The Aaland Islands Model and Kashmir

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The Aaland Islands had already petitioned the Russians to secede from Finland and join Sweden. The cry for independence in Finland set in motion Swedish aspirations to be among their own, to secede from Finland and join Sweden as they had been little more than a century earlier.

By means of a petition and supported by more than 96% of the population, they then petitioned the new government of Finland and proposed seceding from Finland, joining Sweden, to come under Swedish government control. The Swedish government, however, was not uniformly excited by the prospect or concerned about the Aaland Islanders or their interests for reasons having to do with internal politics more than anything else.  The ideological struggles taking place in Russia and Finland were causing disarray in execution of policy in Sweden as well.  As such their support for the petition was weak, and as a result it was less of a dispute between Sweden and Finland than a dispute between the Aaland Islands and Finland.

Britain had submitted the Aaland Islands issue to the League of Nations rather than either Sweden or Finland.  Britain believed that international peace was at stake in a matter that was seen by Finland as an internal dispute. (Sounds familiar: “Let me state unequivocally that Jammu and Kashmir is an integral part of India and will always remain so.” Sushma Swaraj, Minister of External Affairs of India. September 26, 2016). The Aaland Islands had been the subject of numerous international disputes over the issue of keeping it demilitarized due to its strategic location in the mouth of the Gulf of Bothnia, the large body of water separating Sweden and Finland.

When the League agreed to consider the dispute, Finland immediately declared that the matter was outside the scope of the authority of the League of Nations since it was a matter to be resolved internally by the country itself.  Procedurally, the League would then have submitted the matter to the Permanent Court of International Justice for review to determine the legality of Finland's claim over the Aaland Islands, but since the Court was just then in the process of formation, a panel of three jurists, the Aaland Commission of Jurists, having international repute was selected to adjudicate. The Commission consisted of Ferdinand Larnaude, Dean of the Law Faculty of Paris and president of the Commission, Max Huber, a University of Zurich professor of international law, and A. Struycken, a Dutch politician and councilor of the Netherlands’ government.

The panel determined that, given the nature of Finland's recent independence from Russia and questions remaining regarding its legal statehood, and the separate struggle of the Aaland Islands in respect to both Russia and Finland, Finland's sovereignty over the Islands was not set in stone and therefore subject to consideration by the League. "The Aaland question is one that extends beyond the sphere of domestic policy," they said.

Following the report of the Commission of Jurists on the question of jurisdiction, the Council appointed a second commission, known as the Commission of Rapporteurs, to advise the Council further on the merits of the dispute. Their decision is quite significant in understanding the issue of how and when, in the international community, self-determination is regarded as a legitimate demand.

One would think that the autonomy the Aaland Islands had enjoyed under the Grand Duchy of Finland would have been substantial reason alone to have granted them their wish to join Sweden.  They needed autonomy under Finland because they wanted to be ruled by Swedes and Swedish laws in a culture of a Swedish making. The overwhelming opinion by a 95 percent majority expressing such a will was another factor that should have been given more weight. The notion that Finland had been a state for a century, to be treated as any other sovereign state, was a useful distortion of fact and legal trickery, clearly challenged by the Commission of Jurists, particularly since sovereign control of both Finland and the Aaland Islands had not been held by Finland but by Russia. The Commission of Rapporteurs obviously ignored the facts and chose to parade the views of tyrants whose positions in power were used to advance a narrow agenda not of the people but of state largesse. State, to them, was land, not people. The people were victims of whatever ambitions and greed provoked the state.

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