antilles, since the Netherlands wanted to get rid of the colonies in the West multiple times. Oostindie & Klinkers (2003) emphasise that while the territory of Indonesia was perceived to be of utmost importance to the Netherlands, and therefore attracted much attention in Dutch politics, this was rarely the case with respect to the Caribbean territories. The Netherlands was the only colonial power that named its colonies *wingewesten* – which literally translates into ‘regions of profit’ – a word that definitely applied to the Dutch East Indies at that time. The islands in the Caribbean Sea, however, proved a very different reality in the long term. The Spaniards had already labeled Curaçao, Aruba and Bonaire *Islas Inútiles* because there was no gold or silver to be found. The Netherlands, however, saw the islands in a more strategic manner at that time, because it could serve as a naval base from where the Spaniards could be fought in the Americas.

During the 17th century, the Antillean islands were occupied by the so called Dutch West India Company (WIC). The WIC fortified Curaçao for use as a commercial centre and trade base. After the Netherlands and Spain had signed the Peace of Westphalia in 1648, Curaçao lost its function as a naval base. The island then became a major base for the slave trade during the period of colonisation. Slaves were brought in from Africa to work in the plantations and salt ponds until the abolition of slavery in 1863. While Curaçao emerged as a market for the slave trade, Bonaire became a plantation of the West India Company, cultivating dye wood and maize and harvesting salt around Blue Pan. The discovery of gold in 1824 caused a gold rush on Aruba, which lasted until 1916 when the mines became so unprofitable that they were forced to shut down.

The SSS islands were discovered earlier than the ABC islands, by Christopher Columbus in 1493. The first settlement on St Eustatius was established in 1636, which changed hands between the Dutch, French, and Spanish 22 times. It was not until 1678 when the Dutch West India Company stationed a commander on St Eustatius, who also governed over the islands of St Maarten and Saba. The Dutch section of St Maarten proved to be valuable to the West India Company due to its salt deposits. Also known as *The Golden Rock*, St Eustatius developed into a major point of transshipment of goods, and became famous for its trade in arms and ammunition during the American war for independence. During the 17th and 18th centuries, the island was also of some importance for sugar cultivation. Saba was believed to be a popular hideout for pirates in the 1600s because of its rocky shores. The island progressed slowly because of its difficult terrain and remains the least populated part of the Kingdom.

After the Dutch West India Company went bankrupt near the end of the 18th century, the islands came under the control of the Dutch state. From 1815 they were governed directly under King Willem I. Suriname and the Caribbean islands were briefly merged into one single colony, but this proved unsuccessful because of too many mutual differences. The West Indies were then divided into Suriname and *Curaçao en onderhorigen* (Curaçao and subordinates). From there, the islands gradually obtained a restricted form of self-government. In 1936, *Curaçao en onderhorigen* was renamed to *Gebiedsdeel Curaçao* (Territory of Curaçao), and the so-called *Koloniale Raad* (Colonial Council) was replaced by the *Staten van Curaçao*, consisting of fifteen members of which five were appointed by the Governor of the Netherlands and ten were 'democratically' chosen. In 1937, the first elections took place, in which 5% of the population was allowed to participate.¹⁶

After the abolition of slave trade in 1863, the West Indies became economically backward – the *wingewest* ended up costing more than it yielded. Dutchmen were quite regularly suggesting that the islands should be sold. In 1869, a member of parliament observed that 'it is an easy life, living at someone else's expense', a sentiment that has been repeated many times up until now.¹⁷ Oil wells in Venezuela meant a brief economic turnaround for the islands when Shell constructed an oil refinery on Curaçao in 1915. This refinery briefly boosted the economy of the islands as it created a lot of jobs. During World War II, the refinery also proved to be of great importance to the Allies, who obtained an important amount of fuel for their planes there. American military was stationed on the island to defend it. Meanwhile, the Dutch war cabinet in London developed a new policy that had to change the colonial relations. 1954 was the year in which the islands were granted autonomy for the first time.¹⁸

3. The Kingdom Charter of 1954

The Dutch Kingdom Charter of 1954 claimed to create a 'new legal order' that prevailed over the Constitution of the Netherlands (Art. 5). The Charter gave the different countries within the Kingdom of the Netherlands the possibility to determine their own legislation in most areas, however, the Caribbean islands needed the approval of the Kingdom government with regard to a number of subjects (Art. 44). This means that the Kingdom government could intervene in certain amendments to the internal constitutions of the overseas territories, for example those concerning the protection of basic human rights, and the powers

¹⁶ Donker 2003.

¹⁷ Oostindie and Klinkers, 2003, p. 59.

¹⁸ Donker 2003.

of parliament and the courts. Amendments to the Constitution of the Netherlands do not require this approval unless they concern 'Kingdom Affairs' (see below). It is important that this first autonomy of the Caribbean part of the Kingdom was not revocable without the consent of the parliaments of all countries (Art. 3).

According to the Kingdom Charter, the Caribbean islands and the Netherlands would administer their common affairs (or Kingdom Affairs) on the basis of 'equivalence', a choice of words which probably intended to spread the idea that the former colonies would no longer be subordinated to the Netherlands and that they would be involved in decision making regarding the common affairs of the Kingdom. Nevertheless, as mentioned above, this does not mean that the Charter of 1954 actually treated all countries of the Kingdom as entirely *equal*. Next to equivalence, the new legal order was 'voluntary' in the sense that the relation between the Netherlands and the Netherlands Antilles was henceforth based on mutual consent, which intended to express the idea that the era of Dutch colonial domination had ended.¹⁹

3.1. Power Distribution and 'Kingdom Affairs'

The Netherlands Antilles (and eventually Aruba) were granted autonomy except with regard to the so-called *Kingdom Affairs*, which are listed exhaustively in the Kingdom Charter (Art. 44). Examples of Kingdom Affairs are foreign affairs, defence, nationality and extradition. The Kingdom was also charged with safeguarding fundamental human rights, legal certainty and good governance in the entire Kingdom (Art. 43). The different countries within the Kingdom could choose to handle a non-Kingdom affair jointly, which occurred for example in the combat of international terrorism and drug trafficking. The economic development of the Netherlands Antilles, its public debt, and problems with youth crime also became somewhat of a common affair since the late 1990s in the sense that efforts to tackle these problems are coordinated to some extent between the Netherlands and the Caribbean islands.²⁰

The Charter allows the Caribbean countries to maintain contacts with foreign states and international organisations more or less independently, as long as the position of the Kingdom as a whole is not at stake. The Kingdom government decides when this is the case. The Caribbean countries are members of several international organisations, but they cannot join such organisations against the will of the Kingdom government. Moreover, the different countries within the Kingdom are not allowed to conclude international treaties as this capacity is

¹⁹ Hillebrink 2007, p. 143.

²⁰ Ibid.

exclusively attributed to the *Staten-Generaal* of the Kingdom (Art. 24).²¹ The Charter did provide that the Caribbean islands would be involved in the conclusion of treaties which directly affect them (Art. 28). Moreover, the overseas countries could negotiate international agreements with foreign states, and then request the Kingdom to conclude such agreements on their behalf (Art. 26). The islands are also granted the right of veto on the application of financial and economic treaties to their territory if they expect to be negatively affected (Art. 25).

3.2. Unified by Freedom

The coat of arms of the Netherlands Antilles (which was created on October 30, 1964) said *Libertate unanimes*, which means “Unified by freedom” in Latin.²² Nevertheless, how applicable this motto is in view of the autonomy arrangement that first came in place in 1954 is questionable. The first draft of the Kingdom Charter was written by the Dutch government and modified on a number of points during negotiations with representatives from Suriname and the Netherlands Antilles. The final text was approved by the parliaments of both countries (which had been elected in a democratic manner), but as an exercise of *self-determination*, the process was definitely flawed in certain aspects. Options such as independence from, or integration with, the Netherlands were not considered an option at that time, and no referendum was held on the islands to inquire as to the opinion of the inhabitants.

Also in 1986, when Aruba achieved its *status aparte* under the condition that it would become independent in 1996, no referendum was held, nor was there a referendum when it was later decided that Aruba would not become independent after all.²³ In 1977, a referendum had been organised on the island, but this suffered from too many defects to represent an accurate popular opinion. While it was clear that most Aruban people did not want independence, and did not want to stay a part of the country of the Netherlands Antilles either, it was far from clear what kind of relationship with the Netherlands actually had the preference of the Aruban population. This means that the *status aparte* of Aruba under the Kingdom Charter was also not really created on the basis of a free and informed choice of self-determination.²⁴

²¹ The *Staten-Generaal* (States General) is the bicameral legislature of the Netherlands, consisting of the Senate (*Eerste Kamer*) and the House of Representatives (*Tweede Kamer*).

²² Government of the Netherlands Antilles, 1964.

²³ This *status aparte* indicated the special status of Aruba as an autonomous island within the Kingdom of the Netherlands between 1986 and 2010.

²⁴ Hillebrink 2007, pp. 234-235.

During the 1990s, much dissatisfaction was expressed about the legal order of the 1954 Kingdom Charter for reasons of corruption, financial mismanagement, island separatism, and accusations of colonialism (among others). This dissatisfaction came from both the national and international corners, and will be addressed more extensively in the following section of this research. There never appeared to be a majority among the population of the Netherlands Antilles in support of independence from or complete integration with the Netherlands, since the few political parties on the islands that campaigned for such a fundamentally different legal status never received much support during elections.²⁵ Nonetheless, we could view the Caribbean islands as falling within the scope of UN Resolution 1514, granting them the right of self-determination (a topic that also will be addressed later in this research). International pressure to determine the constitutional preference of the overseas populations of 'ex-colonies' partly explains the referenda that were organised on the Netherlands Antilles between 1993 and 2009, which resulted in the new constitutional order of 2010. This process will also be analysed more extensively in section 4.4.

4. Comparative Framework

The Charter of 1954 remains intact today as the Constitution of the Kingdom of the Netherlands, and remains virtually unaltered with the exception of its membership.²⁶ The recent changes to the constitutional order of Aruba, Bonaire, Curaçao, Saba, St Maarten, and St Eustatius in 2010 do raise questions about the 'robustness' of their autonomy settlement, especially in comparison to the Åland Example. According to Spiliopoulou Åkermark,²⁷ we can discern five factors, or rather clusters of factors, influencing the success or failure of autonomy arrangements, namely:

1. Timing of the establishment of the autonomy;
2. The nature of the dispute and domestic dynamics;
3. The democracy requirement, i.e. The legal and political institutions in the state in which the autonomy is created, and the way the arrangement has been negotiated and introduced;
4. The role of external actors and the international society;
5. The institutional design of the autonomy arrangement.

In the following sections I will compare the new constitutional order of the Kingdom of the Netherlands with the autonomy arrangement of the Åland Islands, structured according to this framework.

²⁵ Id. p. 235.

²⁶ Oostindie and Klinkers 2003, p. 10.

²⁷ See Spiliopoulou Åkermark 2013a, p 18.

4.1. Timing of the Autonomy Establishment

According to Spiliopoulou Åkermark,²⁸ the prospects of arriving at a successful introduction of an autonomy solution are strongest when the state in question is undergoing a regime change or a wider re-shuffle. Such periods of flux are, however, no preconditions for the establishment of an autonomy arrangement, as was the case in the constitutional re-arrangement of the Netherlands Antilles within the Kingdom of the Netherlands, in which calm negotiations prevailed and no major changes were made to the Constitution of the Netherlands, nor to the Kingdom Charter. Where the Åland Example was negotiated and introduced in the aftermath of wider re-arrangement of European territories after World War I (1914-1918), the negotiations about the Netherlands Antilles should be seen first in light of international decolonisation and self-determination sentiments, and second in light of the economic situation of and political tensions between the countries within the former constitution of the Netherlands Antilles and Aruba.

First of all, international pressure on the Netherlands increased in the context of the internationally established right of self-determination, most importantly in GA Resolution 1514 (XV), the Declaration on the Granting of Independence to Colonial Countries and Peoples. During the 19th and 20th century the word 'colony' gained a growing negative connotation, describing a situation where a foreign white elite deprives the non-white masses of self-government and human rights in order to "extract immense riches for their own profit".²⁹ But the term was also still used to refer to "distant territories that remain, in some way, politically dependent on the metropolitan power".³⁰ This latter definition matches the so-called "perpetual legacy of ambivalent Caribbean dependency" in the Kingdom relations.³¹ Within the UN, colonies were eventually thus described as Non-Self-Governing Territories (NSGTs).

Chapter XI of the UN Charter, the Declaration Regarding Non-Self-Governing Territories, was a revolutionary statement for international law, since the colonial powers of 1945 promised that the interests of the colonial peoples would be of prior importance in the administration of their NSGTs (Art. 73). The Administering Members furthermore promised to support the political, economic, social and educational development of the territories, and to advance self-government, while taking the political aspirations of the inhabitants into account.³² Between 1945 and 1970 many states, including the Netherlands,

²⁸ Ibid.

²⁹ Aldrich and Connell 1998, p. 3.

³⁰ Id. p. 1.

³¹ Oostindie and Klinkers 2003, p. 11.

³² Hillebrink 2007, p. 10.

claimed that Art. 2, para. 7 prohibited the UN from *directly interfering* in the administration of their NSTGs. Nevertheless, Resolution 1541 constituted a large step towards consensus on the issue of decolonisation, and formed the background to the first autonomy negotiations regarding the Netherlands Antilles between 1948 and 1954.

Inspired by the international wave of decolonisation that decimated the Western empires during the 1950s and 1960s, Dutch politics was gripped by the sentiment that overseas possessions were a thing of the past. Suriname agreed to leave the Kingdom of the Netherlands and became independent in 1975. The Netherlands Antilles, however, refused independence which meant that the political structure and relations within the Kingdom of the Netherlands needed a different kind of reshaping. The economic situation of and political tensions between the countries within the former constitution of the Netherlands Antilles and Aruba, which led up to the constitutional reshaping of the Caribbean membership in the Kingdom Charter in 2010, will be described in the next section, as they formed the conflict behind the most recent amendments to the constitutional order of the Kingdom Charter.

4.2. The Nature of the Conflict

As mentioned earlier, the nature of the conflict surrounding the autonomy negotiations of the Netherlands Antilles was not one of violence and minority disputes, nor one of quarrel about profitable land or natural resources. Most of all, the Netherlands Antilles were increasingly seen as an outdated colonial construct. Furthermore, the economic situation of and tensions between the countries within the former constitution of the Netherlands Antilles made for the constitutional reforms of 2010. During the first decades after 1954, the autonomy of the Netherlands Antilles was practically unchallenged within the Kingdom. Since the 1990s, however, the way in which the islands made use of its autonomy encountered increasing criticism. In the opinion of the country of the Netherlands, the Antillean governments were unable to effectively maintain the rule of law, provide good government and protect the human rights of their inhabitants. Much criticism has also been directed at the economic policies and the public spending of the government of the former Netherlands Antilles, an area in which the country was fully autonomous at the time.³³

The financial situation of the Netherlands Antilles also became a big concern for the Kingdom, since the Antillean debt reached a level of more than 100% of its GDP in 2005. The IMF recommended drastic cutbacks and a thorough

³³ Hillebrink 2007, p. 146.

liberalisation of the Antillean economy, supplemented with financial aid from the country of the Netherlands. The Netherlands Antilles implemented at least a number of the IMF's recommendations, but the Netherlands refused to provide the full back up that was promised because it considered the Antillean effort insufficient. This decision seeded antipathy towards the Netherlands on the Caribbean islands. The Dutch (though officially Kingdom) intervention in the offshore corporate business developing in the region also caused consternation on Curaçao. The common feeling was that the Dutch were preventing Curaçao from developing a strong economy of its own.³⁴ The antipathy towards the Netherlands was not strong enough to compel independence, but the islands clearly felt the desire to take more direct control over their island affairs.

Moreover, the unity of the Netherlands Antilles has been under pressure from the force of island separatism from the very beginning. The Netherlands Antilles was a country made up of very diverse islands that have few economic ties and are located far apart. The Netherlands Antilles was also never considered a nation. Therefore, hardly any attempts at nation building have been made in the past, and politicians and political parties have traditionally only represented their own islands and peoples within the umbrella government of the Netherlands Antilles. Those centrifugal forces in Antillean politics became stronger after the Netherlands decided in 1972 that Suriname and the Netherlands Antilles should become independent in the near future. Aruba forced its way out of the Netherlands Antilles in 1986, which left the country economically and politically more unstable than before, with an increasing number of people wishing to "leave the sinking ship".³⁵ The departure of Aruba made for an even bigger imbalance between the other islands in the country formation – with Curaçao being the biggest island in scale and control. As the seat of the Antillean government, there was a perception among people on the remaining islands that not enough money nor attention was leaving Curaçao for its neighbours.³⁶

All of the above made that the government of the Netherlands was no longer content to merely respect the autonomy of the overseas territories, provide aid, and hope that the economy of the Netherlands Antilles would take turn for the better. More attention was paid to the Kingdom Affairs, and the involvement of the Kingdom with the autonomous affairs of the Caribbean countries increased. A few examples of this new Dutch involvement were the administrative supervision on St Maarten, the establishment of a common coast guard for the Caribbean islands, and the refurbishment of the Caribbean prisons.³⁷ I will come

³⁴ Gardner and Prassl 2009, p. 12.

³⁵ Hillebrink 2007, p. 247.

³⁶ Gardner & Prassl 2009, p. 12.

³⁷ Hillebrink 2007, p. 166.

back to this Dutch parenting role in the Kingdom relations at a later stage. For now, it is important to know that in the public opinion of the Netherlands, Antillean politicians were not able to provide good government for the islands, and that the Dutchmen felt they should take charge, also because the criminality on Curaçao was spilling over towards the Netherlands. Since the islands were not ready for independence in any kind of way, some Dutch politicians proposed the full integration of the Netherlands Antilles into the country of the Netherlands as a province or municipality.³⁸

The population of the overseas islands, however, did not seem to be keen upon either integration within the Netherlands, nor independence. It is thus not the political model of the association of the Netherlands Antilles and the Netherlands that was disputed, but the structure of relations between the islands of the Netherlands Antilles, and between the individual islands and the Kingdom. In 2005, negotiations started to dismantle the Netherlands Antilles into five separate entities. The Netherlands offered to assume a part of the public debt of the Antilles, but in return demanded that it should have a stronger say in the areas of law enforcement and public spending in the five new entities.³⁹ During this process the legal order of the 1954 Kingdom Charter stayed mostly intact, with adjustments for the newly created autonomies. The exact legal and political institutions of the old and new autonomy arrangement, and the way in which they have been negotiated and introduced, will be explained in the next section.

4.3. The Democracy Requirement

Because the democracy requirement is the most research intensive factor, and the least accessible in terms of public information, this factor will be touched upon briefly by explaining the legal and political institutions of the former Netherlands Antilles and the way in which the Charter of 1954 and the new constitutional order of 2010 have been negotiated and introduced. It is, however, difficult to make any statements about the quality of the individual democratic governments on the autonomous islands, as the democracy on the Caribbean islands would be an interesting research topic on its own.⁴⁰ This research will only focus on the constitutional entrenchment and historical timeline of the autonomy arrangement of the former Netherlands Antilles.

³⁸ Id. p. 191.

³⁹ Id. p. 168.

⁴⁰ After St. Maarten became an autonomous country in 2010 the government fell five times because representatives leave their fraction quite regularly in the fifteen-seat parliament. This makes the democracy on St Maarten very unstable.

4.3.1. Legal and Political Institutions

Suksi concludes that the autonomy arrangement of the Åland Islands is entrenched in various ways in the legal order of Finland, which partly explains the longevity of the autonomy arrangement, as well as its robustness.⁴¹ For Åland, several entrenchment modes are in place at the same time, including *general entrenchment*, *special entrenchment* and *regional entrenchment* – the various meanings of which will be explained at a later stage. At the international level, a *general international entrenchment*⁴² applies as well, since the Council of the League of Nations decided to approve the agreement between Finland and Sweden on the terms under which the Åland Islands would remain under Finnish sovereignty.⁴³ This section will only deal with entrenchment modes of a domestic nature, as international modes of entrenchment will be touched upon in the next section about the role of external actors and the international society in the autonomy negotiations. For the Kingdom of the Netherlands, different entrenchment modes are in place due to the different timeframe of the autonomy negotiations and the colonial history of the autonomous territories, but similarities apply as well on a domestic level.

The first and foremost difference between the Åland Islands and the former Netherlands Antilles is that Åland is part of a sovereign Republic, while the Caribbean islands are part of a Kingdom. The Netherlands has been a Kingdom since 1813. In the Netherlands, the King is the Head of State, or rather the ‘inviolable part’ of the government, although he has no direct powers. Promulgating laws and decisions requires the signatures of both the King and a minister, but the ministers are ultimately always responsible. In short, the King does perform some tasks of a political nature, such as the signing of laws, but his role is mostly of a ceremonial or symbolic nature, being the face of the Kingdom in foreign relations. In post-colonial Dutch relations, the House of Orange is essential in the maintenance of good relations within the Kingdom, as for the Caribbean populations the Royal Family has more emotional appeal than the Dutch political leaders.⁴⁴

The position of the King and his succession is regulated in the Constitution, which makes the Netherlands a constitutional monarchy.⁴⁵ The Kingdom of the Netherlands as a whole is governed by a constitutional settlement – also called the *Statuut*.⁴⁶ Signed by the Netherlands, the Netherlands Antilles and Suriname

⁴¹ See Suksi 2013.

⁴² Entrenchment by which “the international community guarantees a sub-state arrangement in the creation of which it perhaps has participated” (Suksi, 2013, p. 51).

⁴³ Suksi 2013, p. 51.

⁴⁴ Oostindie and Klinkers 2003, p. 13.

⁴⁵ Parlement & Politiek, n.d.

⁴⁶ For the complete Statuut see: *Statuut voor het Koninkrijk der Nederlanden*, 2010.

on October 28, 1954, this 'Charter for the Kingdom of the Netherlands' regulates the relationship between the countries. Before 2010, the *Statuut* applied to the Netherlands, the Netherlands Antilles and Aruba, since Suriname gained independence in 1975 and Aruba acquired a *status aparte* from the Netherlands Antilles in 1986. The current constitutional structure came into place on 10 October 2010 after dismantling the Netherlands Antilles as a country entirely.

The country of the Netherlands Antilles originally existed of six islands, each of which formed a separate administrative unit, called *eilandgebied* (island territory). The Islands Regulation of the Netherlands Antilles (ERNA) provided that the individual islands were autonomous in all areas except civil, penal and labour law, the police, prisons, monetary affairs, health care, social security, taxation, and partly in education. The populations of the islands elected an Island Council, which appointed a number of Commissioners. Together with the Lieutenant Governor (who was appointed by the Kingdom government), the Commissioners formed an Executive Council. Curaçao had a special position under the ERNA, with a slightly larger amount of autonomy and more authorities than the other islands.⁴⁷

After 2010, Dutch legislation gradually replaced Antillean law on Bonaire, St Eustatius and Saba. The three integrated islands have a single police force, fire department and ambulance service with a central dispatch centre. The new constitutions of Aruba, Curaçao and St Maarten are called *Staatsregelingen*. The autonomous countries make their own legislation on all subjects that are not Kingdom Affairs. This legislation is materially often quite similar to Dutch legislation though, since the legal system of the Caribbean countries is based on Dutch law to start with, and because the countries lack the capacity to develop a completely new law system themselves. Their judicial system also depends to a large extent on lawyers and judges from the Netherlands.⁴⁸ In the new constitutional relationships, there is still one Joint Court of Justice and one Joint Public Prosecutions Service for Aruba, Curaçao, St Maarten, Bonaire, St Eustatius and Saba, as has been the case for the Netherlands Antilles and Aruba before the new legal order of 2010.⁴⁹

The autonomous Caribbean islands now have a parliamentary system similar to the Netherlands, with an executive branch composed of the Governor (representative of the King) and a Council of Ministers, who depend on the support of a majority in parliament (the *Staten*). All registered inhabitants of the islands have the right to vote in elections for the *Staten*. The countries have an

⁴⁷ Hillebrink 2007, p. 165.

⁴⁸ Id. p. 164.

⁴⁹ Government of the Netherlands, 2010.

For more information on the Dutch court system see: *The Dutch court system*, n.d.

electoral system based on proportional representation. In the former *Staten* of the Netherlands Antilles, each of the five islands had a fixed number of seats. Curaçao had a majority of fourteen seats on a total of twenty-two seats. St Maarten and Bonaire had each three seats, and Saba and St Eustatius had one seat each. The *Staten* represented the population of the country as a whole, but because all of the existing political parties had their power base in only one of the islands, the members of the *Staten* mostly represented their own island.⁵⁰

Only the Kingdom of the Netherlands can be considered a State, which means that only the Kingdom – not the individual autonomous countries – has international legal status. The Crown of the Kingdom is hereditarily worn by Her Majesty Juliana, Princess of Oranje-Nassau, followed by her lawful successors (Art. 1a). His Majesty King Willem-Alexander is currently represented in Aruba, Curaçao and St Maarten by a Governor, whose powers, duties, and responsibilities are regulated by the *Statuut*, and who is appointed by the King (Art. 2). The Kingdom as a whole is governed by a Council of Ministers, in accordance with Art. 7 of the *Statuut*. This Council consists of the Dutch Cabinet, augmented by Ministers Plenipotentiary representing the governments of Aruba, Curaçao and St Maarten.

The Charter grants a large degree of autonomy to the previous colonial holdings. All areas are considered to be internal competences of the autonomous territories unless the Charter explicitly states otherwise. Art. 3 of the Charter specifies which areas are considered common affairs, or 'Kingdom Affairs', including defence, foreign relations and nationality. Consequently, there is only one Minister of Foreign Affairs who has ultimate responsibility for the foreign relations of the Kingdom as a whole. Moreover, all Antillean people have Dutch passports and European citizenship. The Treaties of the European Union, however, are only ratified for the European part of the Kingdom. The Caribbean parts of the Kingdom are listed as Overseas Countries and Territories (OCTs). Since OCTs are associated with the Union, the Caribbean part of the Kingdom enjoys a number of benefits, for example regarding exports to the EU, and funding from various EU sources like the European Development Fund (EDF).

4.3.2. Legal Entrenchment of the Autonomy Settlement

As mentioned before, this section will deal with entrenchment modes of a domestic nature, as international modes of entrenchment will be touched upon in a later section on the role of external actors and the international society in the autonomy negotiations. Just like the Åland Islands, the autonomy arrangement of the former Netherlands Antilles has *general entrenchment* in the constitutional

⁵⁰ Hillebrink 2007, p. 165. The parliamentary system was not affected by the 2010 arrangement.

order of the state. General entrenchment means that the sub-state arrangement is enclosed in the provisions of the national constitution.⁵¹ The autonomy of the Netherlands Antilles is entrenched in the provisions of the *Statuut* of the Kingdom, however, not in the national Constitution of the country of the Netherlands. Nevertheless, the Kingdom Charter of 1954 claims to create a legal order that prevails over the Constitution of the Netherlands, which means that the Constitution of the Netherlands actually incorporates the provisions of the *Statuut* (Art. 5).

Next to *general entrenchment*, the autonomy arrangements of the Åland Islands and the former Netherlands Antilles also have some sort of *regional entrenchment* in common. Regional entrenchment implies that “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”.⁵² Where the Self-Government Act of the Åland Islands requires that any amendment to the Self-Government Act has to be consented to by the Legislative Assembly of the Åland Islands, the *Statuut* of the Kingdom of the Netherlands requires that amendments shall not be approved by the King before Aruba, Curaçao and St Maarten accept the amendment. This acceptance by Aruba, Curaçao and St Maarten is made by *landsverordening*, or national ordinance (Art. 55).

The autonomy of the former Netherlands Antilles also has some sort of *special entrenchment*, as does the autonomy of the Åland Islands. Special entrenchment implies that the “statute outlining the more practical modalities attached to the sub-state entity can be revised only according to a special amendment rule that complicates the amendment of the statute”.⁵³ According to the Self-Government Act of the Åland Islands, any amendment thereof has to be passed in the Parliament of Finland in the same procedure as an amendment to the Constitution, and the amendment also has to be passed with the qualified majority of two-thirds by the Legislative Assembly of the Åland Islands.⁵⁴ In case of the *Statuut* of the Kingdom, the *landsverordening* shall not be adopted before the *Staten* approves of it in two readings. If the draft is approved by two-thirds of the votes in the first reading, the second reading will take place within a month after the draft has been approved in the first reading. However, only when the amendment of the *Statuut* touches upon the Constitution of the Netherlands, the amendment has to be passed in the Parliament of the Netherlands in the same procedure as an amendment to the Constitution, in line with Art. 55.

⁵¹ Suksi 2013, p. 50.

⁵² Ibid.

⁵³ Id. p. 51.

⁵⁴ Ibid.

4.3.3. *The Way the Autonomy Arrangement has been Negotiated and Introduced*

Whether the former Netherlands Antilles and Aruba could still be identified as 'colonies' of the Netherlands at the time of the referendum in 2005 is debated by social scientists, historians, politicians and activists. What is certain is that the colonial history of the Kingdom relations does cast a shadow over the present relations between the European and the Caribbean part of the Kingdom, which is for example visible in the active role of the Netherlands in the financial supervision of the former Netherlands Antilles. The autonomy of the Caribbean islands has been a process that spreads out over a century of history. This section deals with the specifics of this historical process up to the 2005 referenda.

In 1922, the term 'colonies' was deleted from the Dutch Constitution to enable the development of the constitutional status of Indonesia, and the principle that the internal affairs of the overseas territories should be administrated by the institutions of those territories, was introduced for the first time. This action meant the first decentralisation of authorities from the central power of the Netherlands to all overseas territories, but did definitely not affect the subordination of the old colonies. Also, the Netherlands could still unilaterally decide to change the constitution back in its own favour.⁵⁵ In 1936, the Netherlands Antilles were given new statutory regulations in which the measure of autonomy was broadened. For the first time in history, a largely elected local Council was founded in the Antilles (*Staten of Curaçao*), although no more than 5% of the local population was permitted to vote, and the new regulations still mostly left decisive competences with the appointed Governor in place.⁵⁶

World War II meant a definitive breach in the Dutch colonial history. During the war, and in the following decade, colonial affairs became a major concern for successive Dutch cabinets, with most attention focused on Indonesia. Only after the independence of Indonesia in 1949 did the Dutch slowly started to shift their attention to the Caribbean. Since 1945, the Caribbean colonies continued under the new flag of *overseas territories*, only to become 'equivalent' and autonomous partners within the Kingdom nine years later. By then, a parliamentary democracy with universal suffrage had become effective on the Caribbean islands. In 1948, *Gebiedsdeel Curaçao* was renamed into the Netherlands Antilles, and henceforth all members of the *Staten* were elected by universal suffrage.⁵⁷

⁵⁵ Hillebrink 2007, p. 178.

⁵⁶ Oostindie and Klinkers 2003, p. 61.

⁵⁷ Id. p. 64.

During the same year, a Round Table Conference started that was supposed to lay the foundations for a new constitutional order within the Kingdom. With this initiative, the Netherlands hoped to improve its international image, which was damaged by the hardline stance it had taken in Indonesia's call for independence. However, the Dutch refusal to accept propositions such as the immediate recognition of full equality between the Antilles and the Netherlands, and the separation of Aruba from the Netherlands Antilles, made for a difficult start. Moreover, the Dutch Council of Ministers objected to the suggestions of Jonkman – the new Minister of the Overseas Territories – for the establishment of a 'Cabinet of the Kingdom' and other Kingdom institutions. It was decided, however, not to postpone the one central element everybody agreed upon: the realisation of full autonomy for the Netherlands Antilles.⁵⁸

In November 1948, the Council of Ministers agreed to the rough draft of an interim regulation, which only became fully applicable on the Antillean islands in February 1951 and was quite disappointing to the Netherlands Antilles as the draft was not the product of mutual consultations, which was at odds with the notion of equality. There was a strong wish to resume the suspended Round Table Conference of 1948 as soon as possible. At the end of 1951 a preparatory commission for the Round Table Conference held meetings in Willemstad and Paramaribo, resulting in the draft proposal for the Charter, within which the range of Kingdom affairs had been more narrowly defined. In April 1952, the Round Table Conference was resumed. In contrast with the Round Table Conference of 1948, the consultations were now taking place between the Dutch, Suriname and Antillean governments directly.⁵⁹

The federal elements of the Charter, which will be touched upon in section 7, were part of a compromise reached between the Netherlands and Suriname during the negotiations on the Kingdom Charter. At first, a structure had been designed in which the Kingdom would become a fully functioning federation with its own legislature, executive and judiciary. This institutional design would guarantee that the interests of the overseas countries were properly represented, but it was also feared that a federal structure would make too large a demand on the limited human resources of the small islands. After Indonesia had become independent, the draft for a federal *Rijksgrondwet* (Constitution of the Realm) of 1948 was considered too burdensome by the Netherlands, also because a large part of the constitutional law of the country of the Netherlands would have to be incorporated into it.⁶⁰

⁵⁸ Id. p. 77.

⁵⁹ Id. p. 78.

⁶⁰ Hillebrink 2007, p. 170.

In 1950, the Netherlands presented a *Schets van een Statuut* (Draft for a Charter), followed in 1952 by a *Werkstuk* (Working Paper), both of which abandoned the idea for a real federation and replaced it with a structure in which there would be no separate federal level, but merely co-operation between the countries. No new institutions would be created, and it was proposed that the common affairs of the countries would be handled mostly by the existing institutions of the Netherlands. At the request of Suriname, the final text of the Charter returned to the federal language of the original 'Constitution for the Realm' in some respects.⁶¹ Suriname also advocated for formal recognition of the principle of self-determination, and insisted on the 'equality' of the three countries being expressed in the Charter, which was not accepted in the final draft since it provided the possibility for a transitional phase towards full independence of the former colonies, which was still considered one step too far at that time.⁶²

One of the aims of the Kingdom Charter of 1954 was to end all remaining doubts regarding the status of the Dutch overseas territories. The Charter was supposed to transform the colonial relation of subordination into a relation based on 'equivalence'. However, from the perspective of constitutional law, the autonomous countries were not entirely treated equally. The Charter was born from the desire to make as few changes to the constitutional order of the Netherlands as were necessary to realise a substantial amount of autonomy for the overseas territories at relatively low costs. The Netherlands was not prepared to create a federal structure that would give the Caribbean territories a say in Dutch affairs, and was also not prepared to relinquish all constitutional control over the overseas territories.⁶³ Between the lines of the 1954 Kingdom Charter, the leading role in the Kingdom relations was therefore still assigned to the Netherlands, which will become more clear at a later stage.

In almost all respects the outcome of the Round Table negotiations was close to the wishes of the former West Indies. However, the 'democratic deficit' of the Kingdom, which includes a Ministerial Council of the Kingdom – a redefinition of the Dutch Council of Ministers including a Plenipotentiary Minister from each Caribbean country – was an important motive for the Surinamese striving towards independence. The Dutch refusal to meet the Antillean, and especially Surinamese wishes to conduct their own, autonomous foreign policies also led to frictions as the Netherlands repeatedly refused to give up any responsibility for

⁶¹ Ibid.

⁶² Oostindie and Klinkers 2003, p. 81.

⁶³ Hillebrink 2007, pp. 179-180.

foreign affairs to the Caribbean countries. Even though this issue would lead to another Round Table Conference in 1961, the Dutch government would not make any concessions.⁶⁴

After the re-shaping of the political relations, the core of the transatlantic Kingdom relations moved into the sphere of development aid, as the Netherlands Antilles faced great economic difficulties. The islands benefited from the Dutch responsibility to assist financially, but also discovered that the growing dependence on development aid could bring a significant limitation to their autonomy. Violent riots in Willemstad on 30 May 1969 triggered a new political era in which the Dutch government quite suddenly moved to the active pursuit of independence for the Caribbean territories, which soon led to the transfer of sovereignty to Suriname in 1975. Dutch marine intervention to restore the peace in Willemstad led politicians to think about the dilemma of having a constitutional relationship which obliged the Netherlands to offer military assistance, but which denied any scope for remedying the source of possible tensions. Moreover, the Netherlands Antilles continued to grow more dependent on Dutch development aid, and since the Charter left the Netherlands little opportunity to get directly involved in the overseas administrations, this slowly stimulated the desire to get rid of the last territories of the colonial empire. In November 1971, the Dutch House of Commons announced its support for the transfer of sovereignty to Suriname and the Netherlands Antilles for the first time, and with an overwhelming majority. Yet, within Antillean politics pragmatism made the option of political independence unpopular. It was clear that independence for the Netherlands Antilles was still a distant political goal.⁶⁵

The Round Table Conference of 1983 was probably the most important political event for the Netherlands Antilles since 1954. At the Round Table Conference of 1983 the countries and the islands decided that Aruba would be allowed to secede from the Netherlands Antilles and become a separate country within the Kingdom in 1986, in preparation for independence in 1996. Although the decision that Aruba would become independent was taken by mutual agreement, the general perception was that the government of the Netherlands had forced Aruba to accept it in exchange for being allowed to leave the Netherlands Antilles. There existed little doubt that the people of Aruba did not want independence, at least not in the near future. The date of independence was only agreed upon because Aruba wanted to leave the Netherlands Antilles, and the Netherlands still wanted all of the Caribbean islands to leave the Kingdom as soon as possible.⁶⁶

⁶⁴ Oostindie and Klinkers 2003, p. 90.

⁶⁵ Id. p. 116.

⁶⁶ Hillebrink 2007, p. 249.

Institutionally, the *status aparte* of Aruba made for some significant changes in the Kingdom Charter. One more Plenipotentiary Minister was seated in the Hague, as well as one more Governor on Aruba. Both the Minister of Antillean Affairs and the cabinet in charge – Cabinet for Antillean Affairs – added ‘and Aruba’ to their titles (KabNA). The KabNA office in Curaçao, established in 1970 and upgraded in 1975, was complemented with an office in Aruba. A third office was established in St Maarten in the early 1990s. Nevertheless, the KabNA was a criticised public body at the time and ceased to exist in 1998. Its functions were taken over by the Ministry of the Interior, which was renamed to the ‘Ministry of the Interior and Kingdom Relations’. Against the background of worrisome developments within the Republic of Suriname⁶⁷ the Hague recognised that the direct and short-term transfer of sovereignty to the Netherlands Antilles was a mission impossible. The 1990s thus became a decade of revaluation and continuation of the Kingdom relations.⁶⁸

Since the Netherlands is still arguably the dominant authority in the Kingdom relations, there exists a presumed duty under international law to conduct referenda to determine the constitutional preference of the peoples of the Netherlands Antilles. I will further elaborate on this international pressure in the next section. In the process of autonomy for the former Netherlands Antilles, it partly explains the various referenda on the constitutional future of the Netherlands Antilles organised between 1993 and 2009.⁶⁹ A first (although dubious) referendum was held on Aruba in 1977, which resulted in a *status aparte* within the Kingdom of the Netherlands in 1986. In 1993, a similar referendum was held on Curaçao with the anticipation that the island would choose a similar fate. At that time, however, the popular vote (55%) favoured the status quo solution of maintaining the integrity of the Netherlands Antilles.

In the decade following that first referendum on Curaçao, perceptions of the political situation changed considerably, prosperity had taken root in Aruba, and tensions rose between the remaining constituents of the Netherlands Antilles. A referendum held on St Maarten in 2000 ended up in a popular vote for autonomy within the Kingdom. All islands of the Netherlands Antilles were asked to exercise their right of self-determination at the same time in 2005. St Maarten chose autonomy within the Kingdom along with Curaçao, as they had done five years previously; Saba and Bonaire chose to integrate with the Netherlands and St Eustatius preferred the status quo, though once it was clear that the Netherlands Antilles would be dissolved, St Eustatius decided to integrate with

⁶⁷ In 1980, a military coup in Suriname was followed by political murders, internal warfare as well as corruption, drug trafficking and economic crisis (Klinkers and Oostindie 2003, p. 131).

⁶⁸ Oostindie and Klinkers 2003, p. 131.

⁶⁹ Gardner and Prassl 2009, p. 11.

the Netherlands along with Bonaire and Saba. The overwhelming majority of voters from the different islands at the time disliked both the status quo and full independence, which seems to demonstrate a stronger antipathy towards the Netherlands Antilles than towards the Kingdom as a whole among the populations of the overseas territories.⁷⁰

The referenda of 2005, and the resulting breakup of the Netherlands Antilles in 2010, meant an important step in the self-determination of the peoples of the Caribbean territories of the Kingdom of the Netherlands. Just as for the Åland Islands, we can take note of the fact that for Aruba, Curaçao and St Maarten, several entrenchment modes are in place at the same time and simultaneously in a way that safeguards the longevity and robustness of the autonomy arrangement. Regarding the autonomy of the former Netherlands Antilles, general entrenchment, special entrenchment and regional entrenchment apply within the domestic constitutional framework of the Kingdom. The total entrenchment effect of these separate entrenchment modes serves to fix the autonomy arrangement in the legal order of the Kingdom of the Netherlands. It is, however, not a direct safeguard for the quality of the democracy and good governance on the individual autonomous islands.

4.4. The Role of External Actors and the International Society

Leaving the topic of entrenchment at the national constitutional level, it is possible to point out methods of entrenchment within international law, or international relations as well. It is possible to mention at least two different categories of entrenchment in this context. In the case of the Åland Islands a general form of international entrenchment was in place when the Council of the League of Nations decided to approve the agreement between Finland and Sweden on the terms under which the Åland Islands would remain under Finnish sovereignty. This international guarantor institution is not in place anymore, since the League of Nations was dismantled and replaced by the United Nations, which did not want to assume this role in the autonomy arrangement. Nevertheless, Finland has continued to recognise its responsibility to uphold the Åland Islands settlement as a unilateral obligation under international law.⁷¹

In the case of the former Netherlands Antilles, general international entrenchment was not in place in a legally binding manner. During the referenda in 2005, the Netherlands Antilles, and its individual islands, were not on the list of Non Self-Governing Territories which the UN reviews under Art 73, since the UN recognised the decolonisation of the Netherlands Antilles by its removal

⁷⁰ Gardner and Prassl 2009, p. 13.

⁷¹ Suksi 2013, p. 51.

from UN consideration in 1955 after the Netherlands submitted the Kingdom Charter of 1954 for review.⁷² Between 1951 and 1955 the UN discussed the relationship between the Netherlands and its Caribbean territories. Since (1) the populations of the islands did not openly disapprove of the new status, (2) the representatives of the islands seemed to be happy with the agreement, (3) the Netherlands would probably not block a wish for independence if it was expressed by the population of one of the islands, and (4) the islands obtained self-government in the areas on which the Administering Member (in this case the Netherlands) should report (social, economic and educational conditions), the December 1955 GA resolution warranted that the Netherlands no longer needed to report on its Caribbean territories.⁷³

The status of the Netherlands Antilles and Suriname did remain somewhat unclear after the GA Resolution of 1955, as there existed disagreement among states on the application of Chapter XI of the UN Charter to Suriname and the Netherlands Antilles.⁷⁴ Moreover, the 1955 Resolution removed the Netherlands Antilles from the UN list of Non Self-Governing Territories five years before the UN General Assembly formally defined the legitimate options of political equality in 1960. A review of the Kingdom Charter under the criteria of 1960 could have made for adjustments to the 1955 GA Resolution, but no mechanism was in place to do this.⁷⁵ Despite the absence of legally binding international entrenchment, the *right of self-determination* has an uncontested status in both international law and in Dutch constitutional law, resulting in the 2005 referenda on the Netherlands Antilles.⁷⁶

In short, there was no direct international entrenchment mode in the autonomy arrangement of the former Netherlands Antilles, but pressure from the international law corner did play an important role in the 2005 referenda on the Caribbean islands. These referenda changed the political landscape of the former Netherlands Antilles and made matters of decolonisation, self-determination and self-governance re-emerge in the Kingdom relations, and ultimately, the relations with the international community.⁷⁷ Entrenchment under the right of self-determination is an additional option of entrenchment under international law. According to Suksi,⁷⁸ this mode of entrenchment could protect existing sub-state

⁷² Corbin 2006, p. 1.

⁷³ Hillebrink 2007, p. 189.

⁷⁴ Id. p. 230.

⁷⁵ Corbin 2006, p. 5.

⁷⁶ The UN General Assembly adopted the Decolonisation Declaration in 1960 which confirmed that “all peoples have a right to self-determination (and) by virtue of that fact they freely determine their political status and freely pursue their economic, social and cultural development” (Id. p. 6).

⁷⁷ Id. p. 5.

⁷⁸ Suksi 2013.

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. It is difficult to say, however, whether the inhabitants of Aruba, Curaçao, and St Maarten constitute a *people* under this definition, as there is no indigenous population left on the islands and the cultural variety of the islands is very diverse.

Table 2. The new constitutional order of the Netherlands Antilles in a scheme with other Non-Independent Territories in the Caribbean/Atlantic region.⁷⁹

Non Self-Governing Territories	Self-Governing Territories	Integrated Territories
Anguilla	Aruba	Guadeloupe & dependencies
Bermuda	Curaçao	Martinique
British Virgin Islands	St Maarten	French Guiana
Cayman Islands	Puerto Rico	St Martin
Montserrat	Greenland	Saba
Turks & Caicos Islands	Faroe Islands	St Eustatius
US Virgin Islands		Bonaire
St. Helena (South Atlantic)		

Resolution 1541 (XV) of 15 December 1960 recognises three political status options as forms of decolonisation if they are the outcome of a process of self-determination, namely *independence*, *free association*, and *integration*. According to General Assembly Resolution 2625 of 1970 it is also possible that self-determination and decolonisation lead to “any other status freely chosen by the population”. Since the populations of the Netherlands Antilles and Aruba were not interested in independence, and will probably not be in the near future either, a somewhat special constitutional structure was formed in 2010, which will be analysed compared to the Åland Example in the next section. Regarding the international status of the new constitutional order of 2010, it would be interesting to review the new political status of Curaçao and St Maarten against the international recognised criteria of free association, and the status of Bonaire, St Eustatius and Saba against the criteria of integration. Unfortunately, that would not be possible given the practical constraints of this research.

⁷⁹ Corbin 2006, p. 9.

To conclude this section, there was no direct role for kin-states in the autonomy negotiations of the former Netherlands Antilles. There was also no need for direct involvement of the international community, as security and minority issues were not really part of the problem on the Caribbean islands. We can definitely conclude, however, that there was an assumed pressure from the international community in the autonomy negotiations of the former Netherlands Antilles, resulting in the 2005 referenda that meant an important step in the self-determination of the inhabitants of the Caribbean parts of the Kingdom of the Netherlands.

4.5. The Institutional Design of the Autonomy Arrangement

Autonomy arrangements are meant to provide institutional solutions that allow the different segments of diverse societies to realise their aspirations for self-determination by peaceful means.⁸⁰ According to Spiliopoulou Åkermark⁸¹, institutional design needs to address, more or less comprehensively, all the core aspects of the conflict that forms the background to the autonomy arrangement. A solution does not necessarily comprise one full package that is introduced through one single agreement or legal act, but can be addressed over a longer period of time in many different topics. In the case of the Åland Example, the settlement approached four core areas:⁸²

- The *power-sharing problem* by establishing a system of territorial autonomy with exclusive competences and while guaranteeing enough links and cooperation instruments with the central state;
- The *security problem* by reconfirming the earlier demilitarisation regime and expanding it through the neutralisation of the territory during war. It also allowed for the establishment of a local police under the exclusive competence of the Autonomous government and parliament;
- The *identity and minority culture protection issue* with extensive language guarantees and by recognising exclusive competence of Ålandic authorities in matters of education and culture;
- The *economic resources issue* and the *financial viability* of the newly established autonomy by allowing for control of land by the Ålandic government and parliament and by introducing limitations to the rights of establishment of business.

Due to the practical limitations of this research, I have chosen to not discuss all areas extensively in relation to the autonomy arrangement of the former Netherlands Antilles. I would like to start off with the power sharing problem, as

⁸⁰ Wolff 2013, p. 7.

⁸¹ Spiliopoulou Åkermark 2013a.

⁸² Ibid.

this problem inherently touches upon issues such as cultural protection and economic arrangements – especially the latter one in the case of the Caribbean islands. The security issue appears to be of minor relevance in the case of the Kingdom of the Netherlands, since both the Caribbean islands (which are naturally poor in resources and not located in a conflict area) and the country of the Netherlands (which is part of the European Union and internationally protected under the NATO) are not under any direct military threat by neighbouring countries or other external actors, and are also not involved in any ethno political conflict. In contrast with the Åland Example, where the island is demilitarised and neutralised, *Defensie* is viewed as a common affair of the Kingdom of the Netherlands.⁸³ Dutch military is stationed on the Caribbean islands to protect the coastal borders from illegal migration and drug trafficking.

In light of the power-sharing problem, the Kingdom of the Netherlands has a somewhat ambiguous structure, since the autonomous islands in the Caribbean are part of the Kingdom, but not of the country of the Netherlands, while the Kingdom is often identified with the European country of the Netherlands only.⁸⁴ The official explanation of the Charter of 1954 states that the Charter is a legal document with its own ‘special character’. The reason for this choice of words is that the constitutional order of the Kingdom of the Netherlands does not really seem to fit any of the “traditional” forms of government as explained by Wolff.⁸⁵

The Charter has some characteristics of a federation, which implies a “constitutionally entrenched structure in which the entire territory of a given state is divided into separate political units, all of which enjoy certain exclusive executive, legislative and judicial powers independent of the central government”.⁸⁶ There is indeed a division of power between the Kingdom and the autonomous islands, based on the exhaustive list of subjects in the Charter. The Charter also seems to create a number of federal institutions, such as the Council of Ministers, a *Raad van State*⁸⁷ (Council of State) of the Kingdom, and a Kingdom legislator. But despite this federal language, Hillebrink (2007) argues convincingly that there are no *real* institutions of the Kingdom. The Charter merely attributed new functions to the existing institutions of the Netherlands, and the existing institutions of the former Netherlands Antilles are given “the

⁸³ *Defensie* (defence) is an umbrella term for the military force of the Kingdom of the Netherlands. The ministry that is occupied with (international) security issues is called the Ministry of Defence (*Ministerie van Defensie*).

⁸⁴ Hillebrink 2007, p. 325.

⁸⁵ See Wolff 2013.

⁸⁶ Wolff 2013, p. 5.

⁸⁷ In the Netherlands, the *Raad van State* is a constitutionally established advisory body to the Dutch Government, that must be consulted by the cabinet on proposed legislation before a law is submitted to parliament. The *Raad van State* also serves as one of the four highest courts of appeal in administrative matters.

right to influence the fulfilment of these functions by the Netherlands”. Basically, there is no true division of power between the Kingdom institutions and the institutions of the country of the Netherlands, and there is thus no real equivalence between the constituent parts of the Kingdom.⁸⁸

The Kingdom also has some characteristics of a confederation, which is an “empirically relatively rare form of voluntary association of sovereign member states which pool some competences by treaty without normally giving executive power to the confederal level of government”.⁸⁹ The Kingdom of the Netherlands is indeed a union of four entities that operate rather independently, and which have some international personality.⁹⁰ The union established by the Charter has very little control over the citizens of the autonomous countries, the Council of Ministers of the Kingdom more or less functions as a procedure for conferring with the Ministers Plenipotentiary as Ambassadors of their countries, and decisions of the Kingdom are almost always based on consensus between the countries.⁹¹

Nevertheless, the powers of the Kingdom government to intervene in the administration and legislation of the Caribbean islands do not conform to this description of confederations (bear in mind the renewed Kingdom involvement in public spending and law enforcement on the Caribbean islands). Other Kingdom powers are usually only employed with the consent, or even at the request of, the autonomous countries. Another important difference with confederations is that the Kingdom Charter is not an international treaty and that the countries are not official sovereign states, even though the Charter does bear some resemblance to a treaty in the sense that it is based on ‘voluntariness’ and can only be amended with the approval of all the parties involved. Moreover, the countries could be seen as proto-states in the sense that they can perform most of the functions of states and they can choose to become independent.⁹² In the end, it is all a matter of definition.

In conclusion, the Kingdom of the Netherlands does not officially fit any of the traditional forms of government. It is not a nation state in the traditional sense, since there have so far been no signs of the development of a trans-

⁸⁸ Hillebrink 2007, p. 170.

⁸⁹ Wolff 2013, p. 5.

⁹⁰ Although it is assumed that only the Kingdom as a whole has international legal personality, Aruba, Curaçao and St Maarten can still exercise at least one right under international law, namely the right to self-determination, which suggests that the countries have some form of international personality. GA Resolution 2625 (XXV) of 1970 declares that territories such as the Netherlands Antilles and Aruba have ‘a separate status’ under international law. If it is assumed that the Charter creates a form of free association between the countries, than they should also be viewed as having international personality (Hillebrink 2007, pp. 171-172).

⁹¹ Id. p. 172.

⁹² Ibid.

Atlantic community of interests that could lead to the birth of a nation. According to Hillebrink (2007, 170), the federal and unitary traits that the text of the 1954 Charter exhibits, are no more than 'constitutional make-up'. The Kingdom functions a bit like a confederation, although it cannot be called that either, because it is not based on a treaty, the countries are not independent states, and the institutions of the Kingdom do have some – albeit very limited – power over the citizens of the countries.⁹³

5. The Role of the Netherlands in the Autonomy Settlement

Taking this ambiguous structure of the institutional design of the Kingdom of the Netherlands into account, it is important to expose the role of the Netherlands in the autonomy arrangements of Aruba, Curaçao and St Maarten. During the breakup of the Netherlands Antilles in 2010, the Netherlands offered to assume a part of the public debt of the Netherlands Antilles, but in return demanded that it should have a stronger say in the areas of law enforcement and public spending in the five new entities. This demand takes away some power from the autonomous territories and brings it back to the central power. What does this mean for the actual *self-government* of the autonomous islands of Aruba, Curaçao and St Maarten?

According to the Dutch government, the Netherlands has “an obligation to promote the wellbeing of its former colonies, as laid down by the United Nations,” which means that the Netherlands is “responsible for the wellbeing of all the subjects of the Kingdom (...) greater wellbeing is the result of good governance, a healthy economy, and properly functioning law enforcement and education systems.” The Netherlands views this responsibility for example in the courts, the combat of crime, the police force, and the prosecution services in the Caribbean part of the Kingdom. Although Aruba, Curaçao and St Maarten are now autonomous countries, a lot of these responsibilities go “beyond their capacity.”⁹⁴ Assuming this responsibility of the Netherlands for the wellbeing of the former Netherlands Antilles, the role of the Netherlands in the new constitutional order takes the following forms:

- ☐ ensure good governance on the autonomous islands that is free of corruption;
- ☐ improve the wellbeing of the integrated inhabitants of Bonaire, St Eustatius and Saba;
- ☐ assume 70% of the government debt of the Caribbean part of the Kingdom, totalling € 1.7 billion;

⁹³ Hillebrink 2007, p. 186.

⁹⁴ *Role of the Netherlands*, n.d.

- supervise the budgetary policy and public finances of Curaçao and St Maarten;
- cooperate to fight crime and drugs trafficking between the Caribbean islands.

To ensure good governance on the autonomous islands in the Caribbean – where corruption and criminality often complicates democracy – the Netherlands supports the judiciary in the region, and maintains the regional Coastguard and the RTS (*Recherche Samenwerkingsteam*), which is a team of criminal investigators from the Netherlands, the former Netherlands Antilles, and Aruba. On average, the Netherlands has 22 judges and 10 public prosecutors working on the Caribbean islands to assist and advise the Public Prosecutions Service and the Common Court of Justice. Moreover, the regional Coastguard – which is a military partnership between the Netherlands, Aruba, Curaçao and St Maarten – is dedicated to combat drugs trafficking, perform border patrols, perform customs surveillance at sea, enforce compliance with environmental and fishing legislation, and ensure safe shipping.

Next to judiciary help and military presence to combat corruption and criminality on the islands, the Netherlands provides development aid to the former Netherlands Antilles through various partnership programmes. The different programmes support development of the autonomous governments, education systems, law enforcement, as well as social and economic progress in the region. Since St Maarten had to establish an entirely new government in 2010, and urgently required experienced personnel to work in the various institutions such as the police force, the prison system and the immigration services, the Netherlands assisted St Maarten by providing financial aid to help recruit personnel from outside the island. This aid, called *Meerkostenregeling St Maarten*, stopped on 1 November 2013, in accordance with the cooperation agreement concluded between the Netherlands and St Maarten on 4 April 2011.⁹⁵

With the breakup of the Netherlands Antilles in 2010, the governments of the Netherlands Antilles and the Netherlands, and the executive councils of Curaçao and St Maarten agreed that “on the basis of cooperation between equal partners” financial supervision was established over the countries Curaçao and St Maarten to ensure compliance with the budget standards laid down in the Act, aimed at the goal that “over time supervision becomes unnecessary”.⁹⁶ Under this Financial Supervision (Curaçao and St Maarten) Act, the Council of Ministers of the Kingdom had to decide five years after the Act’s legal entry (10 October 2010), whether or not financial supervision of Curaçao and St Maarten could be

⁹⁵ Rijksoverheid, 2011.

⁹⁶ Algemene Rekenkamer, 2010.

lifted. The evaluation committee that was thus established under the Financial Supervision Act in 2015 decided to maintain the financial supervision for Curaçao and St Maarten because both islands had not entirely and autonomously complied with the norms of the law. The next evaluation will take place in 2018.⁹⁷

What can we say about this role of the Netherlands being 'responsible' for providing structural support in light of the colonial history of the relations between the Netherlands and the former Netherlands Antilles? What does this parenting role mean for the autonomy of the Caribbean islands? And what was the role of Finland in the autonomy arrangement of Åland in the first phases? These are all interesting topics for future research, as well as the role of the European Union in the Caribbean part of the Kingdom and integration between different countries within the Caribbean region – since the paths followed by the different non-sovereign and sovereign countries in the Caribbean seem very divergent. Unfortunately, there is no room to address these topics extensively within the constraints of this research.

6. Conclusion

The Åland Islands are internationally known for the Åland Islands Settlement of 1921, which created an autonomy arrangement in a conflict resolution context including some special rights for the inhabitants of the Åland Islands. Suksi (2013) has shown that this autonomy settlement is not carved in stone, but can and has been changed in the past. The same goes for the autonomy settlement of the former Netherlands Antilles, which was most recently changed in 2010 with the dismantling of the country of the Netherlands Antilles. The study of the constitutional background of this autonomy arrangement is important in the case of the new constitutional order of the Kingdom of the Netherlands, as it can make a contribution by (1) ensuring that the constitution of the Kingdom is no longer vulnerable to accusations of colonialism, and (2) saying something about the longevity and robustness of the autonomy 'settlement'.

In the case of the Kingdom of the Netherlands, there exists general confusion about what this 'Kingdom' exactly entails, both due to linguistic confusion surrounding the names for the Netherlands and the Dutch, and due to the fact that the constitutional order of the Kingdom of the Netherlands does not really seem to fit any of the traditional forms of government. So in the end, there are six Caribbean islands, four countries, twelve provinces and one Kingdom. The Kingdom of the Netherlands currently consists of four autonomous countries: the

⁹⁷ Dutch Caribbean Legal Portal, 2015.

Netherlands, Aruba, Curaçao and St Maarten. Bonaire, Saba and St Eustatius are integrated parts of the country of the Netherlands. This constitutional order, which came in place on 10 October 2010, is relatively new, and shows that the autonomy settlement of the Caribbean part of the Kingdom of the Netherlands has been subject to changes, and is thus not *settled* quite yet.

All autonomies evolve in their unique directions. The ones embedded in a relatively stable and democratic environment will remain the longest, and contribute to the generally reasonable organisation of a state.⁹⁸ Relatively new autonomies might benefit from the comparison with more established autonomy arrangements, such as the Åland Islands. As of now, the autonomy arrangement of Aruba, Curaçao and St Maarten seems to be constitutionally stable as it is domestically entrenched in multiple ways that are comparable to the Åland example, and safeguarded by the international community that advocates the right of self-determination of former colonies. The relations within the Kingdom of the Netherlands are, however, not completely exempted from the ghosts of the colonial era, as is visible in the authority of the country of the Netherlands within the Kingdom relations, both institutionally and in its structural parenting role when it comes to law enforcement and finances.

What of the future? As of now, the break-up of the Netherlands Antilles seems to have at least solved the centrifugal forces that caused conflicts within the Netherlands Antilles and made for a change in membership for Aruba, Curaçao and St Maarten within the Charter. However, no major changes were made to the actual content of the Kingdom Charter. The virtually identical character of today's Kingdom Charter since 1954 can be attributed to the rigid entrenchment of this document, which can only be amended with the approval of all parties involved. This makes the autonomy arrangement of the former Netherlands Antilles robust, but also inflexible. Since 1954, the world has changed greatly, both politically and economically, which erodes traditional notions of sovereignty and autonomy. Increasing globalisation and international 'interweaving' is especially visible in the Dutch membership in the European Union, in which the Netherlands is less autonomous than Aruba, Curaçao and St Maarten are currently within the Kingdom.⁹⁹ Major political changes such as this make an unammended Charter implausible in the long term. What form the legal order of the Kingdom of the Netherlands will eventually take is a thing that only time can reveal. But, in the right words of the fox in *The Little Prince*, the Netherlands will still have a certain responsibility for their 'tamed' territories in the West.

⁹⁸ Suksi 2013, p. 57.

⁹⁹ Oostindie and Klinkers, 2003, p. 230.

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Appendix

Glossary of Key Terms

ABC-islands – geographical umbrella term for the Leeward Islands: Aruba, Bonaire and Curaçao.

SSS-islands – geographical umbrella term for the Windward Islands: St Eustatius, Saba and St Maarten.

Charter for the Kingdom of the Netherlands – constitutional settlement of the Kingdom of the Netherlands, and thereby the leading legal document of the Kingdom. Describes the political relationship between the four countries that constitute the Kingdom of the Netherlands: the Netherlands, Aruba, Curaçao and St Maarten.

Chapter XI – international UN declaration regarding non self-governing territories that safeguards the well-being of the inhabitants of these territories.

Defensie – an umbrella term for the military force of the Kingdom of the Netherlands. The ministry that is occupied with (international) security issues is called the Ministry of Defence (*Ministerie van Defensie*).

Dutch West Indies – the Caribbean territories of the Netherlands that were occupied during the colonial era, including the former Netherlands Antilles and, until 1975, Suriname.

Eilandenregeling Nederlandse Antillen (ERNA) – captured the ‘autonomy’ of the Netherlands Antilles before the Constitution of the Netherlands Antilles came into force in 1955, shortly after the Kingdom Charter in 1954, and formed the Constitution of the Netherlands Antilles at that time.

Governor – representative of the Government of the Kingdom of the Netherlands in the Caribbean territory, representative of the King, and head of the local Government (though without independent authority).

Kingdom Affairs – considered as common affairs of all countries of the Kingdom of the Netherlands, and specified in Article 3 of the Kingdom Charter, including foreign relations, nationality, defence and extradition.

Kingdom Charter – (see Charter for the Kingdom of the Netherlands)

Overseas Countries and Territories (OCTs) – 25 countries and territories that have special links with Member States of the European Union: either Denmark, France, the Netherlands or (until recently) the United Kingdom. The relation between the EU and the OCTs is based on EU law, not on the constitutional law of the Member State.

Publieke lichamen – an administrative division of the Kingdom of the Netherlands, or a government that performs certain tasks within a certain spatial area or a specific content area.

Raad van State – a constitutionally established advisory body to the Dutch Government, that must be consulted by the cabinet on proposed legislation before a law is submitted to parliament. The *Raad van State* also serves as one of the four highest courts of appeal in administrative matters.

Resolution 1514 (XV) – United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples.

Staatsregeling van de Nederlandse Antillen – the constituting arrangement, i.e. Constitution for the former country of the Netherlands Antilles between 1955 and 2010.

Staten-Generaal – the bicameral legislature of the Netherlands, consisting of the Senate (Eerste Kamer) and the House of Representatives (Tweede Kamer).

Status Aparte – indicated the special status of Aruba as an autonomous island within the Kingdom of the Netherlands between 1986 and 2010. The term is currently still used to refer to the status of the islands of Curaçao and St Maarten as well, although it was abolished from the Kingdom Charter in 2010 as this status is no longer special, but rather the norm for all countries within the Kingdom.

Statuut – (see Charter for the Kingdom of the Netherlands)

Wingewest – an area used for profit, or an economically exploited region, mostly by governments. In case of the Netherlands, the former colonies in the Caribbean and the East Indies were used as such.

Project Note:

Autonomy Arrangements in the World

Levente Salat & Sergiu Constantin

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Project Note:
Autonomy Arrangements in the World
Levente Salat and Sergiu Constantin¹

The ongoing project ‘Autonomy Arrangements in the World’² was created as a result of the collaboration of a variety of institutions at a correspondingly named conference in Flensburg in 2012. The project aims to address some of the shortcomings of contemporary research on autonomy identified at the conference. The conference’s call for papers resulted in the publication of an edited volume comprising 16 case studies in 2014. Launched in July 2016, the web platform of the project “Autonomy Arrangements in the World” provides scholars, decision- and policy-makers, and the general public with free access to data on territorial and non-territorial arrangements, which also includes lesser-known examples such as indigenous forms of self-governance.

1. Autonomy Research and its Pitfalls

Numerous minority groups and indigenous peoples around the world claim various forms of territorial and non-territorial autonomy. The varying actors, forms and degrees of these autonomies create a highly debated topic concerning the accommodation of ethnic, linguistic or religious diversity through self-governance arrangements in both the academic literature and the public sphere.

While the body of scholarly works on autonomy is sizeable and expanding at an impressive pace, the content of the autonomy concepts remains disputed. Furthermore, little room is left for lesser-known examples, since a handful of well documented cases dominate the overall picture. Amongst them, prevalent territorial autonomies have been frequently covered by academic analysis, notwithstanding that non-territorial arrangements have been on the rise since the 1990s.

¹ Levente Salat is professor at Political Science Department of the Babeş-Bolyai University (Cluj-Napoca/Kolozsvár, Romania). Sergiu Constantin is researcher at the Institute for Minority Rights of EURAC Research (Bolzano/Bozen, Italy).

² The team of the “Autonomy Arrangements in the World” project is composed of several experienced researchers on comparative politics and comparative law. For details, see <http://www.world-autonomies.info/abouttheproject/people>.

2. Autonomies in Context

‘Autonomy Arrangements in the World’ aims to counteract exactly this development by combining studies on both territorial and non-territorial arrangements to create an interdisciplinary and comprehensive online collection of case studies regarding autonomy.

In this regard, the main short-term goal of the project is to map various autonomy arrangements and to present each case study in as standardized a format as possible. In the long run, the project aims to facilitate comparative analyses of autonomy arrangements, to inform the design and implementation of self-governance as an instrument for the accommodation of diversity, and to provide a better understanding of theoretical and practical developments in this field. By adopting a more facts-based approach, the online compendium provides a foundation for a more informed assessment of the advantages and shortcomings of the existing autonomy arrangements, and explores the discrepancies between theory and practice.

3. Methodology

‘Autonomy Arrangements in the World’ bridges comparative politics and comparative public law. The external experts contributing case studies to the web platform are required to follow this interdisciplinary approach. To ensure comparability, all case studies are based on common terms of reference³. However, certain elements of the suggested structure of the studies may be relevant in some cases, but less so in others, according to the different characters of territorial and non-territorial autonomy arrangements. Thus, authors are granted sufficient leeway to consider the specific circumstances of their respective cases and are supported by the Scientific Board composed of well-known legal scholars and political scientists from Europe, Asia, Australia, Africa and North America, reflecting this nuanced and global approach.

³ The suggested structure for the case studies is the following: 1) Essential facts and figures; 2) Autonomy and state structure; 3) Establishment and implementation of autonomy; 4) Legal basis of autonomy; 5) Autonomous institutions; 6) Autonomous powers; 7) Financial arrangements; 8) Intergovernmental relations; 9) Inter-group relations within the autonomous entity; 10) Membership, "quasi-citizenship" and special rights; 11) General assessment and outlook. At the end of the case studies a list of relevant further readings about the cases is also provided.

4. Developments

Currently the online platform contains four case studies concerning the territorial arrangements of South Tyrol (Italy) and Jammu and Kashmir (India) and the non-territorial arrangements established in Serbia and Hungary. In the first phase of development, the project team focuses on the following case studies:

- Africa: Democratic Republic of Congo, Ethiopia, Kenya, Sudan;
- Americas: Bolivia, Québec, Puerto Rico;
- Asia: Hong Kong, Nepal;
- Europe: Åland Islands, Basque Country, Bosnia and Herzegovina, Catalonia, Greenland.

Several cases from the list above are currently in the drafting process and are planned to be available online by the end of 2017. The project team regularly updates the 'News' and 'Publications' sections of the website along with the database content, making the online platform a useful tool for keeping interested parties informed about the latest autonomy-related developments around the world, and for sharing information on recent important contributions to the academic literature.

5. Contributions

Scholars, researchers and practitioners from all over the world are welcome to contribute to this project with comments, suggestions and critical feedback. Moreover, the project team would be happy to answer all inquiries from subject matter experts who are interested in authoring further case studies. The online compendium is dependent on a dynamic interplay between research and networking and on the possibility to create a basis for future cooperation in this field among research centres, universities, and governmental and non-government organizations. Ultimately, projects such as this online compendium of autonomy arrangements have the potential to deepen our understanding of the empirical phenomena and enable more accurate conceptualizations, definitions and typologies.

To contact the project team please write us an email (contact@world-autonomies.info) or visit our Facebook page ([@autonomy.arrangements](https://www.facebook.com/@autonomy.arrangements)).

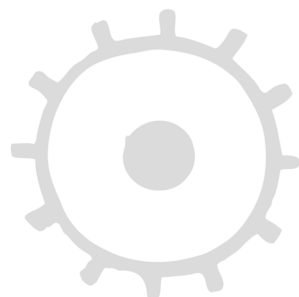
Call for Papers

The editors welcome submissions for articles that focus on, or relate to, the topics of security, autonomy, and minority issues. Apart from articles JASS also welcomes other kinds of contributions, such as essays, reviews, conference papers and project notes.

Articles should not exceed 12 000 words (excluding references) and be written in British English. For other contributions, such as book reviews and project notes, the maximum length is 4000 words. The layout of the text should be in single-column format and kept as simple as possible.

Manuscripts to be considered for the 2017/2 issue are invited for review at the latest by August 15, 2017.

Further details on the submission process can be found at:
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