

The implementation of an international  
Decision at the Local Level:  
The League of Nations and the Åland Islands 1920–1951

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Abstract

The Ålandic autonomy has evolved into a relatively well-functioning system over the last century. A scrutiny of the first three decades following the decisions by the Council of the League of Nations shows that this was not always the case. This article engages with the main political issues that Åland faced during this time, focusing on the problems that directly or indirectly involved the League. It is argued that from the point of view of the Ålandic population and its political representatives, the survival of the regime cannot be attributed to the design of the solution itself. Had Åland had a larger population and more political and economic muscles, the regime would not have remained intact for as long as it did. When the Åland Example is used in conflict resolution, mistakes made and possible alternative paths are essential elements to explore.

Keywords

Åland, the interwar years, the League of Nations, minority protection, autonomy

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## 1. Introduction

Within the League of Nations, a framework for the protection of minorities was created from 1919 onwards. Most of the minorities that profited from this system faced a tragic fate, and after 1945 it fell almost entirely into oblivion, also among academics who had shown an enormous interest during the interwar period.<sup>1</sup> The League of Nations in general was also missed by few when it was dissolved and replaced by the United Nations. The Åland Islands, a Swedish-speaking area belonging to Finland, is a case that stands out in two different ways. First of all, the Åland minority protection regime is the only element of the League system that survived the League itself. Second, serious concern and apprehension followed on Åland when the League was dissolved and it remained unclear whether the UN would take on the League's responsibilities regarding minority protection.

Åland is today often used as an example of successful conflict resolution.<sup>2</sup> The solution was definitely successful in the sense that it avoided war between Sweden and Finland. During the last century, the autonomy has also evolved into a relatively well-functioning system that few wish to replace. However, a scrutiny of the first three decades following the decision by the Council of the League of Nations shows that it was not always so appreciated. This article engages with the main political issues that Åland faced during these decades, focusing on the problems that directly or indirectly involved the League. What were the disputes about and how were they handled? How was the regime able to survive the disagreements? What role did the League play for Åland during its existence, and why was the League missed on Åland after its dissolution? I will argue that from the point of view of the Ålandic population and its political representatives, the survival of the regime cannot be attributed to the design of the solution itself. The answers are instead to be found in the international and national politics of the surrounding states.

The first part of this article gives an overview of the League's minority protection system, the background to the 1917–21 conflict over the sovereignty of the Åland Islands, and the solution presented by the Council of the League. These events have been described many times before, and the principal contributions of this article lie in its following sections. The second part investigates the period 1922–1944, when the League's decisions were implemented and the Ålandic regime at least theoretically enjoyed the League's protection. The third part explores the impact of the end of the war and the dissolution of the League.

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1 See Peter Hilpold, "The League of Nations and the Protection of Minorities – Rediscovering a Great Experiment", *Max Planck Yearbook of United Nations Law*, 17 (2013): 87–124, 90.

2 See e.g. Mark Mazower, "Minorities and the League of Nations in Interwar Europe", *Daedalus*, 126, no. 2 (1997): 47–63, 54; Markku Suksi, "Explaining the Robustness and Longevity of the Åland Example in Comparison with Other Autonomy Solutions", *International Journal on Minority and Group Rights*, 20, no. 1 (2013): 51–66, 53.

## 2. The Åland Question and the League of Nations

### 2.1 The League of Nations and minority protection after World War I

During the 19<sup>th</sup> century, religious freedom and toleration had often been a requirement for the recognition of new states in Europe by the great powers. In 1919, “national” rights became a concern alongside religious rights.<sup>3</sup> The higher moral ground behind the Entente’s involvement in World War I had been the aim of self-determination for European nations.<sup>4</sup> After the fall of the Eastern European empires, it was agreed that the borders would be redrawn according to the will of the population in each district. This was considered to be in accordance with the principles of justice and humanity, but it was also seen as necessary in order to prevent war in the future. It quickly became clear that it was physically impossible to abide by the popular wish in every case, or to draw frontiers along ethnographic lines.<sup>5</sup> It was therefore considered essential to award the new minorities protection for their languages, religions and cultures.

The Treaty signed between the Principal Allied and Associated Powers and Poland at the Paris Peace Conference on 28 June 1919 became the model for the minority treaties that followed: with the Serb-Croat-Slovene State, Czechoslovakia, Romania and Greece. For Austria, Bulgaria, Hungary and Turkey, minority obligations were instead inserted into the General Peace Treaties. For Upper Silesia and the Territory of Memel, obligations were accepted in special conventions, whereas Albania, Estonia, Finland (concerning Åland), Latvia, Lithuania and Iraq made unilateral declarations to the Council of the League of Nations. Iraq was the only case where the League’s minority protection system was imposed outside Europe. All these minority provisions were put under the surveillance of the League. Sixteen states were obligated at the peak of the system.<sup>6</sup>

In addition to the Åland solution, three other minority territorial autonomy arrangements were created after World War I: Ruthene Carpathia, a mainly ethnic Ukrainian region within Czechoslovakia; the Free City of Danzig, a mainly ethnic German area claimed by Poland; and the Memel Territory, a mainly ethnic German region within Lithuania. None of the other arrangements survived the League. Susan J. Henders argues that out of these four, “the one for Åland most strongly recognized the minority in question as

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3 Mazower, “Minorities and the League ...”, 51.

4 Hilpold, “The League of Nations ...”, 91.

5 H. W. Temperley, ed., *A History of the Peace Conference of Paris – Vol. V: Economic Reconstruction and Protection of Minorities* (London: Oxford University Press, 1921): 121.

6 See e.g. Hilpold, “The League of Nations ...”, 92, 97.

a collectivity with territorialized, group-specific cultural rights, rights to self-rule, and regional citizenship”.<sup>7</sup>

International minority protection provisions were not invented after World War I, but the fact that an international organization was to supervise the implementation of these provisions was a new situation. This power had previously only been held by sovereign states. This international guarantee was called “The League of Nations’ Guarantee”.<sup>8</sup> Peter Hilpold notes two potential advantages of the system: first, that unilateral interference by kin-states would be made redundant; and second, that an impartial institution would make the supervision and implementation of minority rights more effective as it could disregard political considerations that had mattered greatly when states were the ones deciding whether to criticize other states or not. In practice, these expectations were only partly fulfilled. Hilpold observes that the League had not emancipated itself enough from its member states. In addition, he claims that its officials were “caught [...] by a thinking which paid extreme tribute to the traditional concept of state sovereignty”, which “prompted the League to act overcautiously and even display bias towards state interests”.<sup>9</sup>

Compliance with the obligations differed greatly among the states from the beginning until the end.<sup>10</sup> One of the main reasons for the resentment felt among the obligated states was that the system only applied to a limited number of states, all located in Central and Eastern Europe. Attempts to develop a system of general minority protection were made from the start. A demand for such a uniform international system was also what finally killed it, when the Polish Minister for Foreign Affairs in 1934 terminated Poland’s collaborations with the League in minority questions until such a system was in place.<sup>11</sup>

Hilpold claims that the powers were more concerned with producing a settlement that would seriously damage the defeated states than with really trying to protect minority rights on a general level. He also argues that the greatest shortcoming of the system was that it was not tied to a general human rights system. The protected minorities were themselves accused of having overturned the system. Hilpold, calling the League system an “experiment”, argues that even if it ended tragically for many of the minorities, it was not in vain. First, he observes that human rights thinking after World War II was very much influenced by the experiences from the interwar period, even if it is not often recognized. Second, he claims that these experiences provide many insights into the complexities of minority and human rights protection that are relevant also today.<sup>12</sup>

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7 Susan J Henders, “Internationalized Minority Territorial Autonomy in Early Post-WWI Europe”, *International Approaches to Governing Ethnic Diversity*, ed. Jane Boulden and Will Kymlicka (Oxford: Oxford University Press, 2015): 262–291, 279. Henders describes and compares the autonomy arrangements.

8 Hilpold, “The League of Nations ...”, 93.

9 Ibid., 94.

10 Ibid., 92; Mazower, “Minorities and the League ...”, 383.

11 Hilpold, “The League of Nations ...”, 94, 97.

12 Ibid., 90–91, 97.

Mark Mazower does not want to write off the League's minority system too quickly, and mentions the Åland dispute as one of the "few successes that offered valuable lessons for the future and showed what was possible with astute and far-sighted government". He continues: "If these today have been forgotten, it is perhaps only because they were too peaceful for the history book."<sup>13</sup>

Obviously, the Ålandic regime appears as a success if compared to the destiny of other minority solutions that were created during the interwar years. But more successful does not mean well-functioning or appreciated. As will be shown below, the first few decades of the Ålandic autonomy entailed various issues. Hilpold's claim that the League was not really trying to protect minorities on a general level probably explains the existence of flaws in the regime. But let us first go back to the origins of the conflict and its solution by the League of Nations.

## 2.2 Background to the 1917–21 conflict

Åland, consisting of 6,700 islands, is located in the Baltic Sea between Sweden and Finland and had a population of about 20,000 in 1920.<sup>14</sup> Åland and Finland were part of the Swedish kingdom until 1809, when these territories were lost to Russia. Before the 1808–09 war, the Swedish-speaking islands formed a bridge between the two halves of the Swedish kingdom. After the Russian conquest, Åland became the westernmost point of the Russian Empire. A fortress was constructed in Bomarsund, a village located on the main island, but it was not even half finished when the Crimean War reached the Baltic Sea region in 1854. British and French forces attacked Bomarsund and almost immediately seized the fortress. When the peace treaty was signed on 30 March 1856, so was a convention on the demilitarization of the Åland Islands.<sup>15</sup>

The Grand Duchy of Finland enjoyed an autonomous status within the Russian Empire and was allowed to keep its Swedish laws and legal system. Swedish also remained the language of higher education and the administration. However, a nationalist movement that wanted to give the Finnish language this status appeared and was gradually successful. A countermovement that wanted to create a bilingual nation-state was also organized. In addition, the Russian authorities implemented Russification measures from 1899 onwards and tried to decrease Finland's autonomy.<sup>16</sup>

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13 Mazower, "Minorities and the League ...", 54.

14 Statistics and Research Åland, "Befolkning efter kön, födelseort och språk 1920–2018", updated 29 April 2019.

15 Convention on the Demilitarization of the Åland Islands, 1856.

16 See e.g. Max Engman, *Språkfrågan: finlandssvenskhetens uppkomst 1812–1922* (Helsingfors: Svenska litteratursällskapet i Finland, 2016).

When the Russian Revolution broke out in February/March 1917 and independence for Finland seemed close, a group of people on Åland started discussing the future of the islands after the war and decided to work for reunification with Sweden. On 6 December 1917, the Finnish Diet declared independence for Finland. A list of more than 7,000 signatures supporting reunification with Sweden was gathered on Åland the same month.<sup>17</sup> In January 1918, the Ålandic representatives brought this list to the Swedish King and Government, who gave their support. The question of sovereignty over Åland thereafter became an international issue. It was brought to the Paris Peace Conference once the war was finished, and from there it was referred to the newly-founded League of Nations.<sup>18</sup> A new list of more than 9,000 signatures had also been gathered in June 1919.<sup>19</sup> In May 1920, the Finnish Parliament passed a law on autonomy for the Åland Islands in an effort to satisfy the separatist movement. The Government bill declared that the autonomy would allow the Ålanders to arrange their existence as freely as a province which did not constitute a state could possibly do.<sup>20</sup> The Ålandic leaders refused, however, to apply it.

Finland was admitted to the League of Nations on 16 December 1920. The only prerequisite was that the sovereignty over the Åland Islands would be left open for the time being.<sup>21</sup> Finland thus did not have to make any declaration concerning the protection of its minorities upon entering the League.<sup>22</sup> Efforts were made, but the Finnish delegates refused.<sup>23</sup>

The original motive for seeking reunification with Sweden for the Ålandic movement was probably security concerns: it seemed like a safer option to belong to an old, stable state like Sweden than the new Finland with communist Russia as its eastern neighbour. However, the Ålandic representatives adapted the language used internationally and started using the principle of self-determination as an argument in their struggle. They consistently

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17 “Ålänningarnas första framställning till Sveriges konung och folk 31 december 1917”, *Ålandsfrågan inför Nationernas Förbund* (Stockholm: Diplomatska aktstycken utgivna av Kungl. Utrikesdepartementet (the Swedish Ministry for Foreign Affairs), 1920): 48–51.

18 The whole process has been thoroughly investigated in James Barros, *The Åland Islands Question: Its Settlement by the League of Nations* (New Haven and London: Yale University Press, 1968).

19 “Tablå över resultatet av fullmakts-underskrifterna på Åland i juni månad 1919 rörande Ålands återförening med Sverige”, *Ålandsfrågan inför Nationernas Förbund* (Stockholm: Diplomatska aktstycken utgivna av Kungl. Utrikesdepartementet (the Swedish Ministry for Foreign Affairs), 1920): 97.

20 Finlands regering (the Finnish Government), *Regeringens proposition till Riksdagen angående lag om självstyrelse för Åland*, 1919 års riksdag, N:o 73 (30 January 1920).

21 “Telegram from the Government of Finland”, *League of Nations Official Journal*, 2nd year, no. 1, January–February (1921): 98.

22 Tore Modeen, *De folkrättsliga garantierna för bevarandet av Ålandsöarnas nationella karaktär* (Mariehamn: Skrifter utgivna av Ålands kulturstiftelse VII, 1973): 18, 25.

23 Carl Enckell, *Politiska minnen II* (Helsingfors: Söderströms, 1956): 239–263. Enckell, one of Finland’s delegates in Geneva, states that one of the main reasons behind the Council’s acceptance of Finland’s refusal was that Finland was recognized as an old state, which had come into existence in 1809 through its autonomous status within the Russian empire. In summer 1921, Enckell presented a report on all legislation concerning minorities in Finland to the Secretariat. On 2 October, the Council approved this legislation, considering it satisfactory.

put forward demands for a referendum, which they were confident would show a massive support for reunification. The Ålandic population was said to have stronger bonds with Sweden than with Finland in all respects: their mother tongue, heritage, history, culture, traditions, economic ties and so on. Their language and culture were said to be under great threat if Åland was to remain under Finnish sovereignty.<sup>24</sup> The Swedish Government argued along the same lines.<sup>25</sup>

The Finnish Government, on the other hand, argued that Åland's bonds to Finland had always been stronger than those to Sweden, and that the Ålandic population was not a people in itself, but part of the larger group of Swedish-speakers in Finland.<sup>26</sup> Consequently, the principle of self-determination could not apply. An extensive debate also took place between lawyers and historians from Sweden and Finland, who disagreed on Åland's historic status in the Swedish kingdom and the population's sense of national belonging before 1917.<sup>27</sup>

### 2.3 The Åland Question at the League of Nations

The conflict around the sovereignty over the Åland Islands, often called the Åland Question, was the first issue of a more serious political character laid before the Council of the League of Nations.<sup>28</sup> The Council first appointed a Committee of Jurists, whose task was to determine whether the sovereignty over Åland was part of the League's jurisdiction or not. The Committee, which presented its report in September 1920, concluded that it was.<sup>29</sup> They argued that the principle of self-determination of peoples was not a positive rule of international law, but that it could come into play in situations where states were under formation, transformation or dissolution because of revolutions or wars. They furthermore claimed that Finland was not a definitely constituted sovereign state before May 1918, when the civil war had ended, foreign troops began to leave the country, and order and normal

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24 See e.g. "Ålänningarnas första framställning ..."; "Memorandum från Ålandsdelegationen till Fredskonferensen den 31 januari 1919", *Ålandsfrågan inför Nationernas Förbund* (Stockholm: Diplomatiska aktstycken utgivna av Kungl. Utrikesdepartementet (the Swedish Ministry for Foreign Affairs), 1920): 56–59.

25 See e.g. "Inlägga avlämnad å svenska regeringens vägnar av svenske ministern i London till Nationernas Förbunds Råd (2 juli 1920)", *Ålandsfrågan inför Nationernas Förbund* (Stockholm: Diplomatiska aktstycken utgivna av Kungl. Utrikesdepartementet (the Swedish Ministry for Foreign Affairs), 1920): 2–165.

26 See e.g. "Exposé sommaire de la question des îles d'Åland", *La question des îles d'Åland (octobre 1920)* (Helsingfors: Documents diplomatiques publiés par le ministère des affaires étrangères, 1920): 4–7, 4–5.

27 See Dan Nordman, *Historiker kämpar om Åland. Om de svenska och finländska historikernas argumentering i Ålandsfrågan 1917–1921* (Fackuppsats i nordisk historia, Åbo Akademi, 1984).

28 F. P. Walters, *A History of the League of Nations. Volume I* (London: Oxford University Press, 1952), 102–105, 791.

29 "Report of the International Committee of Jurists entrusted by the Council of the League of Nations with the task of giving an advisory opinion upon the legal aspects of the Aaland Islands Question", *League of Nations Official Journal*, October 1920, Special Supplement No. 3: 14.

political and social life could gradually be re-established. The population on Åland, on the other hand, had started working for reunification with Sweden already in August 1917.<sup>30</sup> Notably, the Committee claimed that the principle of self-determination had the same aim as the protection of minorities: “to assure to some national Group the maintenance and free development of its social, ethnical or religious characteristics”.<sup>31</sup> The Committee also determined that the 1856 Convention on the demilitarization of the islands was still in force.<sup>32</sup>

Next, the Council appointed a Commission of Rapporteurs, which was to propose possible solutions to the conflict. The three Rapporteurs visited Stockholm, Mariehamn and Helsinki, and presented their report in April 1921. In contrast to the Committee of Jurists, they concluded that Finland’s sovereignty over Åland was incontestable. They questioned the Ålanders’ alleged century-long wish for re-incorporation with Sweden.<sup>33</sup> They did not consider the Ålandic population to be a people on its own which could exert a right to self-determination: “The Aaland Archipelago is only a small part of the Finnish territory, and the Aaland population a small fraction of the Finnish nation.”<sup>34</sup> However, they also concluded that the Ålanders’ fear of “being little by little submerged by the Finnish invasion [had] good grounds” and that it was necessary to take effective measures. But preserving the Swedish language on Åland did not require incorporation with Sweden: the Rapporteurs trusted the Finnish state’s promises to grant the inhabitants satisfactory guarantees.<sup>35</sup> Consequently, their conclusion was that Åland should remain under Finnish sovereignty, but that Åland needed linguistic and cultural safeguards that should be added to the existing Autonomy Act. Åland should remain demilitarized and also be neutralized so that it could not be used as a military threat towards Sweden.<sup>36</sup>

The Council largely followed the Rapporteurs’ recommendation in the decision made on 24 June 1921.<sup>37</sup> The Finnish and Swedish representatives would negotiate the details of the linguistic and cultural guarantees, which would

aim at the preservation of the Swedish language in the schools, at the maintenance of the landed property in the hands of the Islanders, at the restriction, within reasonable limits, of the exercise of the franchise by new comers, and at ensuring the appointment of a Governor who will possess the confidence of the population.<sup>38</sup>

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30 Ibid., 5–6, 9–10.

31 Ibid., 6.

32 Ibid., 19.

33 *The Aaland Islands Question: Report submitted to the Council of the League of Nations by the Commission of Rapporteurs*, League of Nations Council Doc. B7 21/68/106 (16 April 1921): 25.

34 Ibid., 27.

35 Ibid., 29.

36 Ibid., 32, 36–37.

37 “The Aaland Islands Question”, *League of Nations Official Journal*, (September 1921): 699.

38 Ibid., 699.

The Council of the League was to supervise the implementation of the guarantees. After negotiations, the guarantees were approved by the Council on 27 June,<sup>39</sup> a decision which is now called the Åland Agreement (*Ålandsöverenskommelsen*).<sup>40</sup> The non-fortification and neutralisation of the islands was established through a convention signed on 20 October 1921 by Germany, Denmark, Estonia, Finland, France, the United Kingdom, Italy, Latvia, Poland and Sweden.<sup>41</sup>

Sweden and Finland refrained from going to war with each other, and thereby the League's solution to the Åland Question was given the basic conditions to survive. With a population of only 20,000, it was difficult for the Ålanders to try to change the decision once it had been accepted by the two parties. In a draft letter in the archive of Carl Björkman, one of the Ålandic leaders, it is claimed that if Åland had only been "bigger and its population numerous enough", the population would have "taken its destiny into its own hands".<sup>42</sup>

### 3. Åland and the League of Nations 1922–44

This time period is here treated in three sections. The first deals with the issues that appeared when the Finnish and Ålandic authorities were to implement the guarantees set out in the Åland Agreement. The Ålandic politicians were unhappy about several things: the details of the Agreement, its implementation into Finnish law, and the Autonomy Act. A law on the right of redemption that aimed at keeping Ålandic land in the islanders' possession was not passed until 1938. The second section describes the 1938–39 events that were called "the new Åland Question". Sweden and Finland agreed on a plan to remilitarize the islands but were stopped by the Soviet Union through the Council of the League. The third section outlines events on Åland during World War II. By then, the League was no longer operative, but these events have been included because of their significance for the developments after the war.

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39 Ibid., 701–702.

40 For an analysis of the legal character of the Åland Agreement, see e.g. Lauri Hannikainen, "The International Legal Basis of the Autonomy and Swedish Character of the Åland Islands", *Autonomy and Demilitarisation in International Law: The Åland Islands in a Changing Europe*, ed. Lauri Hannikainen and Frank Horn (The Hague: Kluwer Law International, 1997): 57–83. For my purposes, it is enough to note that the Agreement was co-drafted by the representatives of Finland and Sweden, and approved by the League Council.

41 Convention relative à la non-fortification et à la neutralisation des Iles d'Åland, 1921.

42 "Skrivelser och inlagor från Ålands första landsting 1920–1922", *Carl Björkman's file*, Ålands landskapsarkiv. (Translation by the present author.)

### 3.1 Implementing the Åland Agreement and the Autonomy Act

The Ålandic population and its leaders had not wanted autonomy and were hugely disappointed. In the first political debates in the *landsting*, the new Parliamentary Assembly on Åland, the politicians showed little respect for the League's decisions, but were also committed to making the most out of the autonomy and the linguistic and cultural guarantees. However, Åland's smallness and both political and economic insignificance in Finnish domestic affairs meant that the Ålandic politicians had very limited possibilities to bring about any changes. Sweden held a low profile and Åland could not expect any support from there.

The Finnish Government presented a bill that would implement the Åland Agreement's linguistic and cultural guarantees already on 10 October 1921. The law, which in practice was called *Garantilagen*, the "Guarantee Law", was passed by the Finnish Parliament and the Ålandic Assembly the following summer and ratified by the Finnish President on 11 August 1922. The law consisted of seven sections: § 1 regulated the appointment of the Governor, § 2 the language of instruction in schools, § 3 the municipal and provincial franchise, § 4 the use of incomes from taxes, and § 5 the purchase of land. § 6 prescribed the Assembly's right to turn to the Council of the League in cases of dissatisfaction with the application of the guarantees. Finally, § 7 stipulated that the law could not be changed or repealed without the consent of both the Ålandic assembly and the Finnish Parliament. In the latter case, the legislative procedure had to follow the procedure prescribed for changes to the constitution.<sup>43</sup> The same requirements were, and still are, stipulated also in the Autonomy Act itself.<sup>44</sup>

The bill was the first issue that was addressed when the Ålandic Assembly convened for the first time in June 1922. The debates held during the summer show that the Ålandic politicians had smaller or larger complaints regarding almost every aspect of the Finnish Government and Parliament's way of implementing the Åland Agreement, or the text of the Agreement itself. Four of these complaints are described below. Nevertheless, the Assembly eventually "felt compelled to adopt" the Guarantee Law despite its flaws.<sup>45</sup>

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43 Lag innehållande särskilda stadganden rörande landskapet Ålands befolkning (Garantilagen, the Guarantee Law), FFS 189/1922.

44 The current Autonomy Act that entered into force in 1993 additionally requires a two-thirds majority in the Ålandic Assembly. (Självstyrelselag för Åland (the third Autonomy Act), ÅFS 71/1991, § 69.) For an analysis of the significance of the constitutional and international entrenchment of the autonomy, see e.g. Suksi, "Explaining the Robustness and Longevity ...".

45 Lagutskottet (the Ålandic Law Committee), "Lagutskottets betänkande N:o 6 i anledning av Republikens Presidents skrivelse till Ålands Landsting av den 21 juli 1922", *Ålands landstings handlingar 1922*, 189, Ålands landskapsarkiv. (Translation by the present author.)

First of all was the fact that the bill suggested that the guarantees would be transformed into a separate law,<sup>46</sup> even though the two decisions made by the League Council stipulated that they should be inserted into the Autonomy Act.<sup>47</sup> The Finnish law-drafting board, where the law had been prepared, had come to the conclusion that several of the stipulations in question had “no connection with the autonomy granted to the population of Åland”, and their incorporation into the Autonomy Act would thereby imply an “irregularity”. The intention was to form guarantees against the “denationalization” of Åland, but according to the law-drafting board, this did not require their incorporation into the Autonomy Act.<sup>48</sup> The board therefore suggested a separate law that would complement the Autonomy Act and, like the Act, could not be amended without the consent of the Ålandic Assembly.<sup>49</sup>

The Government bill followed the board’s recommendation, which was criticized by Carl Björkman in the Assembly debates. In Björkman’s view, the Council had meant for the entire Autonomy Act, supplemented with the guarantees, to be awarded the same protection as the guarantees. He considered this to have a large practical implication: by not consolidating the Autonomy Act and the guarantees in the same law, the Ålandic population had been “deprived of every opportunity to appeal to the Council of the League in cases of different interpretations of the stipulations of the Autonomy Act by the Assembly and the Government”.<sup>50</sup>

It is doubtful whether Björkman was right, since the Council decisions only referred to the guarantees, not the Autonomy Act, in connection with the League’s supervisory functions. The minutes from 24 June state that “the Council of the League of Nations will see to the enforcement of these guarantees”, and from 27 June that it “shall watch over the application of these guarantees”.<sup>51</sup> In addition, it would have been the guarantees as formulated in the Council’s decision and not the Guarantee Law that would have been the standard used in case the Ålandic Assembly had handed in an appeal. Lauri Hannikainen also notes that the League’s supervisory function indirectly extended to the provisions of

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46 Finlands regering (the Finnish Government), *Regeringens proposition till Riksdagen med förslag till särskilda lagar rörande landskapet Åland*, 1921 års riksdag, N:o 42 (10 October 1921).

47 Council meeting on 24 June 1921: “The new guarantees to be inserted into the autonomy law [...]”, “Should their efforts fail, the Council would itself fix the guarantees, which, in its opinion, should be inserted, by means of an amendment, in the autonomy law of May, 7<sup>th</sup>, 1920.” (“The Aaland Islands Question”, 699.) Council meeting on 27 June 1921: “Finland [...] undertakes to introduce shortly into the Law of Autonomy of the Aaland Islands of May 7<sup>th</sup>, 1920, the following guarantees [...]” (ibid., 701.)

48 Lagberedningen (the Finnish Parliament’s Law-Drafting Board), “Förslag till särskilda lagar rörande landskapet Åland jämte motiv”, *Lagberedningens publikationer N:o 7* (1921): 118–129, 124. (Translation by author.)

49 Ibid., 124–125. The law-drafting board presented two options, one where the guarantees were incorporated into the Act, and one where they formed a separate law but recommended a separate law in their annexed explanation.

50 “Ålands Landstings förhandlingar. Från remissdebatten”, *Åland*, 14 June 1922. (Translation by the present author.)

51 “The Aaland Islands Question”, 699, 701.

the autonomy that were closely connected to the guarantees.<sup>52</sup> The second Autonomy Act, passed in 1951, incorporated almost all sections of the Guarantee Law into the Act, so the arrangement intended by the Council was eventually realized.

Second, the debates show that the Ålandic representatives in Geneva had not been informed of changes made to the guarantees proposed by the Commission of Rapporteurs. § 1 of the Guarantee Law, corresponding to § 5 in the Åland Agreement, established that the President of the Republic would appoint the Governor after reaching an agreement with the president of the Ålandic Assembly (i.e., the Speaker). In case of disagreement, the President would choose a Governor among five people that the Assembly recommended.<sup>53</sup> The 1920 Autonomy Act attributed the task of nominating the Governor of Åland to the President of the Republic, but the Commission of Rapporteurs had argued that “the choice of a person sympathetic to the whole population and possessing a perfect knowledge of its mentality and its aspirations is of great importance for the maintenance of good relations between the Government and the province”. They therefore suggested that the Assembly would present a list of three candidates from which the Government should choose the Governor.<sup>54</sup> In the Åland Agreement, the number had been changed from three to five. Johannes Eriksson, one of the Ålandic representatives during the League’s proceedings in Geneva, noted during the Assembly debates that the number five did not correspond to the Rapporteurs’ suggestion. He claimed that he and the other representative had not been aware that this suggestion had not been followed. He said that this change could seem to make little difference, but that it was aimed at “making things more difficult”,<sup>55</sup> meaning making it more difficult for the Assembly to get a candidate that they approved of. Worth noting is that in such a small place as Åland there were very few people who could be considered for the position in the first place.

Third, when the guarantees were scrutinized, it was discovered that the Swedish and Finnish Government representatives in Geneva had used certain terms without knowing that they meant different things in the two countries. § 4 of the Guarantee Law, corresponding to § 6 in the Åland Agreement, stated that the Ålandic authorities had the right to use 50 % of the incomes of the *grundskatt*, “base tax”, in addition to the incomes already mentioned in the Autonomy Act. Base tax referred to the taxes that applied to land, but it was apparently not clear what was to be included in this category. The Governor, William Isaksson, explained during an Assembly debate on 6 July 1922 that, after investigations, he had discovered that base tax since 1885 meant different things in Finland and Sweden, and

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52 Hannikainen, “The International Legal Basis ...”, 59.

53 Lag innehållande särskilda stadganden rörande landskapet Ålands befolkning (Garantilagen, the Guarantee Law), FFS 189/1922, § 1.

54 *The Aaland Islands Question: Report submitted to ... by the Commission of Rapporteurs*, 33.

55 Ålands landsting (the Ålandic Assembly), Landstingets plenum måndagen den 12 juni kl. 7 em, *Stenografiskt protokoll 1922*, 5, Ålands landskapsarkiv.

that their representatives in Geneva probably had used the term without knowing this. The Swedish version of base tax would have given the Ålandic authorities more money.<sup>56</sup> The Assembly ordered a more thorough investigation, which the *landskapsnämnd* (Provincial Government) presented in September 1922. Going back to the French original version of the Åland Agreement, which used *revenus de l'impôt foncier*, they argued for an interpretation that was more generous towards Åland than Finnish authorities had been.<sup>57</sup> However, the Finnish tax system changed during the course of the decade and the base tax was abolished. The funding of the autonomy continued to be a contentious issue in the relationship between Åland and Finland.<sup>58</sup>

Regarding the Åland Agreement's § 3 (the Guarantee Law's § 5), the Swedish and Finnish representatives had also used certain words without knowing that they were talking about different things. The aim of § 3 was to realize "the maintenance of the landed property in the hands of the Islanders".<sup>59</sup> The Commission of Rapporteurs had suggested that "the communes and their inhabitants" should be given "the right of pre-emption [...] on every occasion that offers of purchase are made by a person or company foreign to the Islands".<sup>60</sup> The reason for this was that Åland was suitable for ship-building, and the Rapporteurs predicted that Finnish companies would try to acquire land for this purpose there: "This would involve the influx of Finnish workmen into the country, and with them all the consequences feared by the Aaland Islanders."<sup>61</sup> However, while a right of pre-emption suggests the right to purchase something before it can be offered to anyone else, the Åland Agreement instead describes what could be called a right of redemption in its § 3, i.e., a right to purchase property that has already been sold:

When landed estate situated in the Aaland Islands is sold to a person who is not legally domiciled in the Islands, any person legally domiciled in the Islands, or the Council of the province, or the commune in which the estate is situated, has the right to buy the estate at a price which, failing agreement, shall be fixed by the court of first instance (Häradsrätt) having regard to current prices.

Detailed regulations will be drawn up in a special law concerning the act of purchase, and the priority to be observed between several offers.

This law may not be modified, interpreted, or repealed except under the same conditions as the Law of Autonomy.<sup>62</sup>

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56 Ålands landsting (the Ålandic Assembly), Plenum torsdagen den 6 juli kl. 6 em, *Stenografiskt protokoll 1922*, 112–114, Ålands landskapsarkiv.

57 Ålands landskapsnämnd (the Ålandic Government), N:o 39, 8 September 1922, *Ålands landstings handlingar 1922*, 328–334, Ålands landskapsarkiv.

58 See Erik Tudeer, *Det åländska folkets historia V:1 1920–1990* (Mariehamn: Ålands kulturstiftelse, 1993): 60–63.

59 "The Aaland Islands Question", 699.

60 *The Aaland Islands Question: Report submitted ... by the Commission of Rapporteurs*, 32.

61 *Ibid.*, 33.

62 "The Aaland Islands Question", 701.

The Guarantee Law's version in its § 5 was almost a literal translation of the quote above. The reason the Ålandic politicians were not satisfied with this section was because five years of legal domicile was not made a requirement for buying land. § 4 in the Åland Agreement and its corresponding § 3 in the Guarantee Law had been formulated this way, so that five years of legal domicile was required to receive the franchise in municipal and provincial elections. Without a requirement of five years, "anyone, who is legally domiciled on Åland and has resided here maybe not even a year"<sup>63</sup> would be allowed to purchase land.

The source of the differing views on § 5 seems to have been that it was not clear what was meant by the Agreement's "legally domiciled" or *domicile légal* in the French version. This term has been translated differently in various Swedish-language editions.<sup>64</sup> Johannes Eriksson and Carl Björkman claimed that a five-year requirement had been intended by Baron (*friherre*) Marks von Würtemberg, who represented the Swedish Government at the negotiations in Geneva. Eriksson had been one of the Ålandic delegates and Björkman said that he had been in personal contact with von Würtemberg. Björkman explained that von Würtemberg had not been acquainted with Finnish legal terminology and had thus not been aware of what *domicile légal* would imply, but his intention had been to create a five-year residence requirement.<sup>65</sup> Eriksson said that the Ålandic delegates had not been consulted on the content of this section in Geneva, but that they had been convinced that it would receive a satisfying formulation. He further explained that the guarantees had been drafted in haste, and that von Würtemberg, "upset as he also was", had not been prepared when the issue was discussed.<sup>66</sup>

The five-year residence requirement became a long-lasting issue between the Ålandic Assembly and the Finnish Parliament. The details of the right of redemption would, according to the Agreement and the Guarantee Law, be laid out in a separate law that could only be amended after approval by the Ålandic Assembly. Such a law was presented to the Assembly together with the Guarantee Law, but the Assembly did not pass it. When the Guarantee Law was adopted, it was also decided to send a petition to the Finnish Parliament to sort out the alleged misunderstanding concerning § 5, and if that did not work, to turn to the League of Nations.<sup>67</sup> The petition was sent on 16 September, but did not lead to any results.<sup>68</sup> The Assembly continued to send petitions on § 5 to the Finnish

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63 Arthur Gylling, Ålands landsting (the Ålandic Assembly), Ålands landstings plenum den 12 juni 1922, kl. 12 på dagen, *Stenografiskt protokoll år 1922*, 3, Ålands landskapsarkiv. "legally domiciled" = *mantalsskriven*. (Translation by the present author)

64 The Guarantee Law used *laga bo och hemvist*.

65 Ålands landsting (the Ålandic Assembly), Landstingets plenum måndagen den 12 juni kl. 7 em: 12–13.

66 *Ibid.*, 13. (Translation by the present author.)

67 Lagutskottet (the Ålandic Law Committee), "Lagutskottets betänkande N:o 6 ...", 189. (Translation by the present author.)

68 Matts Dreijer, *Ålands självstyrelse 25 år. Festskrift* (Mariehamn: Ålands Tidnings-Tryckeri AB, 1947): 43.

Parliament throughout the 1920s, but they were rejected on the grounds that the Guarantee Law followed the wording of the Åland Agreement.<sup>69</sup> This was also probably the reason why the Assembly never turned to the League on this issue: the chances to succeed were seen as small, since the actual guarantees as stipulated in the Agreement were not violated. Another reason might have been that an appeal first had to go through the Finnish Government, which goes in line with Hilpold's claim that the League had not emancipated itself enough from its member states.

Because of the disagreement, no law on the right of redemption was approved by the Ålandic Assembly until February 1938, and then without the five-year requirement. The vote ended 22–7 after a long debate. The opponents believed that if the law were passed it would never be possible to add a five-year residence requirement. The advocates were more pragmatic: all of them wanted the five-year requirement, but realized that it was not possible to get it through in the Finnish Parliament. It was better to have a redemption law without a requirement, because without a law, no land could ever be repurchased.<sup>70</sup>

However, already in 1939, the Guarantee Law's § 5 and the redemption law were changed so that the right of redemption applied when someone who had not been legally domiciled on Åland for five years bought land. The reason for the change of heart in the Finnish Government and Parliament was an effort to make the Ålandic Assembly more favourably disposed to a different proposal: military service for the Ålandic population. It did not succeed. The Assembly approved the changes to the right of redemption<sup>71</sup> but rejected the law on military service (see next section for more details).

Fourth, the debates show that the Ålandic politicians were by no means satisfied with a literal implementation of the guarantees, but instead set on receiving the widest protection possible. In some cases, they discussed how the guarantees should be extended beyond what the Agreement described. One example is of course the already mentioned five-year requirement on the purchase of land. The Guarantee Law's § 2 on the language of instruction in Ålandic schools was also discussed. This section did not prohibit private Finnish-language schools, but many of the members, like Johannes Eriksson, wanted to prevent the possibility to establish such schools. Since the law had been passed to avoid "denationalization", he thought that the Assembly should be able to decide on the matter.<sup>72</sup>

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69 Finlands riksdag (the Finnish Parliament), "Riksdagens skrivelse med anledning av Ålands landstings motion om ändring av §§ 3 och 5 i lagen den 11 augusti 1922, innehållande särskilda stadganden rörande landskapet Ålands befolkning (19 April 1929)", *Riksdagen 1929. Handlingar. Fjärde delen* (Helsingfors: 1929).

70 Ålands landsting (the Ålandic Assembly), Plenum lördagen den 26 februari 1938 kl. 10 fm, *Ålands landstings stenografiska protokoll 1938*, 182–206, Ålands landskapsarkiv.

71 Ålands landsting (the Ålandic Assembly), Plenum måndagen den 19 juni 1939 klockan 10 f.m., *Ålands landstings stenografiska protokoll 1939–40*, 181, Ålands landskapsarkiv.

72 Ålands landsting (the Ålandic Assembly), Landstingets plenum måndagen den 12 juni kl. 7 em: 6. (Translation by the present author.)

It was not only the implementation of the Åland Agreement that took time and effort. The Autonomy Act itself had been drafted in haste, and turned out to be quite hard to interpret. After obtaining the Supreme Court's opinion, the President of the Republic could veto Ålandic laws in case they intruded on the Finnish Parliament's sphere of competence or if they were in conflict with the "public interest of the republic".<sup>73</sup> Between 1922 and 1951, close to a fifth of the Ålandic laws were overturned. The most intense year was 1924, when almost half of the laws were vetoed.<sup>74</sup> The vetoes were a result of differing interpretations of the Act in the Ålandic political bodies and the Supreme Court.

The drafting neither of the Autonomy Act, nor of the Åland Agreement, had thus been given enough time for the legislative process and the cooperation between Ålandic and Finnish authorities to function smoothly. The Council decisions had not produced a solution that could be implemented straight away. The first debates and the law review process indicate that a few things could have been done to set the autonomy off to a smoother start. First, the Ålandic representatives could have been properly included in the negotiations in Geneva. Second, more time and thought could have been given to the drafting of the Agreement. Third, the Autonomy Act itself could have been scrutinized and corrected. Fourth, the Ålandic politicians could have been helped by a competent explanation of how the Agreement and the appeal process was supposed to work. It was perhaps impossible to completely satisfy the disappointed Ålandic politicians, but some disputes between Ålandic and Finnish authorities could surely have been avoided. Some kind of forum for negotiation, implementation and development – possibly with involvement from Sweden and the League – could also have contributed to a more stable relationship in the long run.

Finland was a new state and had many issues to deal with. The language strife continued until World War II. In the 1919 constitution, Finnish and Swedish were both declared official languages, but the debates on their respective roles in society continued, sometimes leading to acts of violence. The Finnish language movement wanted to abolish official bilingualism and reduce Swedish to a regional minority language.<sup>75</sup> On Åland, the large-scale invasion of Finns that had been feared never happened, even though the law on the right of redemption was not passed until 1938. But the conflicts on the mainland and a series of political decisions undermining the Swedish language made the Ålandic politicians fear that Åland's autonomy and Swedish-speaking status would not be respected in the long run.

Nevertheless, the League's regime remained intact, with the addition of the five-year

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73 Lag om självstyrelse för Åland (the first Autonomy Act), FFS 124/1920, § 12. (Translation by the present author.)

74 *Ålandsdelegationens framställningar och betänkanden jämte bilagor. II serien. Åren 1923–1924*, (Helsingfors: Statsrådets Tryckeri, 1925); *Ålandsdelegationens framställningar och betänkanden jämte bilagor. III serien (1925–1927)*, (Helsingfors: Statsrådets Tryckeri, 1927).

75 See e.g. Max Engman, "Finns and Swedes in Finland", *Ethnicity and Nation Building in the Nordic World*, ed. Sven Tägil (London: Hurst & Company, 1995): 179–216, 207–209.

residence requirement in 1939. The respect for the rule of law that permeated Finnish society,<sup>76</sup> together with the fact that Sweden did not interfere, enabled its survival during the 1920s and 30s. The Ålandic politicians would, however, have welcomed any expansion of the autonomy and the linguistic and cultural guarantees. They would probably also have welcomed reunification with Sweden had the possibility appeared, but the idea of governing themselves surely appealed to them and encouraged them to seek to develop the autonomy framework.

### 3.2 The second Åland Question

Åland became the centre of politics in the Baltic Sea region once again during the second half of the 1930s. And once again, the issue came to the Council of the League of Nations, where it became the last question discussed before the outbreak of World War II.<sup>77</sup> This conflict was called “the new Åland Question” in the newspaper debates. Whereas the “old” question dealt with the sovereignty over the islands, the “new” one instead concerned Swedish-Finnish plans on fortification of the demilitarized and neutralized islands in peacetime. The 1856 Convention on Demilitarization prevents Åland from being fortified, and stipulates that no military or naval establishments are to be maintained or created there.<sup>78</sup> The 1921 Convention on the Non-Fortification and Neutralization of the Åland Islands confirms the 1856 Convention, which specifies the geographical zone and which military activities are allowed in peacetime and wartime, states that Åland is to be a neutral zone in wartime and gives the Council of the League the task of supervising its implementation.<sup>79</sup>

During the 1917–21 conflict, Sweden had pushed for the demilitarization and neutralization of Åland. As the relationship with Finland improved with time, the 1921 Convention seemed increasingly harmful to both parties. A demilitarized territory between the two countries was now considered a dangerous vacuum in the northern part of the Baltic Sea.<sup>80</sup> Negotiations between Sweden and Finland started at the beginning of the 1930s, but proceeded slowly because of feelings of suspicion between the two countries, and because of their partly different aims. In 1939, the result was presented: the Åland Plan/Stockholm Plan, which would regulate the defence in peacetime, and the Coordination Plan, which concerned wartime. To realize the plans on defence in peacetime, a change of the neutralized and demilitarized status of Åland was required.<sup>81</sup> The issue then came to

76 Modeen, *De folkrättsliga garantierna ...*, 60.

77 See Walters, *A History of the League ...* 791.

78 Convention on the Demilitarization of the Åland Islands, 1856.

79 Convention relative à la non-fortification et à la neutralisation des Iles d'Åland, 1921.

80 Kenneth Gustavsson, *Ålandsöarna – en säkerhetsrisk? Spelet om den demilitariserade zonen 1919–1939* (Mariehamn: PQR, 2012): 129.

81 *Ibid.*, 9–10.

the Council of the League, but some events from 1938 are worth mentioning.

Initially, neither the Swedish nor the Finnish side reflected on the Ålanders' views on remilitarization of the islands. However, the Swedish side suggested that the Ålanders would be required to do military service, which would necessitate an amendment of the Autonomy Act and thus the approval of the Ålandic Assembly.<sup>82</sup> All three Autonomy Acts that have so far been in force stipulate that Åland's inhabitants can serve in the piloting or lighthouse establishments instead of performing military service (*värnplik*). Those who have moved to Åland after the age of 12 are not exempted. Anyone willing to perform military service is allowed to do so. The Acts provide that alternative service will be regulated through a separate law.<sup>83</sup> The exemption from military service and the provisions for alternative service appeared already in the Tulenheimo Committee's 1919 report, which was the basis for the 1920 Autonomy Act. The relief from military service thus had nothing to do with the demilitarization and neutralization of the islands. The reasons presented by the Committee concerned the reluctance shown among the Ålandic population towards military service and especially towards having to do military service in Finnish, and the belief that service in the lighthouse and piloting establishments would be easier to organize in Swedish.<sup>84</sup> In 1922, many of the Assembly members wanted to relieve the Ålanders of all kinds of service with reference to the 1921 Convention.<sup>85</sup> In practice, alternative service has never been arranged, and most Ålandic inhabitants have thus been exempted from both military and civil service since 1922.

Back to 1938: military service required an amendment of the Autonomy Act, and the Ålandic politicians thus got the opportunity to give their opinion on the issue. In the debates held in October 1938, the majority of the Ålandic Assembly opposed any changes to the international status of Åland. Varying arguments were used, but the most prevalent referred to the neutralized status as part of the protection of the Ålanders' "Swedishness". Ålanders performing military service were seen as a threat to Åland's Swedish-speaking status. Many were also hugely disappointed with the Swedish Government. On 12 November, the Assembly decided not to do anything at all, and the law was consequently not passed.<sup>86</sup> It was thus crucial in this case that amendments of the Autonomy Act required the Assembly's

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82 Ibid., 221.

83 Lag om självstyrelse för Åland (the first Autonomy Act), FFS 124/1920, § 27; Självstyrelselag för Åland (the second Autonomy Act), ÅFS 5/1952, § 34; Självstyrelselag för Åland (the third Autonomy Act), ÅFS 71/1991, § 12.

84 Tulenheimokommittén (the Tulenheimo Committee), "Kommittébetänkande nr 24/1919 från kommittén för uppgörande av förslag till självstyrelse för länen, förvaltningsdomstolar i lägre instans samt nyreglering av den nuvarande länsindelningen och länsförvaltningen", *Förarbetena till 1920 och 1951 års Självstyrelselagar Del I*, 27–29, Ålands landskapsarkiv.

85 Ålands landsting (the Ålandic Assembly), Plenum den 13 juni kl. 12, *Ålands landstings stenografiska protokoll 1922*, 18–37, Ålands landskapsarkiv.

86 Ålands landsting (the Ålandic Assembly), Stenografiskt protokoll från landstingets urtima session hösten 1938, *Ålands landstings stenografiska protokoll 1938*, 212–277, Ålands landskapsarkiv.

approval. Worth noting is that what for the Swedish and Finnish Governments mainly was a matter of security, the Ålanders turned into an issue of linguistic and cultural survival. Yet again, some kind of forum for negotiation, implementation and development of the regime could here have contributed to the inclusion of the Ålanders in the process, and possibly fewer conflicts.

On 31 October 1938, a *bondetåg*, “peasant march”, was organized. The model was a demonstration held primarily by farmers in Stockholm in 1914, but whereas those farmers protested against a decision to slow down Swedish armament, the Ålandic ones protested against the plans on remilitarization of the islands. The march was said to have gathered over 3,000 participants, but the number was questioned. The event received a lot of attention in Swedish and Finnish newspapers, which had been one of the aims.<sup>87</sup>

Under the surface, however, were huge divisions. Carl Björkman, the *lantråd* (leader of the Ålandic Government), thought it was necessary for the Ålandic population to receive some military training. His position resulted in his dismissal: with the vote 22 against 7, a motion of no-confidence was passed and he had to resign in December 1938.<sup>88</sup>

In winter and spring 1939, a petition protesting against the fortification plans was organized. It gathered 10,786 names, which was said to correspond to 96.2 percent of the population above the age of 18 present on the islands. Carl Carlson, who had also represented Åland in Geneva in 1921, and Paul E. Paulsson travelled to Geneva on 14 April. On 18 April, they met the Secretary General of the League of Nations, Joseph Avenol. He could not formally accept the petition since it had not come from the Finnish Government, but advised the Ålanders to turn to his deputy, Frank Walters. Walters agreed to pass the petition along to the Finnish Government, but they refused to deal with it. The whole operation thus did not lead to anything concrete, but it raised a lot of attention in Sweden and Finland and contributed to increasing the resistance towards the plans in Sweden.<sup>89</sup>

All of the signatory powers to the 1921 Convention approved the Åland Plan one by one. In early May 1939, only the Soviet response remained. The Soviet Union was not one of the signatory powers, but as it was a great power and a permanent member of the Council of the League, and as the purpose of the Plan was to protect Åland from a Soviet attack, it had been agreed that its support was necessary. Kenneth Gustavsson notes the contradictory character of the process: the changes to the Convention had been motivated by the loss of significance and power of the Council and its guarantee system, but at the same time, its support for the changes was sought.<sup>90</sup>

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87 Gustavsson, *Ålandsöarna – en säkerhetsrisk?*, 236–238.

88 Ålands landsting (the Ålandic Assembly), Plenum onsdagen den 14 december 1938 klockan 12 pd, *Ålands landstings stenografiska protokoll 1938*, 492, Ålands landskapsarkiv.

89 Gustavsson, *Ålandsöarna – en säkerhetsrisk?*, 308–313.

90 *Ibid.*, 351.

The Soviet Ambassador to the United Kingdom, Ivan Maisky, was to chair the Council sessions. The Soviet side postponed the discussion of the issue several times, and the final result was that the Council made no statement at all at its session in early summer 1939. This was initially interpreted as a green light for the Swedish-Finnish plans, but in a speech shortly afterwards, the Soviet Minister for Foreign Affairs, Vyacheslav Molotov, made clear that the Soviet Union would not tolerate any changes to Åland's demilitarized and neutralized status. The plans were then put off and Åland was not remilitarized – at least not by Sweden and Finland together.<sup>91</sup> The Soviet Union thus prevented any changes to the Ålandic regime in 1939. The autonomy would of course have remained in place also if the remilitarization plans had been approved, but the overall consequences in such a scenario for Åland as well as Sweden and Finland during and after the war are impossible to assess.

### 3.3 The war comes

On 30 November 1939, Finland was attacked by the Soviet Union. On 2 December, Finnish troops arrived on Åland. One of the divisions was Swedish-speaking, one Finnish-speaking, and the third mainly Finnish-speaking. A proclamation was put up in public places, where it was announced that the troops had not come to violate the neutralization provisions, but to fulfil the country's duties in accordance with the spirit and letter of the 1921 Convention. The Council of the League was informed of the defence barriers on Åland through two telegrams: the Finnish Government had taken inevitable preventive measures on the neutralized territory because of the Soviet attack in order to safeguard the neutrality of Åland, and had undertaken mining of Ålandic waters in accordance with the Convention.<sup>92</sup>

During the 1939–40 Winter War that followed the attack, the Ålandic population showed an enormous will to contribute to the defence of the country. Different types of aid for people at the frontline were organized. A Home Guard was formed, which underwent intense training. Some people volunteered for the army, and the Ålandic authorities approved of this as long as the recruitment did not violate the Autonomy Act or the 1921 Convention.<sup>93</sup>

However, the defence barriers were not destroyed and the troops were not removed when peace was made in March 1940. Finnish authorities argued that this was necessary because of the war developments in Western Europe, but the Ålandic leaders soon began to suspect that they planned to disregard the neutrality provisions. There were also official plans to keep military units of volunteers on Åland. The Ålandic leaders were not going

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91 Ibid., 352–359.

92 Dreijer, *Ålands självstyrelse 25 år. Festskrift*, 123–124, 127–128.

93 Ibid., 131.

to accept any such violations of the neutrality provisions. However, the Soviet Union demanded in June the same year that Åland would be demilitarized or fortified by Finland and the Soviet Union together. The Finnish Government preferred the first option, and on 11 October 1940, Finland and the Soviet Union signed a treaty on the demilitarization and non-fortification of the islands. The troops were removed, the Home Guard dissolved, and the defence constructions destroyed.<sup>94</sup>

The 1941–44 Continuation War, in which Finland together with Nazi Germany invaded the Soviet Union, did not generate the same will to contribute to the defence among the Ålandic population. One reason was that instead of a Home Guard (*hemvärn*) the National Defence created a Civil Guard (*skyddskår*), whose close connections to the military were considered to violate the Autonomy Act and the 1921 Convention. Another reason was the nationalist propaganda present during the war, which aimed at creating a Greater Finland. In June 1941, Åland was also occupied by mainly Finnish-speaking troops. The construction of defence barriers restarted, and Ålanders had to perform labour service there. During both wars, Ålanders who had completed military service before 1922 were brought in, and some of them were sent away from Åland. Even though there was little support for this new war on Åland, different types of aid actions were once again organized. Among other things, a group of Ålanders travelled to Karelia to participate in agricultural work there.<sup>95</sup>

During the peace negotiations between the Soviet Union and Finland, the former requested land for military bases on the latter's territory. The Finnish delegates discussed offering Åland instead of the requested areas, which was not well received on Åland when the information became publicly known.<sup>96</sup>

#### **4. The effects of the dissolution of the League of Nations on Åland**

Even though war was going on, the Ålandic Assembly continued to pass laws and also to seek a revision of the existing Autonomy Act. From the start, it was clear that the 1920 Autonomy Act contained technical inadequacies and that its scope did not satisfy the Ålanders. From 1938 onwards, two different committees drafted proposals for a revised Act, but none of them was discussed in the Finnish Parliament. When the war ended and it was clear that the League of Nations would be dissolved, the Assembly tried to achieve reunification with Sweden once more. It did not succeed. Instead, a revision of the Act followed, where Finland was pressured by demands from Åland, Sweden and the Soviet Union.

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94 Ibid., 134–135.

95 Ibid., 137–138.

96 Ibid., 147.

#### 4.1 Seeking reunification once more

In September 1945, when World War II had ended, the Ålandic Assembly sent a petition to the Finnish Government. There the Ålandic parliamentarians asked the Government to once again bring the issue of the sovereignty over Åland to the peace negotiations. They argued that the legislation implemented to safeguard the Ålanders' Swedish nationality had not worked the way it was intended, and that the scope of the protection as a whole was insufficient. A list of problems followed, which included disagreement in general between the authorities on the mainland and on Åland, the delayed implementation of the right of redemption, fortification of the islands, the presence of Finnish-speaking troops, and labour service for the Ålanders. The greatest concerns were said to have been caused by the dissolution of the League of Nations, which weakened Åland's international guarantees.<sup>97</sup> The solution that the parliamentarians were hoping for was, once again, reunification with Sweden. The Ålanders had not stopped hoping that the international circumstances would develop in such a way "that their natural yearning for reunification with their motherland" could be satisfied, the text read.<sup>98</sup>

The day following the discussion and approval of the petition in the Ålandic Assembly, the Swedish Ministry for Foreign Affairs released a statement. There it was claimed that the Ålandic petition had been brought about by the need for a revision of the 1921 Agreement, since the conditions for Åland's international status, guaranteed by the League of Nations, had changed. In case of such a revision, Sweden also had interests to defend. However, regarding the expressed wish for reunification, the Swedish Government was "foreign to the thought" of overthrowing the 1921 decision on Finland's sovereignty over the Åland Islands.<sup>99</sup>

The Finnish Government replied two weeks later, claiming that the issues mentioned in the petition fell outside of the Ålandic Assembly's area of competence, but that the proposals made by the Assembly would be examined by the Government "within the limits allowed by the autonomy legislation, the unity of the state and the principle of sovereignty".<sup>100</sup> The reply ended with the remark that the demilitarization of the islands had been re-established through the armistice agreement of 19 September 1944, and that all fortifications had since

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97 Ålands landsting (the Ålandic Assembly), "Till Finlands regering från Ålands landsting", *Lagberedningen, Självstyrelselagsrevisionen, Ha 1: Förarbeten till 1920 och 1951 års självstyrelselag för Åland – Del V Landstingshandlingar*, 40–43, Ålands landskapsarkiv.

98 Ibid., 40. (Translation by the present author.)

99 Published in e.g. "Sverige river icke upp Ålandsfrågan. UD klargör den svenska ståndpunkten", *Svenska Dagbladet*, 13 September 1945; "Sverige skall bevaka Ålandsöarnas ställning", *Dagens Nyheter*, 13 September 1945. (Translation by the present author.)

100 Finlands regering (the Finnish Government), "Till Talmannen för Ålands lagting", *Lagberedningen, Självstyrelselagsrevisionen, Ha 1. Förarbeten till 1920 och 1951 års självstyrelselag för Åland – Del V Landstingshandlingar*, 45, Ålands landskapsarkiv. (Translation by the present author.)

been demolished.<sup>101</sup> The Government also announced that it would appoint a committee to perform a revision of the Autonomy Act, whereby Åland would get two representatives.

Without the support of the Swedish Government, the second Ålandic quest for reunification ended before it had started. But the petition was not without result, since it led to the long-awaited revision of the Autonomy Act. The Finnish Government appointed the announced committee in November 1945, but it was not until 1951 that a Government bill made it to a vote in Parliament. One of the issues that delayed the legislative process was the status of the international guarantees after the dissolution of the League, which was officially dissolved in 1946 but had stopped working before that.

#### 4.2 § 6 of the Guarantee Law

All sections of the Guarantee Law except for § 4 on the base tax, which was outdated, and § 6 on the right to appeal to the Council of the League of Nations, were included into the new Autonomy Act. Worth noting is that the inclusion of the guarantees in the Autonomy Act had been the original intention of the Council.

§ 6 gave the Ålandic Assembly the right to turn to the Council of the League in cases of dissatisfaction with the application of the guarantees. However, this would not happen through direct communication between the two: the Assembly had to go through the Finnish Government, which, after adding its own comments, would present it to the Council. If the issue was of a legal character, the Council could ask for an opinion from the Permanent International Court of Justice.<sup>102</sup> This option was never used, although it was discussed on some occasions. The 1939 petition to the Council did not concern the linguistic and cultural guarantees and did not follow the correct procedure via the Finnish Government.

The first drafts of the new Autonomy Act contained a paragraph that would have obliged the Finnish Government to seek new international guarantees as soon as possible, but in 1946 this provision met with resistance from Finland's neighbour, the Soviet Union. A statement was released from the Soviet side where such guarantees were said to restrict Finland's sovereignty, which would be in conflict with the armistice and peace agreements between the two states. The Soviet point of view was that international guarantees could have given others an opportunity to interfere in Finnish internal affairs.<sup>103</sup>

To meet both Ålandic and Soviet demands, the next proposed Act from 1948 did not contain the previous provision, but left § 6 in the Guarantee Law in force. The Soviet

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101 Ibid.

102 Lag innehållande särskilda stadganden rörande landskapet Ålands befolkning (Garantilagen, the Guarantee Law), FFS 189/1922, § 6.

103 Modeen, *De folkrättsliga garantierna ...*, 68, 77.

Union, however, did not accept this either, which they let the Finnish Government know in August 1950. This demand became publicly known only a month later.<sup>104</sup> On 19 October, the Swedish envoy in Helsinki delivered a statement to the Finnish Minister for Foreign Affairs. There it was repeated that the obligations that Finland had undertaken towards Sweden in 1921 to guarantee the Ålanders their Swedish language, culture and local traditions were still in force. On 26 October, the Finnish Minister for Foreign Affairs replied that the Government considered Finland's obligations under international law not to be affected by the revision of the Autonomy Act.<sup>105</sup>

Herman Mattsson addressed the international guarantees in an Assembly debate in November 1950. He had been a member of the Ålandic Assembly since the start in 1922, and claimed that he had never before been so worried about the political future. He argued that the fact that “outsiders” (most likely referring to the Soviet Union) seemed to attach great importance to § 6 made him sceptical as to what the whole issue was really about, and made him think that § 6 might be an obstacle to “bigger plans”. If one section of the Guarantee Law was removed, he continued, it might become easier to remove all sections of the Autonomy Act and “pave the way for certain measures that one has not yet anticipated”.<sup>106</sup> In his speech closing the Assembly session, the Speaker Hugo Johansson argued that it should be natural to award importance to the international obligations even if the League of Nations had ceased to exist: “At least the people of Åland do so [...]”. He also expressed his satisfaction with the reassurances made by both the Swedish and the Finnish Governments that Finland's international obligations still existed.<sup>107</sup> The Ålandic attachment to § 6 should probably be seen as a result of distrust in Finnish politicians and authorities, and not as a result of any achievements of the League. The turbulence of the war years, the various Finnish-language nationalist movements that aimed at eliminating the Swedish language in Finland, and the inadequate Autonomy Act, were some of the reasons behind this suspicion.

The Finnish People's Democratic League, closely connected to the Soviet Union, managed to stall the parliamentary process several times. In June 1951, § 6 was finally definitively repealed. The Soviet Union also objected to number 19 on the list in the second part of § 11, which gave the Ålandic Assembly the right to decide whether laws that implemented international treaties in Finland would apply on Åland in cases where such

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104 “Den nya Ålandsfrågan”, *Dagens Nyheter*, 15 October 1950.

105 “Sverige och Åland”, *Svenska Dagbladet*, 1 November 1950; Ålands landsting (the Ålandic Assembly), Landstingets högtidliga avslutning måndagen den 4 december 1950 kl. 12.30, *Stenografiskt protokoll 1950*, 554, Ålands landskapsarkiv.

106 Ålands landsting (the Ålandic Assembly), Plenum lördagen den 18 november 1950 kl. 12.00, *Stenografiskt protokoll 1950*, 449, Ålands landskapsarkiv. (Translation by the present author.)

107 Ålands landsting (the Ålandic Assembly), Landstingets högtidliga avslutning måndagen den 4 december 1950 kl. 12.30: 554. (Translation by the present author.)

treaties affected the scope of the Autonomy Act. It was considered to diminish Finnish sovereignty over Åland, but here the Finnish Government and Parliament stood firm against Soviet pressure. On 12 June 1951 the revised Autonomy Act was approved by 108 votes to 40 (four blank votes and 47 absent). Since it had to be treated the same way as an amendment of the constitution, there had to be a second vote after the elections that took place a few months later. A two-thirds majority was then required. Only the People's Democratic League voted against when the Act was finally approved on 12 October 1951 with 143 votes to 37 (19 absent).<sup>108</sup> The new Autonomy Act was then sent to the Ålandic Assembly for their approval.

### 4.3 Assembly debates on the international guarantee

The debates in the Ålandic Assembly were held between 19 November and 1 December 1951. Already before that, the issue was heavily debated in the newspaper *Åland*. In addition, Swedish and Finnish papers reported extensively from the debates. On 6 November, six Assembly members (including the Speaker and Herman Mattsson, who had switched opinion), the *lantråd*, and a high-ranking official argued in *Åland* that the value of § 6 was very hard to assess due to the dissolution of the League of Nations. In addition, they considered the new Autonomy Act to be a huge improvement.<sup>109</sup> The changes included, e.g., codifications of existing practices, clarifications of the division of competences, some new legislative competences for Åland (including an Ålandic flag), and the introduction of *hembygdsrätt*, a kind of regional citizenship.

In the following Assembly debates there were in total three positions among the members. The first group, who ultimately was successful, considered the proposal to contain enough improvements for it to be worth approving. They considered § 6 of the Guarantee Law useless because of the dissolution of the League, but they had not given up on international guarantees for Åland; they wanted to try to seek new guarantees as soon as the international situation permitted it. The second group wanted to reject the new proposal on the grounds that the provisions of § 6 were missing. Some of them were happy with the rest of the proposal; some did not consider it to be that much of an improvement. Gunhild Berglund argued that it was too soon to dismiss the old guarantees, since it was not yet decided which functions the UN would take over from the League.<sup>110</sup> Only one person represented the third standpoint: Rickard Lindroth, who belonged to the Finnish People's

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108 Modeen, *De folkrättsliga garantierna ...*, 72, 74, 76–77.

109 "Till frågan om självstyrelserevisionen", *Åland*, 6 November 1951.

110 Ålands landsting (the Ålandic Assembly), Plenum måndagen den 19 november 1951 kl. 13.00, *Stenografiska protokoll 1951–1952*, 35, Ålands landskapsarkiv.

Democratic League. He did not approve of the proposal either, but his arguments mirrored the ones put forward by his party in the Finnish Parliament and in the newspapers. The final vote ended 17-10 in favour of approving the proposed Autonomy Act.<sup>111</sup>

In 1939, the Soviet Union had stopped Åland from being remilitarized. Twelve years later, the same country prevented Finland from seeking new international guarantees for the League's solution. The majority opinion on Åland had been aided by the eastern neighbour in the first case, but in the second case the opposite happened. Soviet actions were in both cases guided by the same principles: to keep other countries out of what they considered to be Finland's internal affairs, and to limit the strategic significance of the Åland Islands. But the Soviet Union never opposed the autonomy itself, and the revised Act's many improvements, in combination with the Swedish and Finnish assurances that Finland's international obligations still existed, enabled the Assembly's approval.

## 5. Conclusions

When the Åland Example is used in conflict resolution, mistakes made and possible alternative paths are essential elements to explore. A scrutiny of the first three decades of the regime shows that the League's solution did enough to ease the tensions between Sweden and Finland, but not enough to satisfy the Ålandic population and its leaders. From their point of view, the survival of the regime cannot be attributed to only the design of the solution. The actions of the surrounding states were more important: a combination of Finland's respect for the rule of law and its international obligations, Sweden's low profile, and the Soviet Union's refusal to allow remilitarization of the islands. Had Åland had a stronger negotiation position – e.g., a larger population, more political and economic muscles, and/or support from Sweden – the regime created by the League would not have remained intact for as long as it did, or perhaps not have survived at all. As argued in this text, a forum for negotiation, implementation and development of the regime, where Finland, Åland and perhaps also Sweden and the League were represented, could have been such an alternative path that could have contributed to a smoother start, and possibly an earlier revision of the Autonomy Act and the Åland Agreement.

Finland and Sweden accepted the League's authority and refrained from going to war with each other. The Åland solution was thus given the basic prerequisites to survive. However, from the first time the Ålandic Assembly convened in 1922 until the revision of the Autonomy Act in 1951, there were differing opinions between Åland and Finland on how to implement the vaguely worded Act and the Agreement. Nevertheless, the possibility to

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111 Ålands landsting (the Ålandic Assembly), Plenum lördagen den 1 december 1951 kl. 10.00, *Stenografiska protokoll 1951–1952*, 168–169, Ålands landskapsarkiv.

appeal to the League Council was never used by the Ålandic Assembly, probably because the chances to succeed in such an endeavour were seen as very low.

Sweden held a low profile during the decades that followed, which left the Ålandic politicians alone in every effort to accomplish any change, but this low profile also helped Sweden and Finland rebuild their damaged relations. When comparing Åland to the other minority solutions created during the interwar years, it must be noted that nationalist or fascist propaganda did not take hold in Sweden in a way that affected its foreign policy towards Finland. If Sweden had done anything close to what Germany did in relation to German minorities in other countries, the Ålandic regime would probably not have survived.

In the 1930s, the demilitarized and neutralized status of Åland was questioned as the Finnish and Swedish governments wanted to remilitarize the islands. The issue came to the Council of the League, who refrained from making a decision. The Assembly majority, which opposed the plans, was helped by the Soviet Union when its Minister for Foreign Affairs declared that a breach of the Convention would not be accepted. The autonomy would have remained in place also if the remilitarization plans had been approved, but the overall consequences for Åland, as well as for Sweden and Finland, during and after the war are impossible to assess.

In the 1940s and early 1950s, the dissolution of the League of Nations led to serious concern as the international guarantee for the minority protection regime on Åland disappeared. The Ålandic Assembly had not used its right to appeal to the Council, but suddenly valued it very highly. Sweden reaffirmed the Åland Agreement, and as Finland was in a delicate position after the war, it was first agreed that new guarantees would be sought from the UN as soon as possible. The Soviet Union eventually stopped all references to international involvement. The Assembly accepted the new Act since the majority recognized its many advantages, and realized that keeping § 6 on the right to appeal to the Council was useless after the League's dissolution.

The Ålandic Assembly has also later tried to seek new international guarantees, but as the UN never assumed the responsibilities regarding minority protection that the League of Nations had had, it has been an impossible mission. However, both Sweden and Finland have every now and then confirmed the continued validity of the Åland Agreement. Åland also remains demilitarized and neutralized. The early post-war era provided the stability needed for the Åland solution to develop into a well-functioning, appreciated and respected system.

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