

(final - 16 January 2012)

The Åland Islands Solution

A precedent for successful international disputes settlement

**Remarks by Ms. Patricia O'Brien,
Under-Secretary-General for Legal Affairs, The Legal Counsel**

**Tuesday, 17 January 2012, 6.30pm
(United Nations Headquarters, Delegates Entrance Lobby)**

Ambassador Viinanen,
Madam Gunell,
Excellencies,
Ladies and Gentlemen,

[Introduction]

It is a great pleasure to address you today on the occasion of the opening of an exhibition entitled "The Åland Islands Solution - A precedent for successful international disputes settlement".

Allow me, first of all, to congratulate the Archives of the Ministry for Foreign Affairs of Finland and its Permanent Mission here in New York, the National Archives of Finland, the Museum of Åland and the Library of the United Nations Office at Geneva for organising this interesting event.

The archival documents presented to you and on display tonight illustrate the historic context of the successful settlement by the League of Nations of the Åland Islands dispute.

[Historical background]

The Åland Islands, located at the entrance to the Gulf of Bothnia, have always been of strategic importance in the Baltic region. In the aftermath of the First World War the islands - inhabited by the Swedish-speaking population but belonging to Finland - became an object of a territorial dispute between Finland and Sweden.

The residents of the islands claimed their right to self-determination and demanded a reunification with Sweden. This separatist movement was supported by Sweden but opposed by Finland who insisted on its sovereignty over the archipelago and was only willing to offer it an autonomous status. In order to facilitate a peaceful resolution of the status of the Islands and prevent destabilisation of the Baltic region, the matter was referred in June 1920 to the newly founded League of Nations.

[Peaceful dispute settlement under the auspices of the League of Nations]

The first issue that needed to be resolved was the competence of the international organisation to settle the dispute. The International Committee of Jurists, entrusted by the Council of the League of Nations with the task of advising on legal aspects of the Åland Islands case, gave an affirmative answer to the question of competence. Once declared competent to decide on the dispute, the Council of the League of Nations appointed a Commission of Rapporteurs to thoroughly investigate the problem and make recommendations for its solution.

Based on the Commission's report and on hearing the parties, the Council adopted a resolution in June 1921, which recognized Finland's sovereignty over the Åland Islands but recommended autonomy for the territory and guarantees for the local population that would preserve its Swedish language, culture and local traditions. The islands were also to remain demilitarised, non-fortified and neutral. The recommendations of the League of Nations were accepted by the parties to the conflict and fully complied with.

[Significance of the case]

The Åland Islands case proved significant for the following principal reasons. It was one of the first interstate disputes, which arose in the years after the First World War and before the Permanent Court of International Justice was established. The pronouncement of the International Committee of Jurists designating and declaring an international organisation competent to settle an interstate dispute was a very important development because it provided a new forum for the peaceful settlement of international disputes. The fact that the parties to the conflict fully endorsed the final recommendations of the League Council further confirmed the legitimacy of such international intervention.

Other conclusions of the Committee of Jurists and the Commission of Rapporteurs on the relationship between the principle of self-determination and the protection of minorities are still of relevance today. It was established that if the rights of minorities are being respected and its cultural identity is fully protected in situations such as the one in question, a demand for

secession does not seem to be justified. The Åland solution has often been referred to as a model for the constructive and successful settlement of minority conflicts.

The significance of the Åland Islands case consists also in its contribution to the formation of the general rule of international law about the peaceful settlement of international disputes. It served as a successful example of the peaceful settlement of an international dispute in the pre-UN Charter era. At a time when the traditional and unrestricted sovereignty of States allowed them to settle their disputes through whatever means they chose - peaceful or not. The League of Nations was a revolutionary idea at the time, which contested and tried to restrain the sovereign right of States to warfare at will and by choice.

Though the provisions of the League Covenant stated the promotion of peace and security as the organisation's central goal, they were incomplete and did not stipulate any binding obligations to settle disputes in a peaceful manner.

[Conclusion]

Ladies and Gentlemen,

The development of international law has seen great progress since those days. The international community witnessed the "fading away" - if I may call it that way - of the League of Nations as an international organization. The international community was condemned to suffer through another and even more devastating World War and from the ashes of this conflict emerged the United Nations. The drafters of the Charter of the United Nations learned from the mistakes and also drew lessons from successes of the League of Nations. The universal prohibition of the use of force and the corollary principle that States must settle their international disputes by peaceful means were codified in the Charter as binding obligations. The binding and primary character of these responsibilities is uncontroversial and has been repeatedly corroborated by the International Court of Justice in its rulings.

Ladies and Gentlemen,

This exhibition on the Åland Islands solution is an welcome occasion to reflect, once again, upon the legal nature of the principle of peaceful settlement of disputes and its transformation from a mere political option to a binding legal obligation.

Thank you for your attention and I wish you a pleasant evening.