#### Vol. 6 Issue 1

Conference proceedings from the Åland Parliament seminar on 20 October 2021: 'Demilitarisation and neutralisation – a stabilising force for peace in the region'

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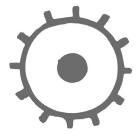
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#### **About JASS**

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. Before being accepted, all articles have been subject to a double-blind peer-review process. JASS issues may also include other types of contributions such as research notes, book reviews, and information on pending conferences. JASS is normally published twice a year. As of 2020, JASS is included in the Directory of Open Access Journals, see www. doaj.org.

The editorial board invites articles and other contributions to JASS 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.

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#### Preface

The question of neutralisation and, even more so, demilitarisation, is a living theme in international politics – from demilitarised and very temporary humanitarian corridors to permanent arrangements for a long-term settlement of inter-state relations, as in the case of the Åland Islands.

From time to time, demilitarisation is considered of no use or relevance – as in the case of the demilitarised zone between Norway and Sweden, revoked in 1993. In other instances, it becomes an important dimension of a regional security puzzle. At the time of writing this is certainly so with respect to the Åland Islands.

In order to make demilitarisation effective it needs to be not only remembered but also understood and kept under active monitoring. The 1921 Åland Convention is a case in point, which illustrates both historic and current dimensions of the relevance of demilitarisation from a legal, political, and social perspective.

For these reasons, the Journal of Autonomy and Security Studies chooses to dedicate its current issue to the Åland Parliament seminar on 20 October 2021, titled 'Demilitarisation and neutralisation – a stabilising force for peace in the region'. The date is historic as it marks the passing of 100 years since the Åland Convention on the demilitarisation and neutralisation was signed. At the seminar, 30 ambassadors to Finland from countries all over the world, some of them signatories to the Convention, had a chance to acquaint themselves with demilitarisation and neutralisation as a living regime, confirmed in international law through several treaties since the end of the Crimean War in 1856.

This special issue of JASS presents a series of speeches focusing on demilitarisation and includes contributions from the President of the Republic of Finland Sauli Niinistö, the Minister of Foreign Affairs of Finland Pekka Haavisto, Sweden's Deputy Minister for Foreign Affairs Robert Rydberg, and two of the foremost academic experts on the regime, Dr Sia Spiliopoulou Åkermark and Dr Åsa Gustafsson. It is made clear how demilitarisation has been one of the foundations for a peaceful and prosperous development of relations in the Baltic Sea region.

From a research perspective, the demilitarisation as a phenomenon and practice has not been a theme under focus comparable to many other international relations dimensions. It is our hope that this issue can inspire further reflections on the utility of demilitarisation.

Kjell-Åke Nordquist Editor-in-Chief

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# **Journal of Autonomy and Security Studies**

**Volume 6 Issue 1 (2022)** 

## Opening Speech

## President of the Republic of Finland Sauli Niinistö

Journal of Autonomy and Security Studies,  $6(1)\,2022,\,8{-}10$ 

Honourable Ambassadors, Ladies and Gentlemen, kära ålänningar,

It is a great pleasure for me to open this seminar today. Because of the stormy weather, flight to Åland was impossible. Unfortunately, I cannot join you physically to commemorate the Convention on the Non-fortification and Neutralisation of the Åland Islands, as part of celebrating the 100<sup>th</sup> anniversary of the Åland Islands' autonomy.

It was exactly one hundred years ago when the representatives of Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Poland, Sweden and the United Kingdom gathered together in Geneva to sign this landmark Convention.

Over time, the Convention has only grown in relevance, becoming an important factor underpinning the Åland Islands' autonomy, as well as regional security and stability.

Let me warmly congratulate the host, *Ålands lagting*, for organising this event. The seminar and its distinguished guests are a sign of the high international esteem in which both the Islands and the Convention are held.

According to the preamble to the Convention, it was signed "in order that these islands may never become a cause of danger from the military point of view".

To fully appreciate the sombre tone of these words, one needs to remember the history. During the Crimean War in 1854-1856, the Islands had already become a focal point in a Europe-wide conflict, resulting in the demilitarisation of the Islands.

After Finland gained its independence in 1917, the question of Åland's status almost resulted in an open conflict between Finland and Sweden. The solution to this problem was found through international cooperation. The newly established League of Nations granted Finland sovereignty over Åland in 1921. At the same time, Finland made a commitment to guarantee the tradition of the Swedish language and wide self-government on the Islands – along with the historically rooted principles of neutrality and demilitarisation that were enshrined in international guarantees in the Åland Convention.

This combination of autonomy, neutrality and demilitarisation has a unique history that resulted in a unique solution. A solution that was – and is – based on openness, diplomacy and trust. It is also a solution that has stood the test of time and has remained strong even during stormy circumstances.

We must all take heed of the firm international commitment to uphold and respect the Islands' status, and play our role in ensuring that the principles underpinning the Convention also remain robust in the future.

I am happy to note that an issue that was once in danger of generating conflict has been successfully resolved in a manner that is favourable to all.

The Åland Islands is a vibrant community and an important and enriching autonomous part of Finland. It is also one of the many bridges that bring Finland and Sweden increasingly close together. The memories of a threatening conflict are in the distant past.

At the same time, it is worth remembering that the Convention has a strong basis in international law. To succeed – not only in its own region but also globally – commitment to international law and rules-based international order is needed.

Unfortunately, adherence to our common principles cannot be taken for granted. On the contrary, upholding international order and legal principles requires constant work and care.

The Convention can also have an impact beyond the Baltic Sea Region. The rules-based international order and multilateral system are prerequisites for global security, and the Åland Convention is a part of this fabric.

Finland is fully committed to upholding international law and international security. But legal principles, however powerful and important, are not enough. The values that underpin them – a willingness of parties to engage in an open-minded dialogue, to build trust, and to seek common solutions – can have global significance.

If and when the order breaks down, or we are lacking in mutual trust and understanding, we need dialogue. In order to ensure that our people can live in true and lasting peace, we need to rebuild trust.

This is why Finland wants to strengthen the international system and our common security. This is why we need to revive the spirit of Helsinki, the spirit of dialogue that grew from the Final Act of the Conference on Security and Cooperation in Europe, which was signed in Helsinki almost 50 years ago, in 1975.

The Åland Convention has been, and still is, a stabilising force for peace in the Åland region. It is not a historical relic but a living entity – and a very much needed regime in the Baltic Sea Region.

Today, the Convention will be discussed from many perspectives and from different points of view.

I am convinced that by doing so in a spirit of dialogue, cooperation and trust, we can not only commemorate the Convention in the way that it deserves, but we can find new ways to strengthen the continued success of the Convention and the Åland Islands.

# The Demilitarisation and Neutralisation of Åland, a Stabilising Force for Peace in the Region

Finland's Minister for Foreign Affairs Pekka Haavisto

Journal of Autonomy and Security Studies, 6(1) 2022, 11–15

Mr President, Madame Premier, Mr Speaker of the Åland Parliament, Ministers, Your Excellencies, ladies and gentlemen, bästa vänner.

The Åland Islands in the hands of a foreign power is "like a pistol aimed at the heart of Sweden." Similar quotes had their place in history in relation to other conflicts as well, to my understanding. However, this quote is a free translation of a quote often stumbled upon when one reads the history books on the conflict between Finland and Sweden one hundred years ago.

The demilitarisation and neutralisation of the Åland Islands was one element of the conflict resolution by the League of Nations in 1920, with the aim of stabilizing the region and bringing lasting peace to it.

Today one can say that the Åland Islands' position in the sea between Finland and Sweden is like a bridge between us. Today the life of many people from Åland, be it business, studies or hobbies, is closely connected with both Finland and Sweden. We are happy to celebrate one hundred years of autonomy for the Åland Islands together.

The history of the Åland Islands, Finland and Sweden is closely linked together. The Åland Islands was a part of Sweden until 1809 when Sweden lost it and Finland to Russia. As we know, Finland celebrated its centenary a few years ago as we gained our independence from Russia in 1917.

Independent Finland came to include the same areas as the Grand Dutchy of Finland, and hence the Åland Islands. Back in those days a movement arose on the Åland Islands regarding reunification with Sweden. The idea gained strong support from Sweden. As the conflict strained the relations between the two neighbours, Finland and Sweden, the issue was taken to the League of Nations to be solved. In its decision of the 24<sup>th</sup> of June 1921 the League of Nations concluded that first, sovereignty of the Åland Islands is recognized to belong to Finland, second, further guarantees to be inserted in the autonomy law should aim at preservation of the Swedish language and at maintenance of the landed property in the hands of the Islanders, and that three, an international agreement in respect to nonfortification and the neutralisation of the Archipelago should guarantee to the Swedish people and to all the countries concerned that the Åland Islands will never become a source of danger from a military point of view. The Convention of 1856 should be replaced by a broader agreement placed under the guarantee of all the Powers concerned.

The Convention of 1856 was the first time the international law status of the Åland Islands was dealt with. The Convention on the demilitarisation of the Åland Islands was concluded between Russia, Great Britain and France in Paris on 30<sup>th</sup> March 1856, after the Crimean war. This Convention was complemented with a new multilateral Convention respecting

the non-fortification and neutralisation of the Åland Islands, signed in Geneva on 20th October 1921. Finland and the Soviet Union concluded at separate treaty concerning the Åland Islands on 21st October 1940. The treaty was reinstated in 1948 after the Second World War.

The Russian consulate in Mariehamn was also established in the treaty of 1940. Further, the Paris peace treaty of 1947 concluded that the Åland Islands shall remain demilitarized in accordance with the situation as it then was.

Hence the international law status of the Åland Island remains on solid ground. The 1921 Convention also specifically concludes that the provisions of the Convention shall remain in force in spite of any changes that may take place in the present status quo in the Baltic Sea. The status of the Åland Islands is also regarded as customary law binding on all states in the region.

Let me stress the importance of this provision in the Convention: "shall remain in force in spite of any changes that may take place in the present status quo in the Baltic Sea". The Baltic Sea region is located in a strategically important area, which directly reflects changes in the international security situation. We see that security in Northern Europe is increasingly interlinked, any shifts in the security situation in the Baltic Sea region, the Artic neighborhood and the North Atlantic are closely connected. The increasing competition between the great powers and weakening commitment to the rules-based international system and international law have also increased tensions in the Baltic Sea region.

After a peak in military action and tensions in 2014 the security situation in the Baltic Sea has now slightly stabilised. Finland aims to reduce tensions as we have great interest in the stability of the Baltic Sea.

One of the main objectives of our close cooperation with Sweden is to strengthen security on the Baltic Sea. In collaboration with all Nordic and Baltic countries we promote the security of the region. It is also important to engage in dialogue with Russia on issues related to the Baltic Sea and its security.

The Åland Islands, situated in the middle of the Baltic Sea, is affected by the shifts in tension in the region. The Government report on Finnish Foreign and Security Policy from 2020 states that the province of Åland Islands has recognized status under international law and that this does not prevent Finland from intensifying its defence cooperation with various actors.

With this, I return to the argument that the international law status of the Åland Island remains on solid ground. The convention has lasted for one hundred years and stands for

stability and peace in the region. The demilitarisation and the neutralisation as concepts have lasted through varied times and their basis remains the same. Apart from its legally binding nature, it has also symbolic weight which in return creates security and stability. It is also an important example of rules-based multilateral cooperation.

Your Excellencies, according to the Government Programme a stronger priority will be placed on conflict prevention, mediation and peacebuilding in Finland's foreign policy.

We will do this by for example increasing our participation in the United Nations' mediation and dialogue processes. Stepping up networking with Finnish peace mediation-actors is another important tool. We will continue to promote women's meaningful participation in peace talks and peacebuilding, with an emphasis on safeguarding women's and girls' rights in peace processes.

We will also support activities related to the inclusion of youth in peace processes. The Center of Peace Mediation, a new unit, that has started its work at the Ministry last October, has the important task of looking at ways to increase our concrete support for peace processes.

Violent conflicts are becoming more complex. This change challenges traditional peace mediation. In the changing conflict landscape a multitrack approach will be key. All actors should work in a complementary and coordinated manner. Local ownership and inclusive processes are key for creating and sustaining lasting peace. For Finland, the ownership of conflict parties is a central element; we cannot support the process unless the parties themselves are committed to it. Our task is to support the conflict parties' efforts.

The Åland Islands provide an important example of how conflicts can be solved in a peaceful manner. It is one of the most well-known successes of the League of Nations. At the same time, one must remember that each violent conflict is unique. We need to try to find context-specific solutions.

I am glad that the example continues to provide inspiration for many countries and regions in the world even today. I am also glad that we have been able to promote the Åland Islands' example at a very high level – for example, in the European Union in summer 2019, the security policy ambassadors visited Mariehamn during their visit to Finland. We had an excellent discussion on peace mediation facilitated by the Åland Islands Peace Institute and the CMI.

The Contact Group between the Ministry for Foreign Affairs of Finland and the Government of Åland was established over twenty years ago in 1998 to develop and increase the use of the Åland example in international contexts, and to increase awareness about the province and contacts with it. The group actively holds seminars with this aim in mind, the next of

which will be held during the Åland 100 celebrations in the Hague at the Peace Palace in cooperation with our embassy there.

Likewise, at the initiative of the Government of Åland, Finland has been pleased to introduce the self-governing province of the Åland Islands as a new Associate Member of UNESCO during the General Conference in November. This is also a testimony to the Åland Islands' commitment to UNESCO's work. We look forward to a positive stand by UNESCO's general conference and having the Åland Islands as UNESCO's twelfth associate member.

The demilitarisation and neutralisation of the Åland Islands is an important piece in the puzzle of creating a sustainable and lasting solution to the conflict between Finland and Sweden. I know that sustainability issues are high on the political agenda of Åland. In this regard I want to pay tribute to the Åland Islands' valuable work on sustainability issues which led to the Åland Islands sustainability agenda winning the European Sustainability Award in 2019.

With this, I conclude my speech and once again pay tribute to the 100 year-old Convention and the centenary of the Åland Islands.

Thank you.

# Åland Demilitarisation and Neutralisation – International Lessons

Deputy Minister For Foreign Affairs Of Sweden, Mr Robert Rydberg

Journal of Autonomy and Security Studies, 6(1) 2022, 16–19

President Niinistö, Mr Speaker, Ministers, Madame Head of the Åland Government, Members of the Åland parliament, Excellencies, Ladies and gentlemen,

I am honoured to be here today in Mariehamn to celebrate, together with you, 100 years of self-government and autonomy of the Åland Islands. I would like to thank the Speaker and the Parliament of Åland for the invitation and for arranging today's event.

I look forward to our discussion on the demilitarization and neutralization of Åland. This seminar is indeed an opportunity to look back at history, but also to see how decisions in the past shape our present realities and provide helpful lessons for the future.

In the aftermath of the First World War, the Åland islands was a difficult issue for the Government of Sweden. Tensions were high and there was great uncertainty on how to move forward

The decision by the Council of the League of Nations and the subsequent Åland Convention created a unique arrangement in which wise leaders at the time used international law and diplomacy to resolve a potentially dangerous dispute of sovereignty. By Finland granting Åland autonomy and cultural rights and by Sweden accepting the decision by the League of Nations, with Åland remaining in Finland, conflict was averted.

Furthermore, it has significantly contributed to Sweden and Finland having today a uniquely close cooperation and relationship. There are few countries today, if any, that are as close as Sweden and Finland. Together we are strong defenders of international law and democracy. We stand shoulder to shoulder in defending human rights, both here in Europe and internationally. We are developing a unique close cooperation also on security. Sweden has this year particularly benefitted from Finland's support for our chairpersonship of the Organisation for Security and Cooperation in Europe.

Were it not for the solution found to the Åland issue, Sweden and Finland would not be where we are today. And the agreement has held. It has been respected in the Second World War, in the Cold War, and in the latest period of unfortunately increased tension in our part of the world. It continues to ensure the demilitarization of Åland.

The classic principle of the freedom of the seas – mare liberum – remains the cornerstone of the rules and principles of international law applicable here in the Baltic Sea. This is a key principle for us, with the Baltic Sea being open for all states – including non-Baltic ones. This openness has always been important for our security. At the same time the special solutions regarding Åland, including demilitarization, have contributed to preventing conflicts and to creating trust. It is telling that the demilitarization of Åland was the focus of an agreement between France, Great Britain and Russia already in 1856. These Great Powers of Europe found reassurances in the demilitarization of this part of the

Baltic Sea, with the central and strategic location it held on many military maps in Europe.

Allow me in this connection also to convey our appreciation for the work being done by the Åland Peace Institute. Your work to encourage discussions on the Åland example between academia, political establishments and civil society representatives remains crucial.

It is so because we see many of the ingredients of the Åland question in 1921 very much present today in frozen or hot conflicts in other parts of Europe and the world, with linguistic and other minorities caught between neighbouring States – too often not ready to take a legal, rational and long-term approach, or bent on using or abusing a privileged power position.

This is, I may add, very much the reality with which Sweden continues to work in holding this year's Chairpersonhip of the Organisation for Security and Cooperation in Europe (OSCE). Our priorities have remained defending the European security order, firmly based on international law, upholding the broad security concept of the OSCE, and addressing the many frozen or not so frozen conflicts in the region –Ukraine being a case in point.

Also, in exercising this both challenging and rewarding responsibility Sweden highly appreciates the solid support of Finland. We share the same commitment to international law, to peaceful settlement of disputes, and to the power of negotiation and diplomacy. For this we are, of course, inspired by our own historic experiences, some separate, some shared, including the Åland settlement.

The world needs good examples of how negotiation and diplomacy can bring lasting peace and prosperity. Åland was and remains a symbol of peace, and the value of the Åland example for international peace-making should not be underestimated.

#### Ladies and gentlemen,

It is a moving experience to be able to take part in this celebration not via Zoom or Skype, but in real life. It reminds us of what we have gone through in the last 18 months. The pandemic has presented particular challenges to our Nordic border regions. Åland has been no exception, and our governments have had difficult issues to tackle. That said, overall cooperation between the Nordic countries has been close also during the pandemic, and this has helped us to find pragmatic solutions.

Now, as we and the world are opening up, there are new opportunities to further strengthen our cooperation. I particularly welcome that our Ministers for Nordic Cooperation are looking at how we can learn from the crisis, strengthen collaboration, and safeguard our integration.

On a final note, let me say that for Sweden this centennial is also about celebrating our friendship with Åland. Few other countries and regions can boast of such close people-to-people contacts as between neighbours here in the Åland islands and in Sweden.

Many young people from Åland choose to study in Sweden, and some Swedes here in Åland. Many Swedes work in Åland and vice versa. Close cultural cooperation and joint festivals take place, and we share the Swedish language. Almost 10 percent of the population of Åland was born in Sweden, and there are even more people from Åland living in Sweden. These are important bonds to appreciate and to safeguard.

Let us cherish the wisdom of our leaders 100 years ago who laid a basis that continues to serve Åland, and all of Finland and Sweden, so well – and continues to inspire us to do our part in promoting peace and prosperity in our neighbourhood and well beyond.

Thank you.

# The 1921 Convention on the Non-Fortification and Neutralisation of the Åland Islands as an integral part of the Åland Solution

Director of the Åland Islands Peace Institute, Associate Professor of International Law Sia Spiliopoulou Åkermark

Journal of Autonomy and Security Studies, 6(1) 2022, 20–27

Honourable Mr President, Excellencies, Ladies and Gentlemen,

To celebrate a centenarian is a unique opportunity. This is my first centennial party, so I take the chance to discuss with you the implications of the fact that the 1921 Convention on the Non-Fortification and Neutralisation of the Åland Islands is an integral part of the Åland Solution as a whole.

My main message is that the negotiation of the totality of the solution, which involved the issue of sovereignty over the islands, moderated through the demilitarisation and neutralisation of them and accompanied by territorial autonomy as well as language and cultural safeguards, was a comprehensive, multilevel process that involved some of the brightest minds of international diplomacy and law at the time. It was not an achievement by the Ålanders, it was not an achievement by Finland, it was not an achievement of Sweden nor of the League of Nations alone. It was a broad collective effort at local, national, regional and international levels.

In this, it shows how demanding conflict resolution was and still is.

Today's great opportunity gives me the chance to review some of the things I have learned working with international law and Åland matters in the past 30 years, including heading a three-year research project on the demilitarisation and neutralisation experiences, a project which involved several highly qualified researchers and a fantastic board of advisors from many countries.

The 1921 Convention on the Non-Fortification and Neutralisation of the Åland islands was signed in Geneva on this day, October 20<sup>th</sup>, exactly one hundred years ago. As all developments in international law, it did not pop up out of the blue. It was negotiated as a response to and continuation of the experiences before and during World War I and the civil war in Finland.

It was a true case of "learning by doing" in the early days of institutionalised multilateralism. The decision of June 24<sup>th</sup> 1921 by the League of Nations Council made clear what the components of the solution to the Åland dispute should be. So, in fact what we call the Åland Example also celebrates its centenary anniversary in 2021. A solution could only be complete if sealed by a convention, a multiparty agreement guaranteeing the demilitarisation and neutralisation of the islands, said the Council.

What was already in place at the time was the 1856 Convention between Russia, Great Britain and France. According to Johan Otto Söderhjelm, who wrote one of the first doctoral theses on the demilitarisation in 1928, the 1856 convention continued to be in force and was binding also for the other parties that had signed the Paris Peace Treaty of 1856, namely Austria, Prussia and Sardinia. The 1856 agreement included, however, only

one operative article, which spoke against fortifications, and did not distinguish between times of peace and times of war.

Our focus today, however, is rather the 1921 Convention, and what is of importance here is that both the Commission of Jurists and the Commission of Rapporteurs appointed by the League of Nations Council to explore and prepare a decision on the Åland dispute agreed upon the continued validity of the 1856 treaty, and moreover of the need for a new convention which would address the gaps revealed in the 1856 regime through the events prior to and during the First World War.

During the First World War things had changed, and Russia, Great Britain and France were now allies. They tolerated, along with Sweden, what were explained by Russia as temporary fortifications necessary during time of war against the aggressive policies of Germany in the Baltic Sea. After all, the 1856 Convention did not regulate the ramifications of the right to self-defence in time of war, by contrast to what was the case at that same time for instance in the Ionian islands.

The Russian fortifications were indeed demolished at the end of the war in 1918. The Commission of Jurists on the Åland dispute (between Finland and Sweden) had started its work already in summer 1920, and described the norms pertaining to the demilitarisation of the Åland Islands as "un règlement d'intérêts européens" – that is, as norms of European interest, thus acknowledging that the need for a security solution was not simply of local, but of European, interest.

The Commission of Jurists was composed of Ferdinand Larnaude from France, Antonius Struycken from the Netherlands, and Max Huber from Switzerland, with the lawyer Georges Kaeckenbeeck from Belgium as secretary. These four were all highly engaged and well-known jurists at the time, and most of them were also highly involved in making the League of Nations a workable tool controlling the use of force and regulating international affairs.

The Commission of Rapporteurs also discussed extensively the issue of the demilitarisation and neutralisation of the islands, and came to similar conclusions. In fact, the Commission of Rapporteurs said clearly "moins il y aura d'appareil militaire à Aland, plus la tranquillité y sera ssure", i.e. the less military presence the more guarantee of calm. This Commission was composed of Baron Beyens from Belgium, Felix Calonder from Switzerland, and Jewish-American lawyer Abram Elkus.

In the treatment of the matter in the Council of the League of Nations one also finds names such as the Chinese president of the Council, Vi Kyuin Wellington Koo, who opened the demilitarisation and neutralisation negotiations in October 1921, and the Danish

diplomat *Herman Anke Bernhoft*, who was elected as chair of the conference, had earlier been involved in the negotiations concerning North Schleswig/Sønderjylland, and later became part of the Danish delegation in the East Greenland case before the Permanent Court of International Justice in the 1930s. The secretary of the demilitarisation and neutralisation conference was none other than Donisio Anzilotti, who later became a judge at the Permanent Court of International Justice. In the background we found the support of the Japanese diplomat Inazo Nitobe, Vice president of the Council, who said insightfully during a lecture in Brussels in September 1920:

Certainly, a calm discussion of jurists has nothing in it to appeal to the lovers of the spectacular, to whom a war between Finland and Sweden would have afforded something spectacular.

Interestingly, Anzilotti and Kaeckenbeeck wrote a note for the conference about the position of the demilitarised and neutralised Åland Islands as part of collective security. So, both Commissions as well as the League of Nations Council emphasised the necessity and continuity of the demilitarisation of the islands, its broadening through rules applicable during armed conflict, as well as the international character of the matter.

However, the negotiations of the 1921 Convention did not involve only peacefully inclined lawyers and diplomats. In the conference negotiating the 1921 convention there was also a strong participation by and contacts with the military elites of the negotiating parties. In the Finnish delegation we find, for instance, General Oscar Paul Enckell, in the Danish delegation Captain Henri Wenck, Chief of Staff of the Danish Navy, and so on.

All in all, my point with all these names of distinguished men from around the world, engaged in the Åland Solution, is that the 1921 Convention on the Non-Fortification and Neutralisation of the Åland Islands was not a hasty or impulsive result done within a few weeks in October 1921, but a continuation of a deep and broad engagement and thorough examination by a range of political, diplomatic, legal and military voices from very many countries. I feel grateful for and impressed by the amount of intellectual and diplomatic activity invested in the Åland islands by all those international actors. I am also impressed, but not particularly surprised in view of the above, by the number of ambassadors present in this hall today, a fact which further underlines the relevance of the Åland solution in international affairs.

Needless to say that Finland, Sweden and the Ålanders – the last ones having no formal standing but who developed their own agency throughout the process – were the protagonists who also had to live with the outcomes on a day-to-day basis.

As it has been said many times before, this was a reasonably tolerable compromise. All sides were unhappy about some of its aspects, but all had received recognition of at least some of their claims and expectations. Finland was content with the sovereignty over the islands and wide international support for the newly established Republic. Sweden was happy mainly for the demilitarisation and neutralisation regime, and Hjalmar Branting, Swedish Prime Minister, received the Nobel Peace Prize in 1921 for accepting the Åland dispute settlement and for his support for the efforts of the League of Nations. The Ålanders were originally both unhappy and worried, but the solution had specified at least a list of guarantees concerning their territorial autonomy, as well as the cultural and language safeguards.

So, the Åland Solution consists of a number of interlocked elements addressing three core aspects:

- The issue of government (through the division of power between the state and the territorial autonomy, as well as the special appointment procedure for the Governor of Åland);
- The issue of language and culture (including the language of education and bilingual constitution of Finland);
- The issue of security, local and regional (through the demilitarisation and neutralisation regime, but also through provisions for an Ålandic Swedish-speaking police and the continued validity of the exemptions to conscription, which are not part of the demilitarisation but are often perceived by both outsiders and local laymen as being part of the demilitarisation and neutralisation regime).

In the period following the end of the First World War there were several other conventions signed, several of which are still in force. The Svalbard/Spitzbergen Treaty is an example that readily comes to mind, since it also includes a somewhat different system of confidence building and collective security adjoined by demilitarisation. In a similar vein, but a little later, also the Montreux Convention in 1936 concerning the Bosporus and Dardanelles. But I am thinking also of the numerous minority treaties and minority provisions in peace treaties affecting a large number of states and minorities, provisions remaining valid and of relevance still today.

In other words, the Åland solution is a wooden knot puzzle, as Finnish diplomat René Nyberg has aptly put it — easy to take apart but difficult to put together, both with regard to its own components and the web of relations created, as well as with regard to its place as a crucial element of the ideas of collective security and confidence building still valid and much needed today. It is this unique experience that functions as a source of hope and

inspiration for all those who visit Åland, and who enquire about better knowledge and understanding of what the Åland Example entails.

We do not have the time to go through the specific provisions of the 1921 Convention in detail, but I would be more than happy to do so when an occasion arises.

The concept of demilitarisation (Articles 3-5) entails the basic restrictions on fortifications and military activities. The concept of neutralisation (Articles 6-7) outlines the specific exceptions permitted during wartime, thus recognising the right to self-defence but under limitations. The starting point is always the absence of fortifications and military activities, and limitations to this basic point should be interpreted restrictively.

I want to highlight for you especially the wording of Article 8:

The provisions of this Convention shall remain in force in spite of any changes that may take place in the present status quo in the Baltic Sea.

I am very grateful that Minister Haavisto has already underlined this exact same provision in his speech.

What the Convention is saying is that it is valid irrespective of power relations, military alliances, or the prevailing security situation. Come rain or shine, for better or for worse, the non-fortification and neutralisation is to be respected. It is clear from the circumstances of its inception that its value is at the forefront especially during periods of crisis and conflict, and that the peacetime provisions give the foundation and provide the trust and communication necessary for it to function in times of crises.

In fact, this provision is fully in line with the core idea encapsulated much later in the Vienna Convention on the Law of Treaties (Article 62.2.a) which prohibits the possibility of invoking fundamental change of circumstances with regard to treaties that establish boundaries.

There are voices, also in Finland, also among Swedish-speakers, and also in Sweden, who say: "We cannot tolerate a situation of a so-called 'military vacuum'. It is dangerous."

The answer in the convention is that what such voices describe as a military vacuum is, in reality, filled with a dense web of legal rules and diplomatic tools. These voices who speak of a military vacuum are those that Nitobe described as "lovers of the spectacular", who show contempt vis-à-vis lawyers, diplomats, compromise and agreements – all such things which can be described as 'words'. The alternative to words is of course violence and war, and war means, unavoidably, death.

The 1921 Convention has been confirmed on a number of occasions, but I shall not go into the details. From an Ålandic perspective, the Convention came to the forefront

in October 1938, when demonstrations were held in Mariehamn against the proposals by certain circles in Sweden and Finland to limit the territorial scope of the Convention. This is perhaps the first example of an occasion when the Ålanders were involved in the upholding of the demilitarisation and neutralisation regime.

Of practical relevance in the Baltic Sea are the declarations made by Sweden, Finland and Denmark at the time of the ratification of the 1982 Convention on the Law of the Sea, which allowed for a more restricted right of passage through the Åland Sea, i.e. the strait between Åland and Sweden, as well as through Öresund. Sweden and Finland relied on the Åland demilitarisation and neutralisation as a long-standing regime to achieve such an exception.

But let us leave all such legal details, and death and war, aside! What do people who have already turned 100 years old give as advice to us 'youngsters'?

I found on the internet this fantastic 'Guide to Living your Best Life', where one hundred year old ladies share with us their thoughts on the matter. Here are some excerpts:

- Get yourself involved!
- Look for peace, because it is not always easy to find.
- Think for yourself!

#### Ladies and gentlemen,

I hope I have convinced you that setting aside, ignoring or undermining the demilitarisation and neutralisation of the Åland Islands would not only entail a great loss for Åland, for Finland and for Sweden, but in fact for international law and cooperation and peace. The international character of the regime is not altered by the fact that there are constitutional and domestic rules implementing some aspects of the international decisions and agreements.

I hope I have also convinced you that the international and the domestic aspects of the Åland solution are equally important, and need to be dealt with wisely and in a balanced way. This requires respecting the territorial integrity of Finland without obliterating the international obligations that have in fact become customary, and according to some experts even erga omnes, i.e. placing obligations on all states and international actors. This is fortunate at times when superpowers operate across the globe.

It is still conventional armed activity that kills people in conflicts around the world. It is weapons, bombs, mines, and drones that kill. While we continue discussing exactly how international law applies to cyberspace, we can therefore welcome the fact that the UN General Assembly confirmed in its resolution A/Res/73/266 of 22 December 2018 that

indeed international law applies to cyberspace too. Cyberspace could even incorporate rules of demilitarisation and neutralisation.

Let me, however, finish with more of the advice given by one of the grand centenarian ladies, advice which I think is spot on for the topics we discuss:

• If you give up on yourself, shame on you!

Thank you!

# Demilitarisation and Neutralisation in the Context of European Security

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#### I. Developments/background EU CSDP

The theme for my presentation is the Åland Islands' status as demilitarised and neutralised in the context of the EU Common Security and Defence Policy, CSDP, which was originally launched in 1999 and developed in the Lisbon Treaty that came into force in 2009.

I will give a brief overview of security and defence developments in the EU, and thereafter point to specific implications for the Åland Islands' status as demilitarised and neutralised.

The idea of a security or defence alliance is as old as the Union itself, but attempts made have failed. However, new efforts are being made, emanating from a heightened sense of insecurity in the EU, for a number of reasons. Views differ on what exactly these efforts will result in.

When looking closer at these security developments it might be interesting to note how the formulations in two major EU strategic documents, one from 2003 and one 2016, differ. In the first European Security Strategy of 2003 – at a time when the wars in the former Yugoslavia had been laid to rest – it is stated that "Europe has never been so prosperous, so secure, nor so free". In 2016 that had changed, and in the EU's global strategy of 2016 it was stated that: "We live in times of existential crisis, within and beyond the European Union. Our Union is under threat."

In 2016 the then Commission President Jean-Claude Juncker proposed a fully-fledged defence union by 2025, and the EU Commission presented a European Defence Action Plan in 2016. Around a month ago also the current Commission President Ursula van der Leyen called for a European Defence Union.

EU initiatives that have been rolled out since 2016 include:

- the European Defence Fund which is meant to increase cooperation on defence projects,
- the Strategic Compass which, based on a common threat analysis, aims to define the EUs level of ambition as a security provider,
- A military mobility project which aims at facilitating the movement of military troops and assets, a flagship project within the EU-NATO cooperation,
- Permanent structured cooperation, PESCO, introduced in articles 42(6) and 46 Treaty on European Union is aimed at fostering a sense of military solidarity across the EU this corporation can be framed as an economically rational cooperation in defence procurement, whilst an opposing view is that it as a threat to military non-alignment in states such as Finland and Sweden. Another way of looking at PESCO is as a step towards a European security community.

Having listed a number of elements that are referred to as part of an EU Security and Defence Policy, it seems appropriate to recall that in the on-going work EU-NATO complementarity is stressed on both the EU and NATO sides.

#### II. The Åland Islands

Turning to Åland: Åland is not mentioned in CSDP documents. The demilitarisation of Åland is a sui generis arrangement, which is why it can be difficult to locate in a European security context.

However, importantly, as is well known, a reference to the demilitarised and neutralised status of the Åland Islands was included in primary EU law in connection with the accession of Finland to the EU in Protocol No. 2 attached to the Accession Treaty. After the Finnish EU accession, it has been confirmed in subsequent EU acts that the Åland Protocol will continue to apply. In the Lisbon Treaty of 2007, which amended the basic treaties of the EU, it was stated that the Åland Protocol would continue to apply. In 2010 Finland gave a unilateral declaration at a meeting of the permanent representatives (COREPER), stating that the demilitarised and neutralised status of Åland remains in force even after the entry into force of the Lisbon Treaty.

#### III. The EU assistance and solidarity clauses

Turning to two specific clauses in the security and defence field that are of particular interest for Åland's demilitarisation, there are two clauses on mutual assistance and solidarity within the EU. The two clauses have their origin in the Western European Union Treaty (the Brussels Treaty of 1954) and the proposed 2004 EU Constitutional Treaty that did not come into force. But the Lisbon Treaty, which came into force in 2009, contained the mutual assistance and solidarity clauses from the Constitutional draft.

 Article 42.7 Treaty on European Union (TEU) – mutual assistance clause or mutual defence clause

This clause provides that if an EU state is the victim of armed aggression on its territory, the other EU states have an obligation to aid and assist it by all the means in their power, in accordance with article 51 of the United Nations Charter. The formulation is reminiscent of the better known article 5 of the North Atlantic Treaty.

In the clause the formulation "this shall not prejudice the specific character of the security and defence policy of certain Member States" is intended to take care of concerns

of non-aligned states (including Finland and Sweden) in the EU, which are of somewhat varying character.

France invoked article 42.7 after the 2015 terrorist attacks, the only time it has been applied so far, and asked for assistance from other EU Member States. Belgium did not invoke it in 2016.

Article 42.7 does not set out any formal procedure. It implies an intergovernmental process – no Council decision is needed to start the process.

Importantly, the duty to assist according to the article is subsumed to the relationship with NATO. It is considered that the EU's mutual assistance clause cannot be invoked if NATO's article 5 has already been invoked.

• Article 222 Treaty on the Functioning of the European Union (TFEU) – the solidarity clause

The clause provides that EU states are obliged to act jointly where an EU state is the victim of a terrorist attack or a natural or man-made disaster.

Turning to a possible concrete case: if an EU Member State, for some valid reason, requests access to the demilitarised territory of Åland under the EU mutual assistance clause or the solidarity clause, Finland would have to balance the requirements of the demilitarisation regime (assuming that we are in peacetime) against the assistance to be given under EU law, and the requirements of the UN Charter and international law. In such an exercise, in particular the 1921 Convention – which we celebrate today – is detailed regarding what is permitted in peacetime. It can also be recalled that, arguably, exceptions to the main rule should be interpreted restrictively.

Article 222 could seemingly be used, if necessary, as a basis for strictly non-military access by other EU states to the demilitarised territory of Åland, for instance, through international police cooperation in the case of terrorist attacks or disasters.

#### **IV. Conclusion**

Finally, a few reflections regarding security aspects in general. The EU can be seen as the most important security organisation for Finland. The demilitarisation was intended to prevent war and decrease tension in the Baltic Sea and Northern Europe. Regional cooperation, for instance within the EU, may have the same purpose. And EU and regional cooperation can serve to safeguard the autonomous and demilitarised status of Åland, if the cooperation is pursued with an intention to safeguard the Åland Islands' status. In that way EU cooperation and regional cooperation will contribute to continued stability in the region.

## Further readings on the topic of demilitarisation and neutralisation

#### International documents regarding the Åland status

The Åland Foundation for Culture has gathered and published the international documents that make up the formal background of the Åland international status and autonomy, including the demilitarisation and neutralisation. The wording of the original documents has been collected through the archives of the United Nations and the League of Nations and the British Public Records Office. In 1993, a booklet was published, with facsimile prints of the originals and newly controlled translations to Swedish of all documents and to English of the documents in other languages than English or French. In 2018 also the documents concerning Åland in connection to the EU-association 1994 and the Lisbon Treaty of 2009 were added to the collection. The English version of this collection can be found here.

#### Research project on Demilitarisation

The project "Demilitarisation in an increasingly militarised world. International perspectives from a multilevel regulatory framework – the case of the Åland Islands" was conducted in 2015–2018 at the Åland Islands Peace Institute. It was led by Dr Sia Spiliopoulou Åkermark and supported by the Kone foundation, Helsinki.

Cooperation partners in the project were the University of Lapland and its Arctic Centre in Rovaniemi, Finland. Researchers involved in the project were: JD Pirjo Kleemola-Juntunen; research professor and director of the Arctic Centre in Rovaniemi Timo Koivurova; doctoral candidate and junior researcher Saila Heinikoski; as well as research assistants Yannick Poullie and Filip Holienčin.

At the end of the project an international symposium was held on October 2018 in Mariehamn and the book "Demilitarisation and International Law in Context – The Åland Islands" was published by Routledge publishers. The book is available for purchase <u>here</u>.

Sia Spiliopoulou Åkermark' s summary of the project can be found in <u>What is the essence of the institution of demilitarisation? Reflections upon Completion of the Research Project</u>.

In addition to the book, the following articles were published within the project (in chronological order):

- Sia Spiliopoulou Åkermark, "Old rules and new technology. Drones and the demilitarization and neutralization of the Åland Islands" *Finnish Yearbook of International Law*, Vol. 25 (2015), 49—74.
- Yannick Poullie, "Åland's demilitarisation and neutralisation at the end of the Cold War: Parliamentary discussions in Åland and Finland 1988–1995", *International Journal on Minority and Group Rights*, Vol. 23: 2 (2016) 179–210.
- Saila Heinikoski, "The Åland Islands, Finland and European Security in the 21st Century", *Journal of Autonomy and Security Studies*, Vol.1:1 (2017), 8–45. <u>Available Open Access</u>.
- Saila Heinikoski, "Pool It or Lose It? A contrastive analysis of discourses concerning EU military integration and demilitarization in the Baltic Sea", *Journal on Baltic Security*, 3:1 (2017) 32–47. Available Open Access.
- Timo Koivurova and Filip Holiencin, "Demilitarisation and neutralisation of Svalbard: how has the Svalbard regime been able to meet the changing security realities during almost 100 years of existence?" *Polar Record*, Vol. 53:2 (2017) 131–142.
- Sia Spiliopoulou Åkermark, "The Meaning of Airspace Sovereignty Today A Case Study on Demilitarisation and Functional Airspace Blocks", *Nordic Journal of International Law* (2017) 91–117.
- Sia Spiliopoulou Åkermark, "The puzzle of collective self-defence: dangerous fragmentation or a window of opportunity? An analysis with Finland and the Åland Islands as a case study", *J Conflict Security Law* Vol. 22:2 (2017) 249–274.
- Pirjo Kleemola-Juntunen, "The Right of Innocent Passage: The Challenge of the Proliferation Security Initiative and the Implications for the Territorial Waters of the Åland Islands" in *The Future of the Law of the Sea: Bridging Gaps between National, Individual and Common Interests*, ed. Gemma Andreone, Springer publisher (2017), 239–269. Available Open Access.
- Pirjo Kleemola-Juntunen, "Straits in the Baltic Sea: What Passage Rights Apply?" in *Regulatory Gaps in Baltic Sea Governance: Selected Issues*, ed. Henrik Ringbom, Springer, MARE Publication Series, Vol. 18 (2018) 21–44
- Sia Spiliopoulou Åkermark, Tatu Hyttinen and Pirjo Kleemola-Juntunen, "Life on the Border: Dealing with Territorial Violations of the Demilitarised and Neutralised Zone of the Åland Islands", *Nordic Journal of International Law*, 88:2 (2019) 135–179.

#### Selected academic articles on the topic

- Holger Rotkirch, "The Demilitarization and Neutralization of the Åland Islands: A Regime 'in European Interests' Withstanding Changing Circumstances", *Journal of Peace Research* 4 (1986), 357–376.
- Åsa Gustafsson, "Aspects Regarding the Svalbard Demilitarisation in Relation to Norway Joining the Atlantic Alliance in 1949, and Reflections on the Åland Islands' Demilitarised and Neutralised status in the Event of a Finnish NATO accession", *Journal of Autonomy and Security Studies*, 2:2 (2018), 10–53. Available open access.

#### Selected books available in English

- Lauri Hannikainen and Frank Horn, *Autonomy and Demilitarisation in International Law: The Åland Islands in a Changing Europe* (1997) Kluwer Law International, the Hague.
- Teija Tiilikainen, *Åland, Finland and European Security* (2002) The Åland Islands Peace Institute.
- Christer Ahlström, *Demilitarised and Neutralised Territories in Europe* (2004) The Åland Islands Peace Institute.
- Susanne Eriksson, "Åland A demilitarised and neutralised territory", in Eriksson et al, *Islands of Peace. Åland's autonomy, demilitarisation and neutralisation* (2006) The Åland Islands Peace Institute, 9—36.
- Sia Spiliopoulou Åkermark, "Ålands Demilitarisation and Neutralisation: Continuity and Change", in Sia Spiliopoulou Åkermark (ed.), *The Åland Example and Its Components Relevance for International Conflict Resolution* (2011) The Åland Islands Peace Institute, 28–49.

#### Selected material available in Swedish

- Mikaela Björkholm och Allan Rosas, *Ålandsöarnas demilitarisering och neutralisering*, (1990) Meddelande från Ålands kulturstiftelse.
- Christer Ahlström, *Demilitariserade och neutraliserade områden i Europa* (1996) Forskningsrapport från Ålands fredsinstitut, meddelanden från Ålands högskola nr 7, Mariehamn.
- Ove Bring, Lauri Hannikainen, Pertti Joenniemi och Krister Wahlbäck, *Åland på den säkerhetspolitiska agendan* (1996) Rapport från symposiet "Hur utveckla Ålands demilitarisering och neutralisering?" 30.11.1995, Meddelanden från Ålands högskola nr.8, Mariehamn.
- Teija Tiilikainen, Åland, *Finland och europeisk säkerhet* (2002) Ålands fredsinstitut. Christer Ahlström, *Demilitariserade och neutraliserade områden i Europa* (2004) Ålands fredsinstitut.
- Susanne Eriksson, "Åland demilitariserat och neutraliserat område" i Eriksson m.fl. *Fredens öar. Ålands självstyrelse, demilitarisering och neutralisering* (2006) Ålands fredsinstitut 9–35.
- Graham Robins och Jenny Lucenius, *Demili- vadå?: demilitariseringens ABC* (2006). Kenneth Gustavsson, *Ålandsöarna en säkerhetsrisk? Spelet om den demilitariserade zonen 1919–1939* (2012) PQR-kultur.
- Ålands landskapsregering, *Ålands demilitarisering och neutralisering Handbok för landskapets myndigheter* (2015) <u>tillgänglig online</u>.
- Åsa Gustafsson, "Gränsbevakningens förändrade befogenheter: Frågor om transparens och demilitarisering", i Spiliopoulou Åkermark (red.) Styr ålänningarna sitt öde? Demokratiperspektiv på Åland (2021) Cavannus.

Publications of the Åland Islands Peace Institute can be ordered here.

#### Call for Papers

#### Special issue II 2022: Federalism

Journal of Autonomy and Security is opening for a thematic issue to be published in autumn 2022 on the overarching theme of Federalism.

While no door is closed for an article or research note on the topic of federalism in this special issue, there is a special value in articles that draw the attention to dynamics that reflect changes of the global order impacting on the concept and practice of federalism.

Examples of such changes are:

- the increased para-diplomatic activity of federal units which means transgressing previously sacrosanct state borders,
- the complex nature of state identities which challenge the federal idea by the sheer multitude of levels of appropriate application, or
- as a more theoretical example challenges to, or methods for dealing with, problems of a uniform implementation of (the same) principles on different levels of administration, for instance regarding Human Rights or general administrative principles.

Deadline for submissions to this Issue is May 1<sup>st</sup>, 2022.

# Special issue I 2023: Territorial autonomies in an era of great power competition: battlegrounds or actors?

The transformations of international relations in recent years have put territories with autonomous status back in the forefront of global politics. The best-known cases of today are those that concern great powers and their respective rivalries. For example, the controversies over China's Xinjiang Uyghur Autonomous Province have put pressure on many countries to revise their relations with Beijing, the Russian annexation of the Autonomous Republic of Crimea has been regarded as the catalyst of a new cold war and even Donald Trump's proposal to buy Greenland from Denmark was a tense moment in the relationship between the European Union and the United States. The new era of tensions and strategic competition between China, Russia and the United States has demanded states all throughout the world to recalibrate their assumptions. Is the situation similar for territorial autonomies?

Territorial autonomies have a scope for decision-making in international relations, one that has been analysed in frameworks such as paradiplomacy, federal relations and continental integration. However, the attempts to understand the role and place of territorial autonomies in great power rivalries have been sparse, with many fundamental questions left unanswered. Are territorial autonomies only an object of great power competition? Or do they have ways to assert their preferences and navigate these international rivalries? Are territorial autonomies subject to similar pressures to cope with great power rivalry as the states they are constituents of? Or does their autonomous status offer them room to trace their own approaches?

This new edition of JASS calls for scholars to contribute with original full-length research articles that investigate the place of territorial autonomies in great power competition. We are particularly interested in manuscripts that conceptualise and theorise the agency of territorial autonomies in the context of great power rivalry, 'Exit from Hegemony' (Cooley & Hethershaw 2020) and other recent analyses of international politics. We are also interested in theoretically-informed and empirically-rich descriptions of how territorial autonomies cope with great power rivalries. The ultimate goal of this special issue is to evince the importance of territories with autonomous status in the 'big', structuring state rivalries of today.

Deadline for submissions to this issue is February 1st, 2022.

JASS welcomes both articles and research notes and does not charge APCs or submission charges. It is an Open access journal and applies a Creative Commons license. Articles should preferably not include more than 12 000 words (excluding references).

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Journal of Autonomy and Security Studies