

Territorial Disarmament in Northern Europe

The Epilogue of a Success Story?

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Preface

France sometimes likes to call itself ‘a nation unlike others’ (*un pays pas comme les autres*), and there is at least one sense in which Northern Europe might be called a region unlike others. Since the earliest emergence of the modern state system in this region, a recurring theme in the security strategies of both the local states and their neighbours (notably, Russia) has been the wish to somehow ‘extract’ or ‘exempt’ parts of the region’s territory—or the whole of its seas—from the risks and penalties of interstate warfare. In early modern times, the main issue was freedom of navigation in the Baltic Sea. From the mid-19th to mid-20th century, another factor that came into the picture was the wish of the newly independent Baltic and Nordic nations and the island groups under the sovereignty of one of the Nordic nations to have a status that set them as far apart as possible from realpolitik power play—an aspiration that was often satisfied by agreements on the neutralization or demilitarization of territories such as Åland, the borderlands of independent Norway, the Svalbard archipelago and at one stage the whole of Iceland. During the cold war after World War II, the non-allied status of Finland and Sweden, together with the self-imposed limitations affecting Denmark’s, Norway’s and Iceland’s military participation in NATO, served a very clear strategic purpose in preserving the so-called Nordic balance and in lowering the level of the two blocs’ military presence and hence inter-bloc tensions throughout the region.

Since the end of the cold war, while the map of Europe as a whole has been transformed, this quality of a certain ‘apartness’ in the Nordic states’ relation to the main strategic business of the continent has shown a remarkable power of survival. Even such sweeping changes as the entry of Poland and the three Baltic states into NATO have hardly impacted upon Finland’s or Sweden’s continuing attachment to their non-allied status, or the various opt-outs of Denmark and Norway from both NATO’s and the European Union’s defence-related affairs. NATO itself adopted one similar device for limiting tensions, when it chose not to base nuclear weapons or foreign forces in peacetime on the territory of its new member states.

This Policy Paper by Matthieu Chillaud—a French guest scholar at SIPRI in 2005–2006—begins by examining in depth the legal meaning and strategic rationale of the whole range of national and interstate measures that may be summed up as ‘territorial disarmament’. Chillaud shows how different Nordic states and territories have acquired their various special statuses by stages through history and brings out the complex motivations involved that often relate not just to external security, but also to feelings about identity and domestic governance. The Policy Paper’s last chapter turns to current strategic politics and raises some pertinent questions—worthy of further research—about whether the Nordic penchant

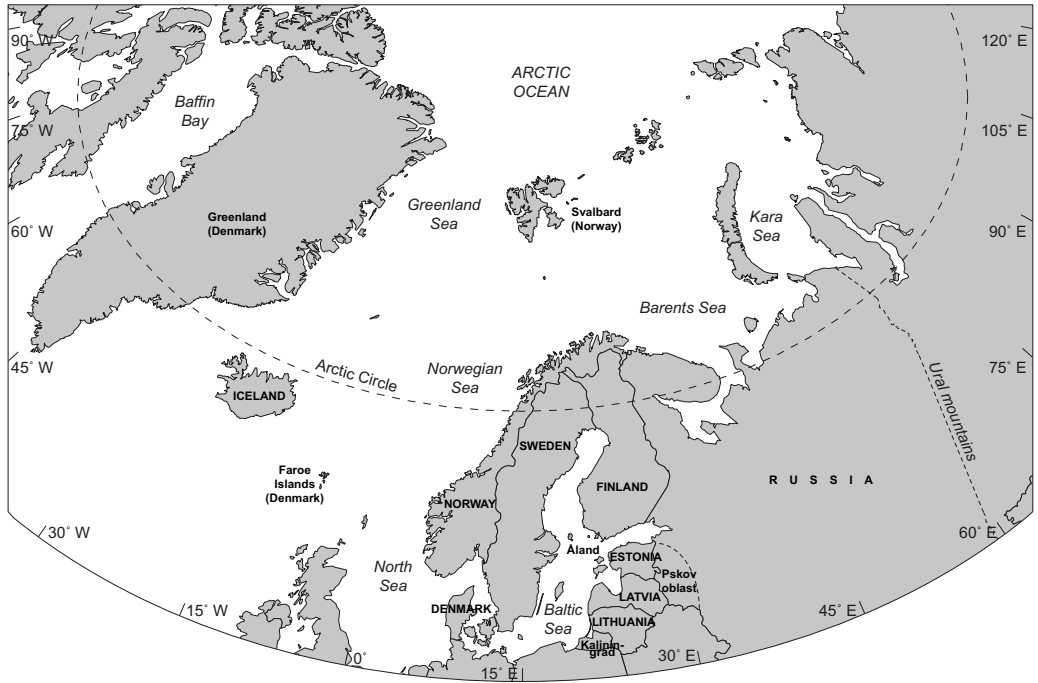
for ‘separation’ will and should survive in face of the continuing shift of European security challenges and priorities towards dimensions that are either transnational (like terrorist threats and epidemics) or entirely non-territorial. The appendix contains the relevant sections of many of the key agreements, including some that are otherwise hard to find, that have created and recorded measures of territorial disarmament in Northern Europe.

Thanks are due to Matthieu Chillaud for this original and intriguing piece of work; to the Swedish Institute, which generously supported his stay in Sweden for the purpose; and to Connie Wall and David Cruickshank for the editing.

Alyson J. K. Bailes
Director, SIPRI
July 2006

Abbreviations and acronyms

APM	Anti-personnel mine
CBM	Confidence-building measure
CFE (Treaty)	(Treaty on) Conventional Armed Forces in Europe
COMBALTAP	Commander, Allied Forces, Baltic Approaches
EEA	European Economic Area
ESDP	European Security and Defence Policy
EU	European Union
km	kilometres
MBFR	Mutual and Balanced Force Reductions
NATO	North Atlantic Treaty Organization
NWFZ	Nuclear weapon-free zone
NPG	Nuclear Planning Group
NPT	Non-Proliferation Treaty
OSCE	Organization for Security and Co-operation in Europe
TLE	Treaty-limited equipment
UN	United Nations



Map of Northern Europe and types of territorial disarmament

Baltic Sea, 16th–19th centuries: many treaties to establish some measure of naval demilitarization; *during the cold war:* the Soviet theory of mare clausum

Northern Europe, during the cold war: a Nordic nuclear weapon-free zone proposed several times

Greenland, since 1951: by a treaty between the USA and Denmark, the defence of Greenland is guaranteed mainly by the USA

Iceland, since 1918: unilateral decisions that Iceland will be neutral and have no national army; *since 1951:* by an agreement with the USA, the defence of Iceland is guaranteed mainly by the USA

Norway, 1960s–1995: unilateral moratorium on NATO exercises in northern Norway

Svalbard, since 1920: neutralization of the archipelago

Denmark and Norway, since the start of the cold war: no foreign forces or nuclear weapons

Åland, since 1856: demilitarization; *since 1921:* demilitarization and neutralization

Kaliningrad, since the early 1990s: pleas from the West to demilitarize the Russian exclave

Estonia, Latvia and Finland, 1920: several demilitarization measures in the respective peace treaties with Russia

Norway–Sweden border, 1905–93: demilitarized border area

Finland and Sweden: non-allied status; non-signatories to the 1990 Treaty on Conventional Armed Forces in Europe; Finland a non-signatory to the 1997 Anti-Personnel Mines Convention

Russian northern flank, in the framework of the CFE Treaty: Norway and the Leningrad Military District are in the northern flank zones; *in the framework of the 1999 Adapted CFE Treaty:* the Leningrad Military District (excluding Pskov oblast) has a territorial sub-ceiling

1. Introduction

Although the close link between geography and disarmament¹ goes far back in history, there has been little intellectual debate on their relationship. The French scholar Jean-François Guilhaudis noted that ‘a glance through the contents of specialized journals in the field of disarmament shows clearly that this relationship is not a familiar subject. One has the impression that there is nothing, or almost nothing, about disarmament that relates to territory. . . . This observation seems to be confirmed by recent books on geopolitics, which pay very little if any attention to disarmament’.² Nonetheless, the issue of territory is important, especially in the study of the concept of ‘geographic disarmament’, as defined by James Handyside Marshall-Cornwall—the pioneer of research in this field—or ‘territorial disarmament’, as it is called in the present study.³ Marshall-Cornwall defined geographic disarmament as ‘the restriction or prohibition of armaments in certain definite territorial areas’.⁴ For most of history, such measures were enforced in the form of sanctions: Hervé Coutau-Bégarie noted that ‘from antiquity it has been common to impose on the defeated party, aside from the surrender of its fleet, the demolition of its fortifications and the denial of access to certain areas’.⁵

Territorial restraints on, notably, military equipment, personnel and activities have been codified in some recent and current disarmament agreements—for example, the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty),⁶ the disarmament measures taken in the successor states of the former Yugoslavia under the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Peace Agreement),⁷ and the ‘zoning’ of Iraq under United

¹ ‘Disarmament’ is understood in a broad sense as covering all measures—both ‘hard’ and soft—that involve constraints on military activities and have a territorial dimension. Confidence-building measures are not dealt with in this study except and unless they match these criteria.

² Guilhaudis, J.-F., ‘Désarmement et territoire’ [Disarmament and territory], *Culture et conflits*, no. 21/22 (1996), p. 267. Translations of French texts quoted in this Policy Paper are unofficial translations by the author.

³ Sohn, L., ‘Disarmament and arms control by territories’, *Bulletin of the Atomic Scientists*, no. 17 (Apr. 1961), pp. 130–33.

⁴ Marshall-Cornwall, J. H., *Geographic Disarmament: A Study of Regional Demilitarization* (Oxford University Press: London, 1935), p. 5.

⁵ Coutau-Bégarie, H., *Le désarmement naval* [Naval disarmament] (Economica/Institut de Stratégie Comparée (ISC): Paris, 1995), p. 27.

⁶ The CFE Treaty was negotiated and signed by the member states of the Warsaw Pact and the North Atlantic Treaty Organization and was designed to achieve a military balance between them by the setting of equal ceilings for treaty-limited equipment (battle tanks, armoured combat vehicles, certain artillery, combat aircraft and attack helicopters). For a comprehensive treatment of the CFE process see the relevant chapters in editions of the *SIPRI Yearbook: Armaments, Disarmament and International Security* since 1989, and for the treaty see URL <<http://www.osce.org/item/13752.html?html=1>>.

⁷ The Dayton Peace Agreement mandated the negotiation of confidence- and security-building measures among the entities of Bosnia and Herzegovina and of a quantitative arms control regime among the parties to the agreement. For the Dayton Peace Agreement, signed in Paris on 14 Dec.

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Nations Security Council resolutions adopted between 1991 and 2003.⁸ However, the real golden ages of territorial disarmament came after the Napoleonic Wars (1799–1815) and during the period of the League of Nations (1920–46), in contexts that brought about the reshaping of Europe. Decisions taken during those periods have proved long-lasting and successful in Northern Europe, a region which seems to have been particularly open to the concept of territorially defined restraints. The general explanations for this include earlier traditions of neutrality (seen in particular as serving the goal of free and secure trade) and the regional states' interest in 'extracting', or 'subtracting', the Baltic Sea region from the rivalries of the European great powers by both operational and treaty methods.⁹

The 1918 armistice that ended World War I gave the Allies the right to occupy all the German fortifications at the entrance to the Baltic Sea,¹⁰ and the 1919 Treaty of Versailles stipulated that no fortifications could be built and no coastal artillery could be installed there.¹¹ However, the provisions concerning the demolition of all military installations in a 150-km area around the Danish Straits applied only to those of Germany.

After 1945 Soviet jurists tried, without success, to revive the doctrine based on the principle of *mare clausum* (a closed sea), arguing that a state that did not border on the Baltic Sea should not be allowed to bring warships into the sea.¹² The Soviet Union, having failed to establish bases in the Danish Straits, hoped to preserve the Baltic Sea from any influence by the Western powers. Soviet Premier Josef Stalin had even proposed at the 1945 Potsdam Conference that the entrance to the Baltic Sea should be put under the control of an international authority, but the other Allies were strongly opposed to the idea. Afterwards, Soviet propaganda recast the

1995, see *SIPRI Yearbook 1996: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1996), pp. 232–50.

⁸ This refers to the 2 'no-fly zones' in Iraq, 1 in the north and another in the south, that were created by France, the United Kingdom and the United States soon after the 1991 Gulf War.

⁹ E.g., by the 1658 Treaty of Roskilde, Denmark and Sweden agreed to forbid the entry of foreign fleets to the Baltic Sea—a first attempt at 'neutralizing' the Baltic Sea. In 1689, at the time of the War of the League of Augsburg, the 2 states signed several treaties stipulating joint protection of their merchant convoys. The arrival of Russia on the European political stage, which dramatically challenged strategic balances in Northern Europe, further highlighted the value of using measures of neutralization to protect maritime trade. In 1756, at the time of the Seven Years' War, Denmark and Sweden decided to strengthen the military protection of their convoys. This protection was later consolidated by the 1759 Treaty of St Petersburg between Russia and Sweden, which denied foreign fleets the right to navigate in the Baltic Sea.

¹⁰ The Allied powers signed the ceasefire agreement with Germany that brought World War I to a close at Rethondes, France, on 11 Nov. 1918.

¹¹ Article 195 of the Versailles Treaty states: 'In order to ensure free passage into the Baltic to all nations, Germany shall not erect any fortifications in the area comprised between latitudes 55° 27' N and 54° 00' N and longitudes 9°E 00' E and 16°E 00' E of the meridian of Greenwich, nor install any guns commanding the maritime routes between the North Sea and the Baltic Sea. The fortifications now existing in this area shall be demolished and the guns removed under the supervisions of the Allied Governments and in periods to be fixed by them'. For the full text of the treaty see URL <<http://history.acusd.edu/gen/text/versaillestreaty/all440.html>>.

¹² Alexandersson, G., *International Straits of the World*, vol. 6, *The Baltic Straits* (Martinus Nijhoff: The Hague, 1982), p. 87.

legalistic *mare clausum* concept as a more emotional appeal for a ‘Sea of Peace’, as the Soviet Union turned to other tools and themes (see below) to pursue essentially the same national interests.

Territorial disarmament has most typically been associated with the end of intra- or interstate hostilities and with the provisions of ceasefire agreements, armistice arrangements and peace treaties. However, it is also possible to establish peacetime measures of territorial disarmament and restraint in order to reduce the risk of future conflicts, to build confidence and to facilitate local cooperation. Such territorial restraint can cover either an entire national territory (although this is very unusual) or a geographically defined sub-area, such as a frontier zone. The main types of potential territorial disarmament measure are: demilitarization or non-militarization, neutralization, the destruction or non-construction of fortifications, and the removal or non-introduction of nuclear forces.

Territorial disarmament deals with the physical dimension of the state and, since international law is concerned chiefly with states, it is almost a tautology to point out that such disarmament is also a matter of international law. In that regard territorial disarmament poses certain paradoxes: how can it make sense in terms of *jus in bello* (the principle that governs the conduct of belligerents during a war) to ‘subtract’ some territories from military hostilities altogether in the framework of *jus ad bellum* (the principle that refers to the conditions under which one may resort to war or to force in general)? As the state has the supreme prerogative of the use of force, how can a country accept limitations on its basic right to make or not make war and to defend itself against a hypothetical attack? The answer may lie in the fact that sovereignty, predominantly territorial sovereignty, is a fundamental tenet of international law; and just as a state is allowed to take measures for its defence within its homeland, it may choose to alter or restrict the conditions for exercising that right (or letting others act) on its own territory. Such limitations may be promulgated in a unilateral fashion (usually by means of a statement or a moratorium), bilaterally or multilaterally (most often in the form of a treaty).¹³ It is here that the logic of strategy impacts on international law: the choice by a state or states to attempt ‘security by disarmament’ can be regarded instrumentally as an alternative way of pursuing the legally recognized goals of national security and defence.

This Policy Paper examines the nature and rationale of the interface between strategic geography and disarmament in one particular region. The literature on general North European strategic issues is so abundant that these issues need no further examination here. The specific topic of geographic disarmament, however—for this subregion or for Europe in general—has been the subject of very little serious research in recent times.

¹³ Distinctions may also be made between imposed restrictions and limitations (regimes that have been established against the will of the state or states concerned) and voluntary restrictions (either binding or non-binding). Certain types of arrangements can take a reciprocal (relating to both sides of an interstate border) or a one-sided (on one side of the border) form.

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Chapter 2 examines the sometimes complex and controversial issues of definition regarding the three main forms of territorial restraint in Northern Europe, the region consisting of the Nordic states (Denmark, Finland, Iceland, Norway and Sweden) and the Baltic states (Estonia, Latvia and Lithuania). Chapter 3 describes the more prominent cases of special territorial statuses and restraints in Northern Europe, classified in three types of territorial disarmament. In effect, the whole area from Greenland to north-western Russia, and from Svalbard¹⁴ in the Arctic Ocean to the Russian exclave of Kaliningrad on the south Baltic Sea constitutes a single patchwork of territories that are all more or less affected by measures of territorial disarmament. Chapter 4 contains a generic discussion of the functionality and effectiveness of territorial disarmament measures in this region, considered from the standpoints of internal governance and of external security. The concluding chapter discusses how this calculus is affected, or may be affected, by ongoing changes in the regional strategic balance and in the broader security agenda now facing the five Nordic and three Baltic states of Northern Europe.

¹⁴ There is often confusion between the names 'Spitsbergen' and 'Svalbard', both of which are used for the set of Arctic islands between the Greenland and Barents seas that are under Norwegian sovereignty. Since 1969 Norway has referred to the biggest island of the group as Spitsbergen and the complete archipelago as Svalbard.

2. The concept of territorial disarmament

Measures that can be taken in the framework of territorial disarmament are as varied as the potential kinds of prohibitions on armaments and military activity in a specific territory. Nevertheless, it is possible to argue that all such measures can be divided into two basic categories: demilitarization and neutralization. It is important not to confuse these two terms—they may appear similar in terms of intent and effects and may coincide on a given territory, but in theory, and often in practice, they are very different.

Demilitarization and neutralization

Demilitarization and neutralization measures share the same basic objective: to prevent a given physical area from becoming either the source or the site of armed conflict. Until World War I, the two terms were generally treated as interchangeable, and even today one is often confused with the other. The *Encyclopedia of Public International Law* refers to ‘demilitarized areas’ in its entry on ‘neutralization’,¹⁵ and the British diplomat Philip Noel-Baker has argued implicitly that there is no real difference between the two terms.¹⁶ In real-life instances, the tendency to adopt measures that are tailored to specific geographical and historical conditions and drawn eclectically from a theoretically almost infinite range has further confused the picture. As Christer Ahlström has pointed out, ‘there are examples where the terms have been defined on an *ad hoc* basis, i.e. the definitions employed apply only to the specific conditions regulated by the treaty, and are not intended to create a general definition’.¹⁷ This conceptual fuzziness may be regarded either as a drawback or as an advantage for territorial disarmament because it permits a kind of legal elasticity: something that is expressly forbidden in one treaty may be at least implicitly allowed in another, and the concerned parties may still define the resulting status using the same term, either demilitarization or neutralization as they prefer.

According to the Belgian lawyer Jean Salmon, demilitarization can most properly be defined as ‘a measure which consists of banning the presence of military forces and installations, all military exercises or any kind of armament testing, in a certain geographic area. The measure may possibly entail the destruction of existing military structures’.¹⁸ Thus, demilitarization instruments frequently prohibit the introduction or maintenance of fortifications, and the presence or increase of armed

¹⁵ Verosta, S., ‘Neutralization’, *Encyclopedia of Public International Law*, vol. 3 (Elsevier: Amsterdam, 1997), p. 570.

¹⁶ Noel-Baker, P., *The Arms Race* (Calderbooks: London, 1958), p. 109.

¹⁷ Ahlström, C., *Demilitarised and Neutralised Territories in Europe* (Åland Islands Peace Institute: Mariehamn, 2004), p. 15.

¹⁸ Salmon, J., ‘Démilitarisation’ [Demilitarization], *Dictionnaire de droit international public* [Dictionary of international law] (Bruylant: Brussels, 2001), pp. 318–19.

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forces and their equipment, in an area with the explicit or implicit aim of preventing conflict. For example, Part D of the 1947 Treaty of Peace with Italy, signed between the Allied nations and Italy, stipulates:

For the purpose of the present Treaty the terms ‘demilitarisation’ and ‘demilitarised’ shall be deemed to prohibit, in the territory and territorial waters concerned, all naval, military and military air installations, fortifications and their armaments; artificial military, naval and air obstacles; the basing or the permanent or temporary stationing of military, naval and military air units; military training in any form; and the production of war material. This does not prohibit internal security personnel restricted in number to meeting tasks of an internal character and equipped with weapons which can be carried and operated by one person, and the necessary military training of such personnel.¹⁹

Another category of demilitarized areas, usually called buffer zones, are designed to reduce the risk of or minimize territorial disputes by preventing direct contact between hostile armies. A still current example is the demilitarized zone between North and South Korea, which also illustrates how such territorial arrangements may be linked with special measures of international administration or oversight (in this case, the international Military Armistice Commission).²⁰ On a similar logic, two or more contiguous countries may decide to diminish the risk of war between them by agreeing on a more far-reaching ‘zone system’ in which military action is prohibited in sensitive border zones or reductions or limitations are placed on the presence of armed forces in wider areas, perhaps encompassing their whole territories. The ‘demilitarizing’ effect here is partial in the sense that some armed forces and activities will persist, often with added measures of transparency or cooperation to reduce any negative effects of their presence. The most elaborate extant example of such a system is the CFE Treaty, providing for numerical ceilings on equipment across a major part of Europe ‘from the Atlantic to the Urals’.

Strictly speaking, demilitarization should mean the non-existence of any kind of fortification or permanent military structure on the territory in question. In practice, this effect can be achieved either retroactively (by the destruction of existing structures) or in a deterrent and preventive mode (by banning future construction). In either case, the implicit objective is to prevent the territory from becoming a theatre of war.

Neutralization can be defined as the ‘the situation of certain territories, areas or places, straits or international canals, or certain constructions or categories of people that, in the event of an armed conflict, have to be kept apart from the hostilities, or the act whereby such a regime is established’.²¹ Its explicit objective is to

¹⁹ The Treaty of Peace with Italy, signed on 10 Feb. 1947, is available at URL <http://www.istrianet.org/istria/history/ww2/1947_treaty-italy.htm>.

²⁰ The Korean demilitarized zone was established by the 27 July 1953 armistice. It is a 4-km wide strip of land running across the Korean Peninsula that serves as a buffer zone between the 2 Korean states.

²¹ Salmon, J., ‘Neutralisation’ [Neutralization], *Dictionnaire de droit international public* (note 18), p. 737.

exempt and exclude a territory from armed conflict by banning military operations there. Confusingly, however, the word ‘neutralization’ is applied in some treaties to a prohibition on the building of fortifications. Conversely, the ban on conflict that should be the trademark of neutralization may be linked with ‘demilitarization’. For example, under the 1977 Protocol I to the Geneva Conventions of 1949, ‘It is prohibited for the Parties to the conflict to extend their military operations to zones on which they have conferred by agreement the status of demilitarized zone, if such extension is contrary to the terms of this agreement’.²² This formulation is confusing since, in principle, the designation of a territory as demilitarized (in peacetime) does not necessarily remove parties’ legal right to use it for purposes of war. In fact, the rapporteur of Committee III of the negotiations on the protocol noted at the time that it had been difficult to find an adequate term to describe the protected zones that it was felt should be created. The terms that were discussed included ‘neutralized zones’, ‘non-militarized zones’ and in French even ‘*zones civilisées*’ (civilized zones), but ‘demilitarized zones’ was finally adopted. As Ahlström has pointed out, the meaning that came to be attached to ‘demilitarized zones’ (as distinct from ‘areas’) in the context of international humanitarian law, and has persisted in that context, is distinctly different from the way in which it has been applied to specific territorial cases, at least in Northern Europe.²³ The confusion is compounded by the fact that most of the areas that have been formally demilitarized in the course of history have also been neutralized, although not necessarily by the same instruments or parties (see the case of Åland, discussed below).

For all these legal uncertainties, from a politico-strategic point of view demilitarization and neutralization still have two different and complementary logics. The first bans the setting up of military installations in a given territory with the implicit aim of preventing wars there. The second, without necessarily banning military installations (especially those belonging to the domestic authorities), explicitly and unambiguously seeks to exclude the territory from military conflict. If such military objects remain, a neutralized area may not, strictly speaking, be demilitarized and, as argued above, a demilitarized area is not *ipso facto* neutralized either.

Neutralization and neutrality

Another typical and troublesome confusion arises between the terms ‘neutralization’ and ‘neutrality’. The latter should apply to the action or declaration that conveys neutral status on an international legal subject such as a state. For a long time it was common to use the verb ‘to neutralize’ when the aim was to make a country

²² Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. For the protocol see URL <<http://www.icrc.org/ihl.nsf/COM/470-750077>>.

²³ Ahlström (note 17), p. 22.

neutral, as with Switzerland in 1815. Cyril Black, Richard Falk, Klaus Knorr and Oran Young have mixed up the terms ‘neutralization’ and ‘neutrality’; Rafael Erich has more correctly argued that ‘when we talk about a neutralized area or territory, we mean that a given territory is rendered neutral, at least from the viewpoint of one party. Nonetheless, logically, neutrality is a quality that belongs to an international entity’.²⁴ Loïc Marion has argued that it is crucial not to confuse the two terms: ‘While neutrality is an institutional norm that is solidly founded in international law, neutralization seems to be a concept that pertains much more to diplomatic strategy than to a legal approach’.²⁵ Another possible distinction is that, while neutrality is a policy practised by one or several states in order above all to avoid certain consequences in time of war, neutralization is a quality of territories that also, or above all, holds good in peacetime.

Confusion between the terms is particularly likely in cases where a neutral country is also neutralized or demilitarized, where a part of such a country is neutralized, or where a country (with or without formal neutral status) unilaterally chooses not to arm itself. As shown below, the Nordic experience exemplifies many of these variations. In general, a neutral country such as Finland or Sweden cannot be completely demilitarized because it must be able to defend itself in case of a violation of its status.²⁶ (The measures of partial or general demilitarization that were applied to Finland for a period after World War II arose precisely from the consequences of military action that it had engaged in to defend itself.) Iceland, on the other hand, in the early post-war period opted both to be a neutral country and not to have any armed forces, and it stuck to the latter position even after it joined the North Atlantic Treaty Organization (NATO).²⁷ Since Iceland then also accepted a US airbase on its soil, it might be more appropriate to define its resulting status as ‘non-armament’ than as any variant of neutrality or neutralization.

Even if many agreements treat the terms as equivalent, neutralization and neutrality are two different measures, each with its own legal form and practical implications. The most common difference is that neutrality is a quality pertaining to a whole state, while the practical effects of neutralization take place on a more limited territory and usually in more limited circumstances. In this light, neutrality can be seen as something that is both larger than and qualitatively different from

²⁴ Erich, R., ‘La question des zones démilitarisées’ [The question of demilitarized zones], *Recueil des cours*, vol. 26, no. 1 (1929), p. 600. The 2 terms are confused in Black, C. E. et al., *Neutralization and World Politics* (Princeton University Press: Princeton, N.J., 1968).

²⁵ Marion, L., ‘L’introuvable neutralisation du canal de Suez’ [The elusive neutralization of the Suez Canal], *Stratégique*, no. 54 (1992), p. 227.

²⁶ Finland and Sweden currently describe themselves as ‘non-aligned’ rather than ‘neutral’ states, in view *inter alia* of the fact that they now have a certain degree of security alignment in peacetime with their fellow members of the European Union. However, both retain the core of their former ‘neutrality’ doctrine, which is the freedom to choose their own course in time of war, without commitment either to aid or be aided by other nations.

²⁷ As early as 1918, in the Act of Union between Iceland and Denmark, it was stated that ‘Denmark will announce that Iceland declares itself to be perpetually neutral’. For the act see the appendix in this volume.

territorial disarmament. Conversely, the law of neutrality, contained in the Hague Convention (V) of 1907, cannot be used to describe or elucidate the meaning of neutralization.²⁸

Unilateral, bilateral and multilateral disarmament

Disarmament may result from unilateral action by a state or from bilateral or multilateral negotiations among states. Successful negotiations usually lead to an agreement that is considered legally binding. If a disarmament measure is unilateral, it is normally not legally binding but is seen as a political commitment or a norm of conduct. Such measures reflect a state's policy choice to reduce or renounce certain military capabilities or actions without seeking equivalent concessions from its actual or potential rivals. The most common defining feature of unilateral measures is their reversible and thus potentially temporary nature; elements of international execution, verification and enforcement are by definition also lacking. The question of follow-up to such measures falls, according to Serge Sur, 'within the realm of domestic action, States' control over their own behaviour and domestic legislation'.²⁹ The concept of unilateral disarmament is open to debate on the grounds of genuineness (could the measures be merely declaratory, perhaps propagandistic?) and of purity of motive (e.g., a country may claim credit for reductions that it has had to make in its military budget and forces purely because of financial constraints). According to Coutau-Bégarie, a 'genuine' unilateral disarmament measure must combine at least three elements: 'form (an agreement that is at least tacit), substance (limitations or reductions [to which can be added prohibitions]) and motivation (reducing military programmes because of industrial constraints does not belong to the scope of disarmament)'.³⁰

When Denmark and Norway decided not to allow the stationing of nuclear weapons on their territories in peacetime (see below), this was a unilateral measure of restraint that they could rescind at will, in time of either peace or war. The moratorium imposed by the Norwegian Government in the early 1960s, which unilaterally banned all NATO exercises in its northern territory, could be terminated by Norway whenever it wished to do so, as it did in 1995. Iceland's decision not to have a national army is equally reversible at any time. However, all these cases seem to meet Coutau-Bégarie's criteria for 'genuine' unilateral disarmament given

²⁸ The Hague Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land was signed at The Hague on 18 Oct. 1907 and entered into force on 26 Jan. 1910; for the convention see URL <<http://www.yale.edu/lawweb/avalon/lawofwar/hague05.htm>>. On the law of neutrality see also International Law of War Association (ILOWA), 'Neutrality', *Interactive Outline of the Law of War* (ILOWA: New York, N.Y.), URL <<http://lawofwar.org/Neutrality.htm>>.

²⁹ Sur, S., 'Introduction', ed. S. Sur, *Disarmament and Limitation of Armaments: Unilateral Measures and Policies* (United Nations Institute for Disarmament Research: Geneva, 1992), p. 1. However, it is possible (if uncommon) for the state or states concerned to voluntarily give such measures a binding legal form, which would lead to consequences under international law.

³⁰ Coutau-Bégarie (note 5), p. 21.

their form (explicit statements by state officials), their material effects (no foreign bases in Denmark or Norway and no indigenous forces in Iceland), and their purpose or motivation (clearly, they were not just an expression of budgetary constraints).

Bilateral and multilateral disarmament are less flexible concepts than the unilateral variety because both of the former require a more specific and binding rigid legal framework. By definition, bilateral and multilateral forms of disarmament are less easily reversible (if at all) because they involve more than just one party. According to the *pacta sunt servanda* rule of international treaty law—the principle that agreements must be kept—all the states that have ratified a treaty must respect it and cannot, in principle, unilaterally repudiate their commitments. Indeed, individual treaties may contain provisions for withdrawal or renunciation but in some cases these options are constrained by various conditions and, in practice, it is always easier if all the parties agree on a termination.

Another major difference between unilateral disarmament and bilateral and multilateral measures lies in the ‘diplomacy of discourse’. While the latter measures are the subject of specific and workmanlike negotiation, unilateral measures may have a strong propagandistic element and at worst may amount to pseudo-commitments offering no more than a pretence of goodwill. Indeed, during the cold war they were often designed to embarrass or undermine the opposite party in some way. The most well-known example in Northern Europe is probably President Mikhail Gorbachev’s Murmansk speech of 1987.³¹ While in its political dimension it met with great success, appealing especially in the Nordic countries in a period of widespread pacifism, in strategic terms the speech must be judged as containing a set of pseudo-commitments. If it led to any actual force reductions, this was only because of the constraints of the Soviet military budget in the context of the major structural problems suffered at that time by the Soviet economy.

³¹ Speaking on 1 Oct. 1987, Gorbachev dealt with arms control as well as such domestic issues as economic restructuring and perestroika. He lauded Scandinavian leaders for their disarmament efforts, and he praised Denmark and Norway for not allowing foreign military bases and nuclear weapons on their territories in peacetime. Describing the ‘threatening character’ of NATO’s militarization of Northern Europe, he noted such developments as possible compensation for the elimination of European intermediate-range missiles through the deployment of sea- and air-launched cruise missiles and modernization of the early-warning radar at Thule, Greenland, by the USA. He proposed a number of points for talks on limiting and reducing military activity in the region; *inter alia*, he said that Russia would act as a guarantor of a Nordic nuclear weapon-free zone. He welcomed suggestions made by Finnish President Mauno Koivisto on restricting naval activities in the seas adjacent to Northern Europe and proposed talks between NATO and the Warsaw Pact on extending confidence-building measures to the Baltic, North, Norwegian and Greenland seas. He said: ‘depending on progress in the normalization of international relations’ the Soviet Union could open the Northern Sea Route to foreign ships escorted by Soviet ice-breakers. The full text of the speech is available at URL <http://barents.ulapland.fi/photos/archive/Gorbachev_speech.pdf>. See also chapter 3 in this volume.

It may be debated, as discussed further below, to what extent the delegation of the defence of a territory to a party other than the sovereign state in which the territory is located can be viewed as a form of territorial disarmament. It certainly implies the limitation or absence of armed forces belonging to the delegating partner, which corresponds to Marshall-Cornwall's definition of geographic disarmament as 'the restriction or prohibition of armaments in certain definite territorial areas'.³² The obvious cases in Northern Europe are Iceland's decision not to have national armed forces but to seek protection from the United States and NATO, and Denmark's decision to delegate the defence of Greenland almost completely to the USA.

³² Marshall-Cornwall (note 4).

3. Cases of territorial disarmament in Northern Europe

Nearly every state in Northern Europe has at some time been touched in all or part of its sovereign territory by examples of the three possible kinds of territorial disarmament: unilateral, bilateral and multilateral. The region still has a number of neutral states and neutralized or demilitarized territories.

Unilateral territorial disarmament

The principal cases of unilateral territorial disarmament in Northern Europe are Iceland, Denmark and Norway.

Iceland, an unarmed state

Iceland's case is singular, not just in its present form as a NATO member state without armed forces, but also because it took the decision not to have armed forces in a period when it was formally 'neutral' and still belonged to Denmark. After joining NATO in 1949, Iceland entered into a defence agreement with the USA in 1951 leading to the establishment of a military base at Keflavik that was to gain considerable significance as a cold war strategic outpost for keeping watch on the Soviet Union's Northern Fleet.³³

Iceland has been at the juncture of a multitude of ambiguities. It disarmed itself in the sense of having no armed forces and delegating the sovereign prerogative of military self-defence to another state, but this very act ensured that its territory would not be demilitarized or neutralized, given the major US military presence there. In fact, Iceland joined NATO with the stipulation that no foreign forces should be permanently stationed on its territory, so that at the time of accession Iceland's defence was guaranteed only by Article 5 (the mutual defence clause) of the 1949 North Atlantic Treaty.³⁴ Very soon, however, the conjunction of the Soviet threat and the Korean War in the 1950s made the Icelandic leadership change its mind. The strategic realities of the country's location between the USA and the Arctic territories of the Soviet Union would have made it meaningless to pursue a policy of neutrality, while the remoteness of Iceland from the European mainland offered no good alternative to a bargain with the USA to guarantee its

³³ For the relevant sections of the Defense Agreement between Iceland and the United States, signed on 5 May 1951, see the appendix in this volume.

³⁴ The North Atlantic Treaty was signed in Washington, DC, on 4 Apr. 1949 and entered into force on 24 Aug. 1949; it is available at URL <<http://www.nato.int/docu/basicxt/treaty.htm>>.

security. It must also be said that the presence of US forces came with a multitude of economic and financial advantages which, if anything, only grew over time.³⁵

Nevertheless, the subject of the stationing of US forces was for many years a hotly debated issue in Iceland. Political moves were made to end the 1951 agreement in 1956 and again in 1974, when the communist People's Alliance had a place in the Icelandic Government. The consensus among Iceland's political (and business) elites proved strong enough, however, to protect the Keflavík base arrangement, the only limiting stipulation being that nuclear weapons—a particularly sensitive issue for public opinion—should not be stationed at the base.

Today, the issue has come back into the news from the opposite perspective of Iceland's keen desire to retain the base. In March 2006 the USA announced that it would remove most of its equipment and personnel from Keflavík by the end of the year.³⁶ Not the least of the headaches that this presents for Iceland is the triple economic blow of: (a) loss of direct and indirect earnings from the US presence, (b) costs of resupplying those services provided hitherto by the USA that are vital for Iceland's functioning (e.g., search and rescue), and (c) costs of converting or disposing of the vacated premises. As to the defence implications, the alternative of setting up Icelandic armed forces for the first time is unpalatable for Icelanders,³⁷ and the idea of replacing the US forces with European forces is probably impractical.³⁸ While Iceland has strong and profitable relations with the European Union (EU) through the European Economic Area (EEA) and is gradually becoming less reserved towards the EU's European Security and Defence Policy (ESDP), very few Icelanders see the Union's 'soft' power as a proper and adequate source of alternative protection.

As a result, the Icelandic Government continued to argue its case strongly with the USA to the last; and a search for additional leverage, in this context, as well as a habitual pro-US alignment, was no doubt part of the motive for Iceland's decision to take part in the US-led coalition for the invasion of Iraq in 2003.³⁹ While much remains unclear about the way ahead, majority Icelandic opinion now

³⁵ Bailes, A. J. K. and Thorhallsson, B., 'Iceland and the European Security and Defence Policy', eds A. J. K. Bailes, G. Herolf and B. Sundelius, SIPRI, *The Nordic Countries and the European Security and Defence Policy* (Oxford University Press: Oxford, 2006), pp. 328–48.

³⁶ Miles, D., 'Force reduction in Iceland reflects focus on new global threats', US Department of Defense, Washington, DC, 16 Mar. 2006, URL <http://www.defenselink.mil/news/Mar2006/20060316_4519.html>.

³⁷ Iceland has, however, developed a small non-military crisis intervention force that can be used, notably, in international peace missions. Bailes and Thorhallsson (note 35).

³⁸ In the internal Icelandic debate before 2006, a possible request to Germany or the UK to provide similar stationed forces was sometimes mentioned. In their reactions to the US withdrawal announcement of Mar. 2006, the Icelandic authorities seemed to focus rather on the idea of European NATO members providing a rotating air defence patrol, analogous to the arrangement made for the Baltic states after their accession in 2004. Bilateral talks on cooperation have also been pursued with Denmark, France and Norway.

³⁹ On the formation and membership of the coalition see Cottey, A., 'The Iraq war: the enduring controversies and challenges', *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004), pp. 67–93.

seems to favour retaining the framework of the bilateral defence agreement with the United States—and hence the central idiosyncrasy of Iceland’s situation—even in the absence of continuously stationed forces.

Danish and Norwegian self-restraint

The more or less analogous strategies adopted by Denmark and Norway regarding their membership of NATO can be seen as an answer to the strategic uncertainties that emerged at the beginning of the cold war, especially the geostrategic component. The two countries developed different types of self-imposed restraints on their defence and security policy: (a) a basing policy, (b) a nuclear weapon policy and (c) a set of territorial ‘opt-outs’ (on the various opt-outs of Nordic countries see chapter 4 below).

In Norway, the basing policy was first spelled out in February 1949 as a unilateral declaration from the Norwegian Government to the Soviet Government: ‘The Norwegian government will not enter into any agreement with other states that involves commitment for Norway to open bases for Allied forces on Norwegian territory as long as Norway is not attacked or exposed to a threat of an attack’.⁴⁰ The implication is that NATO forces cannot be permanently stationed in Norway in peacetime. Temporary presence in the form of exercises was, however, not affected by the basing policy, nor did Norway exclude providing facilities (including bases) for NATO forces in the event of armed attack. Norway could in principle construct military facilities of its own that were designed *inter alia* to receive and support the NATO forces needed to assist its defence. Getting round its self-constraints, in the early 1980s Norway granted the USA the right to pre-position stocks of military equipment—without accompanying personnel—on Norwegian territory, and this was not seen (at least in the West) as incompatible with Norway’s opt-outs.

Nuclear weapon policy was discussed extensively in Norway in the late 1950s, leading to a government White Paper which concluded that nuclear weapons should not be permanently stationed or stored in the country. In a crisis or war, however, the government could unilaterally rescind this decision, and the policy did not prevent Norway from participating in NATO’s Nuclear Planning Group (NPG) and its committees. Norway thus took part fully in NATO’s nuclear consultation procedures and the development of NATO’s nuclear posture. In 1975 the Norwegian Prime Minister declared that visits by foreign military naval vessels carrying nuclear weapons into Norwegian ports would not be seen as legally contrary to the official nuclear policy.⁴¹

⁴⁰ Norwegian Ministry of Defence, ‘Norway’s self-imposed restraints’, Fact sheet no. 09/97, Nov. 1997, URL <<http://odin.dep.no/fd/english/doc/periodicals/010011-280011/dok-bn.html>>.

⁴¹ Norwegian Ministry of Defence (note 40). See also Holst, J. J., ‘The nuclear genie: Norwegian policies and perspectives’, ed. J. J. Holst, *Security, Order and the Bomb: Nuclear Weapons in the Politics and Defence Planning of Non-Nuclear Weapon States* (Universitetsforlaget: Oslo, 1972), pp. 42–60.

In addition, in order to highlight its 'peaceful intentions', from the 1960s the Norwegian Government developed regulations governing peacetime NATO military activities in its northern territory. In 1995, with the changed international situation, the government announced that it would revise these self-imposed restrictions, while retaining its overall basing and nuclear policies. A new Royal Decree allowing foreign military vessels to enter Norwegian territorial waters in peacetime entered into force in 1997.⁴²

Denmark did not carry out a Norwegian-style exchange of notes with the Soviet Union at the time of its entry into NATO. Nevertheless, Denmark adopted a comparable set of self-restraints. In 1953 it rejected a US request to establish peacetime airbases. Like Norway, Denmark made it very clear that it would neither accept warheads for tactical nuclear weapons nor permit the construction on its territory of launching facilities for intermediate-range ballistic missiles.

Located in the Baltic Sea, the Danish island Bornholm was occupied by Germany early in World War II and by Soviet forces from the end of the war until as late as April 1946. The Soviet Union decided to withdraw its forces when, in a note to the Soviet Government of 4 March 1946, the Danish Government committed itself to take over the defence of the island without the assistance of any foreign troops. The Soviet Union acted as if it considered the commitment to be both formal and indefinite, and it protested several times when Denmark organized NATO exercises in the vicinity of the island. For instance, in 1961 a Soviet memorandum stated that the inclusion of Bornholm in NATO's newly created COMBALTAP (Commander, Allied Forces, Baltic Approaches) command area would be contrary to the 'spirit and the letter' of the 1946 Danish note. However, just as Norway did not allow any allied military exercises east of longitude 24° E, Denmark did not participate in any exercises that were organized by NATO east of longitude 17° E.

The Soviet Union deliberately chose to construe these Danish and Norwegian unilateral measures as commitments to be kept indefinitely. As noted, however, a key feature of such unilateral disarmament measures (i.e., those not expressly adopted in a form that is binding under international law) is their reversibility; a priori, the state that has taken the measure can decide at any time to end its commitment. When Norway terminated its ban on military activities in the north of the country in 1995, the country never imagined that it could be criticized for changing something that it had imposed on itself during the cold war.

Bilateral territorial disarmament

Two cases in Northern Europe involve bilateral territorial disarmament: Norway and Sweden; and the newly independent Baltic states and Soviet Russia after World War I.

⁴² Norwegian Ministry of Defence (note 40).

The border between Norway and Sweden

In the context of the dissolution of the union between Norway and Sweden in 1905, a demilitarized and neutralized zone was established on both sides of their common border. The Convention relative to the Establishment of a Neutral Zone and to the Dismantling of Fortifications (Karlstad Convention) set up a 'neutral' (in fact, a neutralized) area in the following terms: 'In order to assure peaceful relations between the two States, there shall be established on the two sides of the joint frontier, a territory (a neutral zone) which shall have the advantages of a perpetual neutrality'. This zone was to be demilitarized as well: 'by virtue of the preceding provisions, the fortifications which are at present situated in the neutral zone . . . shall be dismantled'.⁴³

A territory extending 10 km on either side of the Norwegian–Swedish border from the county of Bohuslän, through Dalsland and up to the 61st parallel, in northern Värmland, was neutralized accordingly. Article 1 of the Karlstad Convention also contained prohibitions on the maintenance or re-establishment of fortifications, military ports or depots for the army or navy, but it was agreed by the parties that the provisions of the article would cease to apply when Norway and Sweden were at war with a common enemy or when one of the states was at war with a third state. In the latter case, the non-combatant country was allowed to take measures within the neutral area aimed at securing that country's neutrality. The main problem of the convention, nevertheless, was the absence of any details of what would happen if one of the two countries was released from all its obligations in the event of a war with a third country. When Norway was occupied by Germany in 1940, Germany did not respect the prohibition on troop deployments in the Norwegian part of the neutralized zone, which incited Sweden to remilitarize its border. All the new Swedish installations remained in place after the war.

The Karlstad Convention had been signed in an exceptional context: the two states ended their union in 1905 on peaceful terms, but some Swedes, especially in the military, had anticipated or even advocated war with Norway. It was not self-evident in the early years of the century that the two countries would develop good relations. Suspicious of 'warlike' Sweden, Norway had in 1902 raised some fortifications on their common border. Tensions between the two countries increased dramatically in the run-up to the Karlstad Convention, and some troops were ordered to move towards the border. Rumours circulated that Norway had begun a massive mobilization. When delegations from Norway and Sweden met at Karlstad in August, the Swedish Parliament was demanding as a condition for dissolving the union that Norway's new border fortifications be demolished. For Norway, the best combination was an agreement on demilitarization coupled with the establishment of a neutral zone. In any case, the comprehensive treatment of demilitarization and neutralization in the convention shows that it was responding to a genuine apprehension. The acceptance of the demilitarized frontier zone not

⁴³ The Karlstad Convention was signed on 26 Oct. 1905, peacefully dissolving the union. For the relevant sections of the convention see the appendix in this volume.

only helped to secure a peaceful settlement; it also became a kind of confidence-building measure (CBM) that contributed to strengthening the good relations between the two countries over time.

The new Baltic states

In 1920 Soviet Russia and Finland signed the Treaty of Peace in Dorpat/Tartu.⁴⁴ Under Article 6, Finnish warships over a certain tonnage, submarines and naval aircraft were debarred from certain coastal waters.

Finland guarantees that she will not maintain, in the waters contiguous to her seaboard in the Arctic Ocean, warships or other armed vessels, other than armed vessels of less than one hundred tons displacement, which Finland may keep in these waters in any number, and of a maximum number of fifteen warships and other armed vessels, each with a maximum displacement of 400 tons. Finland also guarantees that she will not maintain, in the above-mentioned waters, submarines or armed aeroplanes.

Furthermore, Finland was not allowed to build naval ports or maintain naval vessels on its Arctic seaboard (i.e., the territory of Petsamo, which was later lost to the Soviet Union in World War II). Article 12 contained an expression of will (also found in the Soviet peace treaties with Estonia and Latvia) to strive for the neutralization of the Gulf of Finland and the whole of the Baltic Sea: ‘The two Contracting Powers shall in principle support the neutralization of the Gulf of Finland and of the whole Baltic Sea and shall undertake to co-operate in the realization of this object’.

Under Article 13, Finland was obliged to demilitarize (the actual term used was ‘militarily neutralize’) a large number of small islands in the Gulf of Finland, particularly the island of Suursaari. Finland undertook not to erect any armoured towers or batteries along the coast between Styrssudd and Inonniemi that were capable of firing beyond Finnish territorial waters. Ahlström notes that more or less all these restrictions were transferred to the Soviet Union in the settlement after World War II, ‘but there is no information suggesting that they are still considered to apply’.⁴⁵

The 1920 Treaty of Peace between Russia and Estonia established a ‘neutralized’ area around the border between the two states: they committed themselves not to exceed a specified number of troops in the area.⁴⁶ The treaty prohibited the two states from having warships in the Pskov and Peipus lakes. As a step towards

⁴⁴ For relevant excerpts from the Treaty of Peace between Russia and Finland, signed at Dorpat on 14 Oct. 1920, see the appendix in this volume. Dorpat was the German name for Tartu: the treaty is usually called the Treaty of Tartu but is also referred to as the Treaty of Dorpat.

⁴⁵ Ahlström (note 17), p. 52. For excerpts from the Treaty of Peace with Finland, signed at Paris on 10 Feb. 1947, see the appendix in this volume.

⁴⁶ For excerpts from the Treaty of Peace between Russia and Estonia, signed on 2 Feb. 1920, see the appendix in this volume.

neutralization of the Gulf of Finland, the two countries undertook to reduce the number of their warships in that area.

The 1920 Treaty of Peace between Russia and Latvia⁴⁷ was largely similar in these respects to the Treaty of Peace between Russia and Estonia. According to Article IV:

The Parties agree . . . to forbid the [deployment on] their territory of any army, except the army of the Government or such friendly nation with which one of the Parties to this Treaty has entered into a war convention but are not in actual state of war with the other Party to this Treaty; and to forbid within the borders of their territory to contract and mobilize personnel for the armies of such States, organizations and groups whose objective is armed conflict with the other Party to this Treaty.

The Soviet aim was to avoid a counteroffensive by the White Army, which was based *inter alia* in Estonia and Latvia. However, for Russia this was a threat that would materialize essentially on its own territory; it was not particularly interested in neutralization of the gulfs of Finland and Riga if this could facilitate assistance to the White Army from France and the UK.

It is noteworthy that, while all three treaties provided for measures that would clearly fit the above definitions of demilitarization, they all referred to the process as ‘neutralization’.

The ambiguity of the status of Greenland

How does Greenland fit into a survey of territorial disarmament? Geographically, it might be said that Greenland belongs more to the North American than to the European continent,⁴⁸ although it remains (with a degree of home rule) under Danish sovereignty. In addition, since World War II the USA has maintained important military facilities on Greenland: this has been a controversial issue, most recently because of the USA’s plans to update an early-warning radar at Thule, the main US base on Greenland,⁴⁹ in the framework of the US National Missile Defense programme.

Greenland is a subject of territorial disarmament in the sense that Denmark, as its tutelary power, has realized that it could not possibly defend a remote and difficult territory of 2 million square kilometres (*c.* 50 times the size of Den-

⁴⁷ For the Treaty of Peace between Latvia and Russia, signed at Riga on 11 Aug. 1920, see the appendix in this volume.

⁴⁸ The terms of the 1947 Inter-American Treaty of Reciprocal Assistance (Rio Treaty), which was adopted on 2 Sep. 1947 and entered into force on 3 Dec. 1948, also apply to Greenland. For the treaty and the list of signatories and parties see URL <<http://www.oas.rg/juridico/English/Treaties/b-29.html>>.

⁴⁹ Chillaud, M., ‘Le Groenland: entre contraintes géographiques et vertus stratégiques’ [Greenland: between geographical constraints and strategic assets], *Annuaire français de relations internationales 2003* [French yearbook of international relations 2003] (Bruylant: Brussels, 2003), pp. 177–94, URL <<http://www.diplomatie.gouv.fr/fr/IMG/pdf/FD001274.pdf>>. On the US plans see ‘\$114.1m to upgrade BEWS Thule’, 10 Apr. 2006, *Defense Industry Daily*, URL <<http://www.defenseindustrydaily.com/2006/04/1141m-to-upgrade-bmews-thule/index.php>>.

mark).⁵⁰ Until World War II, it was unthinkable that Greenland should be the target of military attack, so Denmark did not need to consider deploying significant armaments there, even if it had had the resources to do so. Since then Denmark has deployed a very small military presence there, mainly for monitoring purposes.

The 1951 Danish–US Agreement on the Defense of Greenland was drafted in such a way as to remain in effect for the duration of NATO’s existence.⁵¹ The two countries agreed to ‘establish and operate jointly such defence areas’ as were deemed necessary for the defence of ‘Greenland and the North Atlantic Treaty area’. Article III set out a number of arrangements to be made:

in order that the Government of the United States of America as a party to the North Atlantic Treaty may assist the Government of the Kingdom of Denmark by establishing and/or operating such defense areas as the two Governments, on the basis of NATO defense plans, may from time to time agree to be necessary for the development of the defense of Greenland and the rest of the North Atlantic Treaty area, and which the Government of the Kingdom of Denmark is unable to establish and operate singlehanded.

The agreement officially concerned only the defence of Greenland itself, but in practice the USA had *carte blanche* to make military provisions for any purposes on the territory of Greenland. During the cold war, a significant number of US military forces were stationed on Greenland, mainly because the latter was ideally located as a site for early-warning radars and as a base for long-range nuclear-capable aircraft. If Denmark was reluctant to have a significant foreign troop presence on its metropolitan territory, these considerations ‘did not necessarily apply to the remote arctic Greenland area—even when government officials occasionally claimed the opposite in public’.⁵² Similarly, while Denmark clearly refused to have any nuclear weapons deployed on its own territory, this rule was definitely more flexible for Greenland.⁵³

Another important feature has been the gradual development of home rule in Greenland and the ambiguity of the implications that this has for the area of defence. In the framework of the devolution process started in 1979 that led to home rule, most of the state prerogatives—including defence—still belong to the metropolitan power. Nonetheless, since Greenland has become an important strategic asset for the USA (especially given its place in the US missile defence

⁵⁰ Greenland has never been the theatre of war, only of some small ‘incidents’: in the 17th century involving a Dutch vessel, and during World War II involving German plans to install a broadcasting mast.

⁵¹ For excerpts from the Danish–US Agreement on the Defense of Greenland, signed at Copenhagen on 27 Apr. 1951, see the appendix in this volume.

⁵² Villaume, P., ‘Denmark and NATO through 50 years’, eds B. Heurlin and H. Mouritzen, *Danish Foreign Policy Yearbook 1999* (Danish Institute of Foreign Affairs: Copenhagen, 1999), p. 32.

⁵³ A survey carried out by the Danish Institute of Foreign Affairs (DUPI) and published in 1997 as ‘Grønland under der kolde krig’ (Greenland in the cold war) showed that Denmark had secretly approved the US request to station aircraft in Greenland with nuclear weapons. See Petersen, N., *Negotiation of the 1951 Greenland Defense Agreement: Theoretical and Empirical Aspects*, Report 1997/3 (DUPI: Copenhagen, 1997).

programme), it has become an increasingly important partner for the USA, which has tended to work directly with the Greenland authorities, bypassing Denmark. The fact that the agreement on updating the Thule radar was signed not only by Denmark and the USA but also by Greenland indicates that Greenland may be gaining ‘creeping’ competences in the field of foreign policy.⁵⁴

Multilateral territorial disarmament

Multilateral treaties involving territorial disarmament have been applied to the Åland Islands since 1856 and to the Svalbard archipelago since 1912. Issues have also arisen over the positions of Finland and Sweden as non-aligned countries. More recently, the CFE Treaty regime has led to certain negotiated restrictions affecting Norway as a ‘flank’ country and has illuminated some related Finnish and Swedish issues in the context of these countries’ determination to stay outside the CFE process.

The demilitarization and neutralization of Åland

The Åland Islands are today an autonomous region of Finland with a largely Swedish-speaking population. They are located in the Baltic Sea between Finland and Sweden, at the entrance to the Gulf of Bothnia, and have always been of great strategic interest.

After the signing of the 1809 Treaty of Frederikshamn, which transferred sovereignty over mainland Finland and Åland from Sweden to Russia,⁵⁵ Åland became a Russian outpost in the Baltic Sea. In 1856, at the end of the Crimean War, Britain and France signed the Treaty of Paris with Russia. The 1856 Convention on the Demilitarization of the Åland Islands, a separate agreement annexed to the Treaty of Paris, placed Russia under the obligation not to build any fortifications, or to maintain or create any military or naval establishments, on Åland.⁵⁶

Åland was not spared hostilities during World War I. In January 1915 Russia remilitarized the islands,⁵⁷ setting up a coastal artillery battery and a small sub-

⁵⁴ There are at least 2 European X-band radar sites for use in the US missile defence programme: Fylingdales in the UK and Thule in Greenland. See Archer, C., ‘Greenland, US bases and missile defence: new two-level negotiations?’, *Cooperation and Conflict*, vol. 38, no. 2 (2003), pp. 125–47.

⁵⁵ The Treaty of Frederikshamn was signed on 1 Sep. 1809; it is available in the original French version at URL <<http://www.histdoc.net/history/fr/frhamn.html>>.

⁵⁶ The Treaty of Paris, signed on 30 Mar. 1856, is available at URL <http://www.polisci.ucla.edu/faculty/wilkinson/ps123/treaty_paris_1856.htm>. Excerpts from the Convention on the Demilitarization of the Åland Islands, in the original French version, are reproduced in the appendix in this volume (see Article I).

⁵⁷ Until World War I, Russia had more or less respected Åland’s demilitarized status. The only known problem was in 1906, when Russian troops were deployed to the islands because of a rumour of weapon smuggling. Nonetheless, the Russian military staff envisaged making use as necessary of the islands, ideally located to monitor the entrances of the gulfs of Bothnia and Finland.

marine base in Mariehamn in order to prevent a German attack. The aftermath of the Russian Revolution and Finnish independence in 1917 opened a period of turmoil and uncertainty: to whom should sovereignty over the islands belong—Finland, Sweden or Russia? Was their demilitarized status still relevant and practical? Sweden tried to recover the islands, but the naval division it sent there on 23 February 1917 was forced to evacuate upon the arrival of a German task force two weeks later. Article VI of the 1918 Treaty of Brest-Litovsk confirmed the demilitarization of the Åland Islands but did not make it clear who owned them.⁵⁸

Finland and the Aaland Islands will immediately be cleared of Russian troops and the Russian Red Guard, and the Finnish ports of the Russian fleet and of the Russian naval forces. . . . The fortresses built on the Aaland Islands are to be removed as soon as possible. As regards the permanent non-fortification of these islands as well as their further treatment in respect to military technical navigation matters, a special agreement is to be concluded between Germany, Finland, Russia, and Sweden; there exists an understanding to the effect that, upon Germany's desire, still other countries bordering upon the Baltic Sea would be consulted in this matter.

The terms for the demolition of all the fortifications were detailed in a supplementary treaty signed by Finland, Germany and Sweden at Stockholm on 30 December 1917.⁵⁹ Under Article 1, 'The fortifications and other military establishments which have been erected in different places on the Åland Islands shall be removed or, where it is not possible, shall be rendered useless as such, in the manner described in detail in the agreement'. Article 2 describes the manner in which this extensive demolition is to be carried out.⁶⁰ However, after Germany's defeat, Article 116 of the Treaty of Versailles explicitly abrogated the Brest-Litovsk Treaty.

The dispute between Finland and Sweden over the ownership of Åland was resolved when a committee of jurists appointed by the League of Nations handed down its advisory opinion that sovereignty be granted to Finland. However, the committee also recommended that the islands be guaranteed autonomy and be neutralized and demilitarized, as elements of an 'indivisible package'.⁶¹ Agreement

⁵⁸ The Treaty of Brest-Litovsk was a peace treaty signed on 3 Mar. 1918 between Russia and Germany, Austria-Hungary, Bulgaria and Turkey, marking Russia's exit from World War I. The treaty is available at URL <<http://www.lib.byu.edu/~rdh/wwi/1918/brestlitovsk.html>>.

⁵⁹ Abkommen über die Entfestigung der Åland-Inseln zwischen dem Deutschen Reich, Finnland und Schweden (Agreement on the defortification of the Åland Islands between the German Reich, Finland and Sweden). For the treaty see Delbrück, J., *Friedensdokumente aus fünf Jahrhunderten* [Peace documents from five centuries] (N.P. Engel: Kehl, 1984), p. 967.

⁶⁰ Quoted in Hosono, G., *International Disarmament* (Société d'Imprimerie: D'Ambilly-Annemasse, 1926), pp. 41–42.

⁶¹ 'Rapport de la Commission Internationale du Juristes chargée par le Conseil de la Société des Nations de donner un avis consultatif sur les aspects juridiques de la question des Îles d'Åland: décision du 5 septembre 1920' [Report of the International Committee of Jurists appointed by the Council of the League of Nations to give an advisory opinion on legal aspects of the question of the Åland Islands: decision of 5 September 1920], *Journal officiel de la Société des Nations*, Oct. 1920,

along these lines was reached in the framework of the League of Nations and the Convention on the Non-fortification and Neutralization of the Åland Islands was signed in 1921.⁶² It reaffirmed the demilitarization of the islands and established their neutralization with this formulation: ‘In time of war the zone described in Article 2 shall be considered a neutral zone and shall not, either directly or indirectly, be put to any form of use linked to military operations’.

Although Finland and Sweden accepted the regime, they were clearly reluctant to renounce the idea of being able to protect the Åland Islands with all necessary means, and the military staffs of the two countries actually drew up joint defence plans. In January 1939 Finland and Sweden agreed in the so-called Stockholm Plan to mutually guarantee the defence of the islands, provided that all the signatories of the 1921 convention agreed.⁶³ They proposed to construct permanent fortifications in order to guard the neutralization of the islands. The Soviet Union (not a signatory of the convention) protested vehemently, and when Finland submitted the dispute to the League of Nations the Soviet Union succeeded in getting an indefinite postponement. In a speech to the Supreme Soviet on 31 May 1939 the Russian Foreign Minister, Vyacheslav Molotov, said: ‘The importance of the Åland Islands lies in their strategic location in the Baltic Sea. Some armaments on these islands could be used for warlike purposes against the Soviet Union. Located not far from the inlet of the Gulf of Finland, these fortified islands could be used in order to deny the USSR entry and exit to the Gulf of Finland’.⁶⁴ Sweden decided to drop the fortification plans.

During World War II, Sweden helped to lay mines around the islands when Finland was attacked by the Soviet Union. After the Winter War of 1939–40, Finland and the Soviet Union signed the 1940 Treaty concerning the Åland Islands, under which Finland was obliged to destroy all the fortifications it had set up during the war.⁶⁵ After the 1941–44 War of Continuation, Finland again had to dismantle all the fortifications it had set up. The relevant document, signed on 26 September

See also Decision of the Council of the League of Nations on the Åland Islands including Sweden’s Protest 1921, URL <http://www.kultur.aland.fi/kulturstiftelsen/traktater/eng_fr/ram_right-enfr.htm>.

⁶² The convention was signed on 20 Oct. 1921; relevant excerpts are reproduced in the appendix in this volume.

⁶³ This and other ‘secret’ plans of the 1930s are examined in Stjernfelt, B., ‘Ålands hav och öar: brygga eller barriär?’ [The Åland Sea and Islands: bridge or barrier?] (Marinlitteraturföreningen: Stockholm, 1991).

⁶⁴ Quoted in Cabouret, M., ‘Le rôle géopolitique et géostratégique des grandes îles de la Baltique à travers l’histoire’ [The geopolitical and geostrategic role of the major Baltic islands across history], eds M. Auchet and A. Bourguignon, *Aspects d’une dynamique régionale: les pays nordiques dans le contexte de la Baltique* [Aspects of a regional dynamic: the Nordic states in the Baltic context] (Presses Universitaires de Nancy: Nancy, 2001), p. 199.

⁶⁵ The Soviet Union was also allowed to have a consulate in Mariehamn. See the excerpts from the Treaty between Finland and the Union of Socialist Soviet Republics concerning the Åland Islands, signed on 12 Mar. 1940, in the appendix in this volume.

1944, concerned only demilitarization (neutralization was not mentioned) and was confirmed by the 1947 Treaty of Peace with Finland.⁶⁶

The Svalbard archipelago

The Svalbard archipelago, lying to the north of Norway between the Greenland and Barents seas, occupies a crucial strategic position. According to the French explorer Paul-Émile Victor, anyone who owns both the archipelago and Fairbanks in Alaska could control the whole Arctic region.⁶⁷

After having competed for sovereignty over the archipelago during the second half of the 19th century, Russia and Sweden agreed to create a *res nullius* (no man's land) regime. On gaining its independence, Norway proposed in 1907 that Svalbard should have a neutralized status. Finally, Norway, Russia and Sweden agreed, in a protocol signed in Oslo in January 1912, to maintain the archipelago's *res nullius* status, linked with neutralization of the territory and controlled by an international commission with policing powers. An international conference was organized in Oslo in 1914, but it was interrupted by World War I. The 1912 protocol had stated that 'in case of war, Spitsberg will be considered as a neutral country'.⁶⁸ (As discussed above, neutrality must be distinguished from neutralization, but in this instance the signatories clearly used the term 'neutral' for the legal effects deriving from 'neutralization'.)

After World War I, Article 1 of the 1920 Svalbard Treaty granted Norway 'full and absolute' sovereignty over Svalbard. Under Article 9, 'Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base in the territories specified in Article 1 and not to construct any fortification in the said territories, which may never be used for warlike purposes'.⁶⁹ The treaty also guarantees to all parties equal fishing, hunting and mineral rights and equal access to communications facilities in and around Svalbard.

World War II demonstrated the strategic potential of the archipelago and the danger that could result for the Soviet Union if an enemy were able to install itself

⁶⁶ Excerpts from the Treaty of Peace with Finland, signed at Paris on 10 Feb. 1947, are reproduced in the appendix in this volume.

⁶⁷ Victor, P.-É., 'Bases d'une géopolitique de l'air' [Bases for a geopolitics of the air], *Revue générale de l'air*, no. 3 (1947), p. 7.

⁶⁸ Quoted in Krauel, W., *Neutralität, Neutralisation und Befriedung im Völkerrecht* [Neutrality, neutralization and pacification in international law] (Duncker & Humblot: Munich/Leipzig, 1915), p. 63.

⁶⁹ The Treaty relating to Spitsbergen (the Svalbard Treaty) was signed on 9 Feb. 1920 and entered into force on 14 Aug. 1925. Excerpts are reproduced in the appendix in this volume. The Soviet Union acceded to the treaty in 1924 and Germany in 1925. The Soviet delay was caused by the fact that the Soviet Union was not recognized by the international community: Article 10 stipulates that 'Until the recognition by the High Contracting Parties of a Russian Government shall permit Russia to adhere to the present Treaty, Russian nationals and companies shall enjoy the same rights as nationals of the High Contracting Parties'.

in Svalbard, making the territory an ‘arctic Gibraltar’.⁷⁰ Shortly before the defeat of Germany in 1945, the Soviet Union asked the Norwegian government-in-exile in London whether it would agree to make Svalbard a condominium with a shared defence. Russia’s aims here included free strategic access to the Arctic Ocean. After initial nervousness (at a time when Soviet soldiers were about to expel Germany from the northern part of Norway), Norway was convinced that the United Kingdom and the United States would back it and refused the Soviet proposals. For want of anything better, the Soviet Union then turned to strictly monitoring other parties’ respect for their obligations under the Svalbard Treaty. It opened a consulate at Barentsburg in March 1948 and continued, in accordance with the treaty, to exploit coal mines on Svalbard (even though they were not profitable), providing an excuse to maintain a large Russian population there, with obvious strategic overtones.⁷¹ In 1949, when Norway joined NATO, the territory was placed under NATO command. Russia argued that this was contrary to the Svalbard Treaty, but Norway pointed out that the integration of the archipelago into NATO did not mean that any bases or fortifications would be built there.⁷²

The arrangements set up by the Svalbard Treaty have so far more or less worked, although there have been several incidents. The most important of these was in 1978, when the Norwegian press claimed that the Soviet Union was building a heliport on Svalbard where military helicopters could land.

The CFE Treaty and the northern flank

In the early 1970s, the East–West Mutual and Balanced Force Reductions (MBFR) Talks began. The NATO member states that had frontiers with the Soviet Union were Norway and Turkey, located at the northern and southern extremes, respectively, of NATO’s eastward-facing defensive line. They insisted that, if the Soviet Union ultimately agreed to reduce its forces on the central front facing Germany, the withdrawn forces must not be used to build up a Soviet presence elsewhere.⁷³ When the MBFR Talks were abandoned and replaced by the CFE negotiations, the flank countries maintained their demands: Article V of the CFE Treaty described a range of ‘flank’ areas on both sides where both the deployment

⁷⁰ Military operations in the Svalbard archipelago included German occupation (1941), the destruction of the German signals post by the UK (1941), reoccupation by a small UK-based Norwegian force (July 1942) and the destruction of several towns by a large German naval force (Sep. 1943).

⁷¹ Teal, J. J., Jr, ‘Europe’s northernmost frontier’, *Foreign Affairs*, Jan. 1951, pp. 272–73. Teal notes that most of the directors of the mines were ‘fortuitously’ also pilots in the Soviet Air Force.

⁷² Holst, J. J., ‘Norwegian security policy: options and constraints’, *Cooperation and Conflict*, vol. 7, no. 3/4 (1972), p. 110.

⁷³ Terriff, T., ‘The implications for NATO doctrine’, ed. S. Croft, *The Conventional Armed Forces in Europe Treaty: The Cold War Endgame* (Dartmouth: Aldershot, 1994), pp. 230–31. The original Western proposals would have allowed all Soviet equipment from Central Europe to be redeployed in the flank zone.

and storage of treaty-limited equipment (TLE) would be subject to specific numerical ceilings.⁷⁴

By the mid-1990s, the so-called flank issue had become a major bone of contention between the Russian Federation and the NATO countries. Pleading a radical change of circumstances owing to the conflicts in and around its own southern territories, Russia asked for a temporary suspension of the southern flank ceilings to allow it to send troop reinforcements without being accused of violating the CFE Treaty.⁷⁵ Although this problem concerned the southern flank much more than the northern, Norway was concerned about the implications for its security if Russia was allowed to renege on its commitments. After a diplomatic tussle between those who sought to terminate the flank obligations and Western countries that wanted Russia to respect them, a *modus vivendi* was reached with the CFE Flank Document, adopted at the 1996 CFE Treaty Review Conference.⁷⁶ The document adjusted the original CFE Treaty flank limits to alleviate Russia's concerns, permitting the removal of some Russian forces formerly stationed in Central and Eastern Europe to respond to internal security threats around the Caucasus region. It reduced the geographical extent of the flank zone, removing some southern Russian districts. In exchange, Russia committed itself to freeze and later reduce the total number of forces within the original flank zone.

As one of the few NATO member states to share a common border with Russia, Norway continues to be sensitive to the Russian military posture and, *inter alia*, to any further risk of force redeployments to the northern flank. Although they are not parties to the CFE Treaty, Finland and Sweden share much of Norway's concern and carefully monitor these issues. For both of these non-aligned countries, the weight of the Russian military presence in what is still called the Leningrad Military District is a major imponderable in their strategic planning.

The three Baltic states—Estonia, Latvia and Lithuania—are sandwiched between the Russian Federation and the Russian exclave of Kaliningrad (between Poland and Lithuania), with its excessive, if recently much reduced, concentration of armaments. Estonia, Latvia and Lithuania are not parties to the CFE Treaty, although each state has indicated its openness to joining the 1999 Agreement on Adaptation of the CFE Treaty when a larger controversy between Russia and the

⁷⁴ A major feature of the CFE Treaty was the system of geographical limitations it established: there were 4 sub-ceilings in different concentric zones, designed in practice to reduce and avoid a Soviet military build-up in Central Europe. For background to the CFE flank issue see Lachowski, Z., 'Conventional arms control and security cooperation in Europe', *SIPRI Yearbook 1996* (note 7), pp. 718–25; and for the 1999 Agreement on Adaptation of the CFE Treaty see URL <<http://www.sipri.org/contents/worldsec/eurosec.html>>. See also note 6.

⁷⁵ McCausland, J. D., *Conventional Arms Control and European Security*, Adelphi Paper 301 (International Institute for Strategic Studies: London, 1996).

⁷⁶ The Flank Document is contained in the Final Document of the first conference to review the operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the negotiation on personnel strength, Vienna, 15–31 May 1996, Annex A: Document agreed among the states parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, URL <<http://www.osce.org/item/13755.html>>.

West that has delayed its entry into force is resolved.⁷⁷ They are also acutely aware of the CFE flank issue and of the implications for their own security. As both Estonia and Latvia border on the part of Russia that is affected by the northern flank limitations, they have followed with extreme interest and understandable concern the evolution of the Russian build-up in the region.

The non-aligned countries and conventional disarmament

The CFE Treaty has presented something of a quandary for Finnish and Swedish diplomacy.⁷⁸ On the one hand, Finland and Sweden are keen supporters of arms control and have an interest in all their neighbours' practising military restraint. On the other hand, they are still reluctant to permit intrusive verification inspection on their own territory because of a desire to maintain secrecy over certain details of the rapid mass mobilization plans that are key to their self-defence.

The CFE Treaty was based on a philosophy of blocs (NATO and the Warsaw Pact) and by definition did not offer neutral or non-aligned countries the possibility of accession. The 1999 Agreement on Adaptation of the CFE Treaty, however, adopted after the dissolution of the Warsaw Pact, naturally moved away from this philosophy towards one of national limitations and is open for any other European country. As long as the 1999 agreement remains unratified, Finland and Sweden are unlikely to change their official position that they will not apply to join it. Their territorial defence strategy remains essentially unchanged, but it may be relevant that the scale of their mobilization plans (especially Sweden's) has recently been much reduced through defence modernization measures. For the present, both countries prefer to focus on developing 'softer' confidence- and security-building measures for the region. This conspicuous lack of enthusiasm for 'hard' arms control and disarmament in their own neighbourhood—for reasons related, moreover, to secrecy and implicit mistrust of neighbouring states—contrasts with both countries' espousal of 'peace' values worldwide and their efforts to promote arms limitation in other regions.⁷⁹

Finland, unlike Sweden, has not ratified the 1997 Anti-Personnel Mines (APM) Convention⁸⁰ because this would prevent the defensive laying of landmines along its eastern border. Traditionally, this has been seen by the Finnish military (although not by all Finnish politicians) as a cheap and indispensable way of

⁷⁷ See Dunay, P., 'Either bring the Adapted CFE Treaty into force or do not—but face the consequences', ed. Institute for Peace Research and Security Policy at the University of Hamburg, *OSCE Yearbook 2003* (Nomos: Baden-Baden, 2004), pp. 259–88; and Lachowski, Z., *The Adapted CFE Treaty and the Admission of the Baltic States to NATO*, SIPRI Policy Paper no. 1 (SIPRI: Stockholm, Dec. 2002), URL <<http://www.sipri.org>>.

⁷⁸ On this point see Lachowski (note 77).

⁷⁹ March, N., 'The Nordic countries and conventional arms control: the case of small arms and light weapons', eds Bailes, Herolf and Sundelius (note 35), pp. 234–51.

⁸⁰ The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction was opened for signature in Dec. 1997 and entered into force on 1 Mar. 1999; for the convention see URL <<http://www.un.org/millennium/law/xxvi-22.htm>>.

reducing the risk of a massive surprise attack.⁸¹ During the negotiations that led to the opening for signature of the APM Convention, Finland was one of the more vocal supporters of the legitimate right of a state to self-defence, even with anti-personnel mines. In September 2004 Finland announced that it would not sign the convention until 2012.⁸² Currently, Finland is the only EU member state outside the process, and it appears to be increasingly uncomfortable in that position.

Cold war-era perceptions and the logic of 'preparing for the worst' continue to underlie Finland's and perhaps to a lesser degree Sweden's reticence about territorially intrusive disarmament treaties. However, it is still possible or even likely that the two countries will change their view if and when the Agreement on Adaptation of the CFE Treaty enters into force.⁸³

Declaratory projects

As noted in chapter 1, some measures presented as disarmament measures are in fact more declaratory than genuine. Where Northern Europe is concerned, there was a long debate from the late 1950s to the late 1980s about the possibility of establishing a Nordic nuclear weapon-free zone (NWFZ),⁸⁴ which for some of those concerned represented sincere strategy but for others was an exercise in propaganda. Another, more recent case of declaratory disarmament that is discussed in this section concerns the so-called denuclearization of Kaliningrad.⁸⁵

The impossible Nordic nuclear weapon-free zone

The original idea of creating a Nordic NWFZ dates back to 1957, when the Soviet Prime Minister, Nicolai Bulganin, sent a note to the Danish and Norwegian governments stating that if either of the two states accepted the stationing of nuclear weapons on its soil the Soviet Union would consider this a *casus belli*, and meanwhile inviting them to consider the idea of a NWFZ in the region.⁸⁶ At the time, the

⁸¹ Some Finnish military officials have noted that joining NATO and being covered by its nuclear deterrence could be a substitute for landmines—a step that would be economically cheap but politically expensive.

⁸² Finnish Prime Minister's Office, *Finnish Security and Defence Policy 2004*, Government Report no. 6/2004 (Prime Minister's Office: Helsinki, 2004), URL <<http://www.vnk.fi/vn/liston/vnk.lsp?r=88862&k=en>>.

⁸³ See Lachowski (note 77), chapter 5.

⁸⁴ Treaties on the establishment of such zones in, e.g., Africa, Latin America and South-East Asia were negotiated in the 20th century (although the 1996 Treaty of Pelindaba, on an African NWFZ, has not yet entered into force). However, no NWFZ has been proposed for any other part of the Euro-Atlantic region, and the closest thing to it that is currently under discussion would be the proposal for a Central Asian NWFZ.

⁸⁵ It could be argued that the Faroe Islands are also a subject of territorial disarmament. In Feb. 1984 the Faroe authorities even declared that the islands were an NWFZ. Technically, however, the islands do not have any competences in the field of defence and foreign policy, as they are under Danish sovereignty, so that statement had no legal effect. Coutau-Bégarie (note 5).

⁸⁶ Coutau-Bégarie (note 5), p. 152.

latter option was tempting to many people in the North European countries. Finland and Sweden saw it as an excellent way to reinforce their own active policies of neutrality, while politicians in Denmark and Norway saw a chance to show their publics that it was possible to reconcile membership of NATO (which many were still reserved about) with nuclear disarmament measures. The Soviet Union, for its part, naturally aimed to weaken NATO by exploiting the long-standing tradition of Nordic pacifism and raising the popular profile of the anti-nuclear cause. The Soviet Union further hoped that a Nordic NWFZ would set off a chain reaction in other small NATO countries where pacifism was strong.⁸⁷

This also explains the USA's equally strong resistance at the time to the Nordic NWFZ initiative. For their part, the Nordic countries saw some snags and uncertainties in the Soviet proposal: if the zone was to have a positive strategic effect, they would want it to cover some Soviet territory, but they knew that the Soviet Union would be more than reluctant to accept that idea. It was, in fact, only in June 1981 that the Soviet leader, Leonid Brezhnev, stated that some elements of such a proposal could apply to Soviet territory. His successor, Yuri Andropov, stated at Helsinki in June 1983 that a Nordic NWFZ could cover the entire Baltic region, but his proposals were immediately rejected by the USA.

President Gorbachev's 1987 Murmansk speech⁸⁸ relaunched the Nordic NWFZ project, now to include the Baltic and Norwegian seas. Gorbachev had meanwhile also stated that the Soviet Union was going to dismantle all its short- and medium-range missiles deployed in the area. The Nordic countries, where pacifism and anti-nuclear opinion were at their peak, were enthusiastic about his proposals but did not take any follow-up action. In October 1989, during an official visit to Helsinki, the Soviet leader stated that the Soviet Union was about to withdraw unilaterally some nuclear missiles from its submarines in order to facilitate the progress towards a Nordic NWFZ: 'We are ready to conclude with the nuclear powers and the Baltic Sea rim countries an agreement which would effectively give the Baltic the status of a denuclearized sea'.⁸⁹ During the spring of 1990 the Soviet Union began to withdraw its tactical nuclear missiles from the Baltic republics and declared that its aircraft and naval vessels deployed over and in the Baltic Sea would not carry any nuclear weapons.⁹⁰

Caught between their deep-rooted enthusiasm for peace and their own security requirements, and reluctant to provoke their powerful neighbour by a flat refusal, the Nordic countries were perhaps fortunate never to have to say a clear 'Yes' or 'No' to regional denuclearization. Even if all the Nordic political leaders were

⁸⁷ Blanc-Noël, N., *La politique suédoise de neutralité active* [The Swedish policy of active neutrality] (Economica/Institut de Stratégie Comparée (ISC): Paris, 1997), p. 125.

⁸⁸ See chapter 2, especially note 31.

⁸⁹ Quoted in Nieto, F., 'Satisfaction à Helsinki: M. Gorbatchev a mis un point final à la "controverse" sur la neutralité finlandaise' [Satisfaction in Helsinki: Mr Gorbachev has put an end to the 'controversy' over Finnish neutrality], *Le Monde*, 28 Oct. 1989.

⁹⁰ Institute for Defense and Disarmament Studies (IDDS), *Arms Control Reporter* (IDDS: Brookline, Mass.), sheet 404.B.80, mid-May 1990.

aware of the demagogic nature of Soviet diplomacy, hopes of a special zone could have been a convenient tool to ease Danish and Norwegian integration into NATO (complementing the countries' own nuclear opt-outs), to reinforce the Finnish and Swedish forms of neutrality, and to institutionalize Soviet goodwill. They also sat well with the notion that the Nordic area was and should be kept at the periphery of the strategic confrontation in Europe.⁹¹

Even after the break-up of the Soviet Union, some Russian officials stated that a Nordic NWFZ would still be relevant. In particular, they saw a denuclearized eastern Baltic region with non-aligned states as a far more positive alternative to the Baltic states' joining NATO. As a Russian admiral put it in 2000, a system of international relations should be created for the Baltic region which would 'be based on good neighbourliness, on partnership and directly or indirectly on principles of non-participation in military alliances aimed at other parties. Also important would be the consent of all the Western countries to the recognition of the Baltic Sea as a nuclear weapon-free zone and that the access of both nuclear-powered and nuclear-armed vessels to Baltic waters would be prohibited'.⁹²

The controversy over Kaliningrad

In the second half of the 1990s, the question of whether Russia had stored tactical nuclear missiles on the territory of Kaliningrad was among the most debated strategic issues, especially in the Baltic states and Poland. While Gorbachev had pledged to withdraw Soviet nuclear weapons from the Baltic region, the question of the denuclearization of the Russian exclave was first called into question by vague remarks made in the early 1990s in the framework of Russian–US discussions on the transfer of certain tactical nuclear weapons from other former states of the Warsaw Pact and Russian republics to the Russian mainland. According to the rumours, Russia had chosen Kaliningrad as a place to relocate these weapons. The Baltic states and Poland were alarmed, especially in view of Russia's strident opposition to their plans to join NATO—which had included occasional threats of a retaliatory arms build-up on their borders (not excluding nuclear weapons). In early 2001 *The Washington Times* reported that Russia had six months previously transferred short-range tactical nuclear missiles to Kaliningrad,⁹³ causing Polish spokesmen to call for an international investigation to verify whether this was true or not.⁹⁴ Analysts put forward several hypotheses for why the

⁹¹ Lindahl, I., *The Soviet Union and the Nordic Nuclear-Weapons-Free-Zone Proposal* (Macmillan: Basingstoke, 1988).

⁹² Speech by the Russian Navy Commander, Fleet Admiral V. Kuroyedov, at the Helsinki National Defence Course Association, 31 Oct. 2000, quoted in Juntanen, A., 'Russia's geopolitical interests in the Baltic', eds B. Hultdt et al., *The New Northern Security Agenda: Perspectives from Finland and Sweden, Strategic Yearbook 2004* (Swedish National Defence College: Stockholm, 2003), p. 268.

⁹³ Gertz, B., 'Russia transfers nuclear arms to Baltics', *Washington Times*, 3 Jan. 2001.

⁹⁴ Nougayrède, N., 'Lituanie et Pologne demandent une "inspection internationale" de l'enclave russe de Kaliningrad' [Lithuania and Poland ask for an 'international inspection' of the Russian enclave Kaliningrad], *Le Monde*, 10 Jan. 2001.

weapons might have been transferred, ranging from an attempt by Kaliningrad's new governor, Vladimir Yegorov, to assert his authority and the strength of the military in Kaliningrad, to Russia's growing reliance on tactical nuclear weapons in the context of force cuts and restructuring. Other rumours suggested that a redeployment could have been a Russian ploy to block NATO enlargement, a show of bad temper before an important US missile defence test in July 2000, or perhaps even a provocation organized by US hardliners in order to highlight the role of NATO as the main guarantee for European security and to score points during the ongoing US presidential campaign.⁹⁵ It was well known that the journalist who wrote the article, Bill Gertz, had strong connections with the US Republican Party. Underlining the political link with NATO enlargement, US Congressman Benjamin Gilman said: 'if Russia has, in fact, transferred tactical nuclear weapons to Kaliningrad, we have to view that as an alarming development that threatens the new democracies of Central and Eastern Europe . . . These reports underscore the need to promptly enlarge the NATO Alliance to include the previously captive nations of Lithuania, Latvia and Estonia'.⁹⁶

To this day, no concrete evidence has been brought forward to indicate whether the weapons were moved to Kaliningrad. In any event, at no stage was Russia acting under any legal obligation not to do so: Kaliningrad is sovereign Russian territory and has never been formally denuclearized. It is true that Gorbachev had pledged to withdraw Soviet nuclear weapons from the Baltic territories,⁹⁷ and the combination of this and existing Western restraints would make the Baltic region a nuclear weapon-free zone—de facto, but not de jure. Meanwhile, on the basis of an exchange of unilateral statements in 1991–92, Russia and the USA have made deep reductions in their non-strategic nuclear forces.⁹⁸ According to the pledges, all categories except one type of air-delivered weapon were to be either eliminated or transferred to central storage facilities, while the remaining weapons were also to be subject to deep reductions. Russia was supposed to complete activities pursuant to these initiatives by the end of 2000. According to the national report on Russia's implementation of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) that was distributed at the 2000 NPT Review Conference, implementation of these unilateral obligations was nearing completion at that time.⁹⁹

⁹⁵ Delpech, T., 'Nuclear weapons: less central, more dangerous?', ed. B. Schmitt, *Nuclear Weapons: A New Great Debate*, Chaillot Paper no. 48 (Institute for Security Studies: Paris, July 2001), p. 11.

⁹⁶ Quoted in Huang, M., 'Not in our backyard', *Central Europe Review*, vol. 3, no. 2 (15 Jan. 2001), URL <<http://www.ce-review.org/01/2/amber2.html>>.

⁹⁷ Institute for Defense and Disarmament Studies (note 90).

⁹⁸ For details and a discussion of the remaining problems see Potter, W. C. and Sokov, N., 'Practical measures to reduce the risks presented by non-strategic nuclear weapons', Background paper no. 8, WMD Commission, Stockholm, [2005], URL <<http://www.wmdcommission.org>>.

⁹⁹ Permanent Mission of the Russian Federation to the United Nations, National report on the compliance by the Russian Federation with the Non-Proliferation Treaty, 25 Apr. 2000, URL <http://www.fas.org/nuke/control/npt/news/00_04_24.htm>.

The notion of a nuclear weapon-free Kaliningrad is still dubious for several reasons. Russia continues to regard its exclave as a strategic stronghold on the Baltic Sea, as NATO continues to enlarge its membership. Moreover, it is the only western part of Russia that is not subject to the special flank restrictions of the CFE Treaty limiting troop redeployments. The general international context since 2002, when the USA withdrew from the 1972 Anti-Ballistic Missile Treaty, has not been conducive to further breakthroughs in Russian–US nuclear disarmament; indeed, President Vladimir Putin has several times boasted publicly of Russia’s ability to develop new nuclear weapons that can overcome all present defences.¹⁰⁰

NATO’s unilateral decision not to deploy any nuclear weapons (or any substantial number of foreign forces) in peacetime on the territory of any of the states that joined the alliance in the enlargements of 1999 and 2002—including Poland and the Baltic states—was itself an important new instance of territorial disarmament and, in the logic of cold war times, might have seemed both to call for and facilitate similar Russian self-restraints.¹⁰¹ However, the tacit *quid pro quo* that the West expected from Russia for this gesture was Russia’s acceptance of the NATO enlargement process *as a whole* (including the particularly sensitive issue of the membership of the Baltic states): and even in the Nordic region there was no real debate at the time about using the opportunity to challenge Russia’s own regional nuclear posture. In short, this episode, too, has contributed to a situation in which Russia feels that it must remain free to use every strategic card it still possesses in Northern Europe and, on the other hand, is aware of no substantial pressure to act otherwise.

¹⁰⁰ See Kile, S. N., Fedchenko, V. and Kristensen, H. M., ‘World nuclear forces, 2006’, *SIPRI Yearbook 2006: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2006), pp. 646–47.

¹⁰¹ In fact, this NATO restraint measure—a direct descendent of the post-World War II formula used by both Denmark and Norway, described above—was first applied to the former territory of East Germany in the unified Germany in 1990. It was repeated for the Czech Republic, Hungary and Poland when they joined NATO in 1999, partly at their politicians’ own request, and then for the 7 states that became members in 2004 (Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia).

4. The functionality of territorial disarmament, past and present

Located between the Russian land mass to the east, the European mainland to the south, and the Atlantic Ocean and the North American continent to the west, the states of Northern Europe are in a geostrategic bind: the strategic sensitivity of their land and sea areas, and the potential threats to them, far outweigh any conceivable local potential for defence. The North European countries have long seen territorial disarmament as a way to at least partially resolve this dilemma and in particular as a way for the region to avoid becoming either a buffer zone or a battlefield between the former superpowers. Assuming that the less a given territory is armed the greater are its chances to avoid war, the Nordic countries (and the Baltic states up to World War II) have promoted such measures among themselves and encouraged other states to adopt them. However, these strategic considerations are not the only ones that are relevant to the enduring popularity of such solutions in Northern Europe. This chapter discusses the other purposes—connected with status, identity and politics—of territorial disarmament, ending with a set of questions about the rationality and relevance of the whole concept in present-day circumstances.

The domestic factor: insularity and identity

The Nordic states share an arms control culture, a long tradition of strategic neutrality and a widespread conviction (linked with the tradition of neutrality) that great-power politics is basically 'bad'. According to this view, the removal from military competition of territories that might otherwise be the cause of rivalry between the great powers—as exemplified by the idea of a nuclear weapon-free zone in Northern Europe—is not only useful for security but also in line with the general interests and values that are characteristic of small and medium-size states. The logic of the various proposals made during the cold war period was deeply anchored in the idea that the Nordic states should stand aside from the dangerous nuclear arms race between the two superpowers, both in practical terms and in the sense of moral responsibility. Domestically, territorial exclusion and restraint could also be used as a tool to quash the more extreme variants of Nordic pacifism and weaken the reluctance in parts of the Danish and Norwegian populations to join NATO.

Similar national sensitivities explain the Nordic states' resistance to the presence of foreign soldiers on their soil. These feelings were obvious after 1945 in Denmark and Norway—two countries that had been occupied by German forces during World War II—but also in Iceland, which had been occupied by British and then US troops. The establishment of the Keflavík base on Iceland was fiercely con-

tested, and the US forces stationed there had to be extremely careful to avoid contact with the local population.

While territorial disarmament has often been imposed in Northern Europe by an external party, it has also played a role in consolidating peaceful values and relations among the countries—as illustrated by the peaceful demilitarization and neutralization of the border between Norway and Sweden in 1905. This was by no means a self-evident move when the demilitarized, neutral border area was first established, at a time when Sweden considered an independent Norway as a potential enemy.¹⁰² In the event, the territorial measures helped to develop confidence between the two states. The arrangement persisted up to the late 20th century and was terminated for a strange combination of reasons. The Norwegian authorities took the initiative because they realized that military aircraft using the newly built airport at Gardermoen (north of Oslo) would have to overfly part of the zone on the Norwegian side. According to Jan Prawitz, Margaretha af Ugglas, the Swedish Foreign Minister in the early 1990s, received strong representations to accept the proposal from one of her advisers, defence expert Ingemar Dörfer, who had never been pleased about the fact that the kitchen of his holiday home was cut in half by the eastern limit of the Swedish border zone.¹⁰³ The Karlstad Convention was duly cancelled in 1993.

Measures of territorial disarmament have also eased the sensitive relationships created within and between states of Northern Europe by the extension of their sovereignty over island territories with some kind of special history and character: Finland with Åland, Norway with Svalbard, and Denmark with Iceland (up to World War II) and Greenland. Nordic political elites and populations share a feeling, although less so since the 1990s, that their countries are not really part of the European mainland; they attach a positive meaning to the notion of living on a ‘periphery’. In turn, the outlying sovereign territories (islands) feel that they are on the periphery of their tutelary power. Islanders often want to maintain their sense of separateness from the mainland, *inter alia* by signalling their distance from the power politics affecting the latter. This feeling is perhaps most marked in Åland, where all strategic issues in Finland that may affect the islands are closely monitored by official and non-official authorities in Mariehamn and are often perceived emotionally. For instance, in 2002, when Finland ratified the 1992 Treaty on Open Skies,¹⁰⁴ it took the view that the confidence-building aspect of

¹⁰² Ericson, M., ‘The case of Norway and Sweden’, eds C. Archer and P. Joenniemi, *The Nordic Peace* (Ashgate: Aldershot, 2003), pp. 27–29.

¹⁰³ See *SIPRI at 40: 1966 to 2006* (SIPRI: Stockholm, 2006), pp. 16–17, available at URL <<http://www.sipri.org>>.

¹⁰⁴ The Open Skies Treaty establishes a regime for the conduct of observation flights over the territories of states parties and regulates the technicalities (including quotas for observation flights fixed on a principle of reciprocity between the parties or groups of parties; the notification of points of entry for observation flights for each state; the technical specifications of sensors to be used during overflights and inspections; the designation and use of personnel and aircraft for observation flights; and the handling of various contingencies that may arise). See Dunay, P. et al., *Open Skies: A Cooperative Approach to Military Transparency and Confidence Building* (United Nations Institute

Open Skies methods (cooperative international aerial monitoring) would both complement and support the Åland Islands' demilitarized and neutralized status.¹⁰⁵ Some Åland scholars and leaders, however, argued that the Open Skies Treaty was incompatible with the 1921 Convention on the Non-fortification and Neutralization of the Åland Islands. Robert Jansson, director of the Åland Islands Peace Institute, argued that the application of Open Skies would conflict with Article 4 of the Åland Islands Convention.¹⁰⁶ Jansson maintained that Finland should have requested, and should still request, a special dispensation banning any Open Skies overflights of the islands in connection with its accession to the treaty. When the Finnish authorities claimed that it was not possible to make such an exemption,¹⁰⁷ Jansson tried to refute their argument with the observation that Article 19 of the 1969 Vienna Convention on the Law of Treaties stipulates that a state can make a reservation unless 'the reservation is incompatible with the object and purpose of the treaty'.¹⁰⁸ However, Åland is not a party to the Vienna Convention in its own right, and the Finnish Ambassador to the Organization for Security and Cooperation in Europe (OSCE) had already stated explicitly that the Åland Islands were content with Finland's accession to the treaty.¹⁰⁹ In the event, the Finnish Parliament ratified the Open Skies Treaty in November 2002 without any reference to the special status of Åland.¹¹⁰

for Disarmament Research: Geneva, 2004). The treaty is available at URL <<http://www.state.gov/t/ac/trt/33393.htm>>.

¹⁰⁵ See Rotkirch, H., 'A peace institute on the war-path: the application of the Treaty on Open Skies to the neutralized and demilitarized Åland Islands and the powers of the Åland autonomy', eds J. Petman and J. Klappers, *Nordic Cosmopolitanism: Essays in International Law for Martti Koskenniemi* (Martinus: The Hague, 2003), pp. 61–88.

¹⁰⁶ Article 4 of the Åland Islands Convention states that, 'Subject to the provisions of Article 7, no military, naval or air force of any Power shall enter or remain in the zone'. See Åland Islands Peace Institute, 'Debatten om Open Skies över Åland, Open Skies dokumentinsamling' [The debate on Open Skies over Åland, Open Skies document collection], URL <<http://www.peace.aland.fi/nyheter/open-skies/osdebatt.htm>>.

¹⁰⁷ In a statement made on 30 Nov. 2001 the Finnish Ministry of Foreign Affairs noted that 'as a consequence of the treaty's character and genesis it is not possible to make any geographical reservations to the treaty'. Letter from the Finnish Ministry of Foreign Affairs to the Government of Åland, 'Finlands tillträde till avtalet om observationsflygningar; underrättelse till landskapsstyrelsen enligt 58§ Självstyrelselagen för Åland' [Finland's accession to the Open Skies Treaty: information to the Åland government in accordance with paragraph 58 of the Law on Åland's Self-government], URL <<http://www.ls.aland.fi/composer/ls-prot/KANSLI/2002/K1002P07.html>>.

¹⁰⁸ For the Vienna Convention see URL <<http://www.un.org/law/ilc/texts/treaties.htm>>.

¹⁰⁹ 'The Finnish Government informed the States Parties to the Åland Convention of the intention of Finland to accede to the Open Skies Treaty. Further, the authorities of the Åland Islands were informed of the accession. The position of the Finnish Government is that in spite of the special status of the islands codified by the Åland Convention, there is no contradiction between the aims of the Treaty on Open Skies and the Convention. The Open Skies Treaty promotes greater openness and transparency in military activities and enhances security through confidence- and security-building measures. The Åland Islands authorities agree that the Treaty on Open Skies is in conformity with the Åland Convention and fully shares its aims.' Statement by Ambassador Aleksi Härkönen at the Open Skies Consultative Commission, 16 Dec. 2002.

¹¹⁰ Lag om sättande i kraft av de bestämmelser som hör till området för lagstiftningen i Fördraget om observationsflygningar [Law on bringing into force the provisions of the Open Skies Treaty which require legislation], 1018/2002, signed into law by the Finnish President on 3 Dec. 2002.

The extreme sensitivity of the Ålanders was again highlighted in September 2003 when, in the context of a military exercise hosted by Finland in the framework of ‘Nordic Peace’, the Norwegian and Swedish visiting troop contingents made a series of procedural faux pas. The Swedish contingent transported its troops on a civilian ship (of the Silja Line), forgetting that all such routes to Finland make a stopover in Mariehamn, and the Norwegian troops were transported by a helicopter that flew in an air corridor over the Åland Islands. The intense debate that followed in Mariehamn illustrated the deep fear in Åland that these successive ‘twists of the rule’—whether conscious, as in the Open Skies episode, or not, as with the incidents involving Norway and Sweden—could be a prelude to Finland’s future membership of NATO, which would de facto undermine their status of autonomy. In reality, this would not itself mean that the status of Åland would be put in question,¹¹¹ not least because the governing international agreements include some non-NATO parties. Among the current NATO members, both Norway (with Svalbard) and Greece¹¹² have been able to retain the demilitarized status of some of their territories, despite long-standing membership of the alliance and its integrated military structure.

The Greenlanders share with the Ålanders not only a strong insular feeling but one that is probably enhanced by their ethnic distinctness. When the USA proposed to update the early-warning radar in Thule (see chapter 3), Greenland saw an opportunity to use the geostrategic location of its territory as leverage to get more involvement and competences in the field of foreign policy. The fear of intrusive military activity by the sovereign power has never, however, been really significant in Greenland (as it may be in Åland) given the evident limits of Danish capabilities. The same issues cannot arise in Svalbard, as there are only a few Norwegian residents and no indigenous population.

It is arguable that the relevant measures of territorial disarmament played a significant role in allowing Denmark and Finland to preserve their sovereignty over, respectively, Greenland and Åland throughout the 20th century without major crises. Such measures have appeased insular feelings (without violence), while at the same time not endangering—and perhaps even enhancing—the security of the mainland.

The external context: strategic ‘subtraction’

As geographic location is a prime determinant of a state’s chance of survival, in the case of the Baltic and Nordic states territorial disarmament may be seen as an answer to the challenge of geography. Any state facing or surrounded by weightier powers has to find the best way to balance and reconcile its national independence with the interests of its neighbours, particularly the largest ones.

¹¹¹ See Tiilikainen, T., ‘Åland in European security policy’, eds Bailes, Herolf and Sundelius (note 35), pp. 349–55.

¹¹² In the case of Greece, this refers to the islands of Chios, Corfu, Lesbos, Limnos, Nikaria, Paxoi and Samos.

Even if it is true that the one thing that does not change in history is geography, there is less reason today than ever before to subscribe to any simplistic geographical determinism. The French admiral Raoul Castex was among the first to argue that geography was a permanent feature of strategy, while states' strategic assets also depend on resources and technology.¹¹³ Today, aerospace and communications technologies have banished the discontinuity between lands and seas, and no territory can rely on remoteness alone for protection. An aggressor can initiate an attack in many ways without having to physically enter a territory and, when taken together with the new prevalence of internal conflicts and attacks by non-state (notably terrorist) actors, this puts into question the philosophical and practical relevance of territorially defined limitations. At the same time, since the strategic agenda changes only gradually and in an uneven way from region to region and state to state, it would be premature to argue that geography has no further significance for the strategic interests and posture of each actor.

Coming back to the historical background, territorial disarmament was often used as a tool to adjust power balances between states, including those in Northern Europe that faced superior forces from the south (mainly Germany) and from the east (Tsarist Russia/Soviet Russia/the Soviet Union). After World War II, the Nordic states again found themselves wedged between larger powers, this time the Soviet Union and NATO, and the Baltic states were deprived of their sovereignty for 50 years. Under the pressures of the cold war, when the situation in Northern Europe was dominated by the overall tension between East and West, local measures of territorial disarmament (including two nations' neutrality) became pillars of the 'Nordic balance'.¹¹⁴ The strategic importance of the region was perhaps even greater for the Soviet Union than for the West. Throughout the centuries, Russia (in its Tsarist and Soviet incarnations) sought to secure its access to the sea to the west, from the Baltic Sea and the Arctic Ocean. During the cold war the geopolitical configuration of Northern Europe did not wholly favour this aim, but the limitations adopted by Denmark and Norway—notwithstanding their membership of NATO—could be seen as some reassurance for Moscow, since they made Danish and Norwegian security even more dependent on NATO reinforcement in the event of crisis or war. From the viewpoint of both Denmark and Norway, their security policies ensured that their NATO membership did not cause unnecessary tension in the region—especially with regard to the Soviet Union. At bottom, Denmark and Norway were sceptical of the chances of effective NATO assistance in the event of a nuclear war, and they feared that it might be tempting

¹¹³ Castex, R., *Mélanges stratégiques* [Strategic essays] (Académie de Marine: Paris, 1976), p. 96.

¹¹⁴ This expression was used to describe a combination of national policies by Denmark and Norway, on the one hand, and Finland and Sweden, on the other, that aimed at preserving a balance between the 2 superpowers. While the 'balance' never had a formal shape, the close relationship and interdependence in the Nordic region ensured that each Nordic country was fully aware of how any significant step taken by one would affect the others. E.g., Sweden's non-membership of NATO (although it is now known that close contacts took place, especially between the Swedish and Norwegian militaries) protected Finland from coming under even greater pressure from the East in its 'special relationship' with Russia.

for the USA to use its superior nuclear arsenal to wage a preventive war against the Warsaw Pact in (or affecting) Northern Europe. Also, if the East had been the aggressor, putting into practice the NATO doctrine of massive nuclear retaliation would have been tantamount to the devastation of not just Denmark and Norway but the entire region.

Through the conjunction of several factors, the geostrategic balance in the region has changed dramatically since 1990. With the Baltic states' membership of NATO, Western strength has now entered Russia's own 'comfort zone' with the effect that, *inter alia*, there is less and less of a geographical buffer to soften interactions between the great powers. Moreover, Russia has far fewer military means than the Soviet Union used to have, as a result of both the break-up of the Soviet Union and the erosion of Russian capabilities owing to economic pressures.

In this situation, the various territorial special statuses in Northern Europe remain of strategic interest for Russia, even if in an altered and somewhat reduced way. During the cold war there were more than 30 diplomats in the Soviet consulate at Mariehamn. Now there is only one, the consul. In the 1990s, when Russia wanted to reduce the cost of its diplomatic network, it even considered selling the huge consulate building and transferring the consul to Turku on the Finnish mainland. The decision went the other way because Russia realized that the consulate could act as a strategic outpost for observing NATO's expansion into the Baltic area. In a similar manner, during the cold war the consulate was a convenient base from which the Soviet Union could monitor the 'docility' of Finland and developments in Sweden.¹¹⁵ According to the Åland historian Kenneth Gustafsson, Russia was careful to avoid entering into any new formal commitments (e.g., formally recognizing the islands' 'neutralization') so as not to lose altogether the chance to one day use the islands for a military purpose.¹¹⁶

As far as Svalbard is concerned, Russia has always acted as if it would exclusively enjoy the benefits that the 1920 Svalbard Treaty granted to the states parties.¹¹⁷ Russia continues to keep a large population there (c. 8000 people) for obvious strategic reasons: it can no longer use military facilities in the Baltic states and it regards its Arctic flank as extremely important, making it out of the question to abandon the Svalbard outpost. At the same time, there remains a difference of opinion between Norway and Russia as to whether the Svalbard Treaty, particularly its provisions giving all the parties the right to exploit Svalbard's economic resources, applies to the waters and seabed around the archipelago.¹¹⁸ Russia

¹¹⁵ E.g., the consulate served in 1987 as a transit route to extract the Swedish spy Stig Berling.

¹¹⁶ Gustafsson, K., Personal interview with the author, Mariehamn, 19 Jan. 2006.

¹¹⁷ 'The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in Article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.' See Article 3 of the 1920 Svalbard Treaty, reproduced in the appendix in this volume.

¹¹⁸ Sergounin, A., 'In search of a new strategy in the Baltic/Nordic area', ed. V. Baranovsky, SIPRI, *Russia and Europe: The Emerging Security Agenda* (Oxford University Press: Oxford, 1997), p. 342.

carefully monitors Norway's policy in the region and does not hesitate to condemn Norway when it is suspected of endangering the Russian facilities in some way. For instance, when in 2000 the Norwegian Parliament decided to set up a 'protected ecological zone' in Svalbard, Russia protested, arguing that Norway now had an 'ecological weapon' to use against the Russians settled in the archipelago.¹¹⁹

Conclusions: geography and the changing security agenda

In terms of traditional security, Northern Europe has always found itself—at least in part of its territory—at an important strategic intersection. During the cold war, the two main areas of tension were around the Danish Straits, and in the northern part of Norway and Russia's Kola Peninsula. In the 1990s, the dissolution of the Warsaw Pact, German unification, the recovery of the Baltic states' independence, and the withdrawal of the Soviet and then Russian armies from Baltic territory resulted in a shifting to the east—at least as far as Kaliningrad—of the first area of tension in the Baltic Sea. The strategic geography of the second area of tension has been less altered, as shown both by the continuing Norwegian anxiety about vulnerability in Northern Europe and by the Russian interest in keeping 'the High North' as a sanctuary against any possible Western aggression. However, as noted above in the context of the Baltic states' concerns, a new significance has also been given to the expanse of territory around Pskov and Novgorod in the west of Russia. Overall, Russia still nurtures the perception of the Baltic Sea area and of its northern frontier with the West as a front line of defence against further Western expansion. Historically, this expansion has ranged from the former German *Drang nach Osten* to the alleged 'aggressive' plans of NATO. If the strategic landscape of the area has changed dramatically since the 1980s, Russia still looks at its security—exactly as the Soviet Union used to do—through a geographical prism.

Considered as a partial solution to this problem, the value of territorial disarmament has declined but not disappeared. The 'apartness' of the region has certainly been reduced by NATO enlargement to include the Baltic states, the eastern part of Germany and Poland, but it has also been affected by smaller changes like the termination in 1995 of the Norwegian ban on military activities in the north of the country or Finland's and Sweden's joining the Open Skies Treaty—not to mention the strategic implications (see below) of Baltic, Finnish and Swedish membership of the European Union. As Western nations' military priorities shift towards preparing their forces to play their full part in overseas crisis operations under many different flags (under the EU and NATO as well as the UN), the fact that the North European states are 'on the periphery' is becoming less relevant for determining a nation's military responsibilities, force posture and capability plans. However, the national defence perceptions and policies of the Nordic and Baltic states remain near the most traditional end of the Western spectrum in the emphasis that they still place, also for psychological and identity reasons, on the protection

¹¹⁹ Personal interview by the author with a French diplomat, Paris, May 2000.

of national territory.¹²⁰ This helps to explain why the legacy of territorial disarmament has survived so fully and in such manifold forms in Northern Europe—certainly more so than in any other erstwhile cold-war ‘frontier zone’.¹²¹ Its manifestations still range from islands with a status that is distinct from their tutelary power (Åland, Greenland and Svalbard), through whole countries with a special status (Finland and Sweden as non-aligned states and Iceland’s non-armament), to more specific limitations like those on the stationing of NATO forces on the territory of the Nordic countries and any new NATO members. To an extent, territorial disarmament applies to Russia as well, providing a more direct means to ease Baltic and Nordic neighbours’ concerns over Russian strategic weight. Apart from the disputed case of Kaliningrad, the CFE Treaty remains the major constraint on Russian force strength and activities in Northern Europe as elsewhere.

Now as always, it is difficult to assess the precise impact and the real beneficiary of any given measure of territorial restraint. The subjective and conditional dimension of such constructs was emphasized by the French lawyer Georges Scelle: ‘These military servitudes tend to be short-lived. They last as long as the balance of power that imposed them remains stable’.¹²² Indeed, history shows that this kind of disarmament can work only if it is in the interest of the great powers: if not, it will be disregarded and violated at need. The Nordic states’ chosen method of ‘subtracting’ their territory from use by a potential belligerent was carefully designed and employed to influence Russia’s own motivation. The more a great power is confident in the credibility of the setting aside of the territory, the less it will be tempted to use it for its own military purposes. In this light it can be argued that the Nordic states’ territorial provisions were (and continue to be) supplemented by larger elements of avoidance or exclusion in their national policies, including the fact that none of them—other than Denmark, on the fringe of the region—has joined both the EU and NATO, the two strongest organizations in Europe.

In this last context, however, even the important strategic subtext may matter less in practice than the widespread Nordic preference for avoiding full integration in the multilateral frameworks—notably the EU—that limit states’ sovereignty and may seem to threaten their distinctive identities. Examples of such a ‘Euro-allergy’—and of Euro-scepticism within the countries that are already EU members—include Greenland’s vote to withdraw from the European Communities in

¹²⁰ See Cronberg, T., ‘The will to defend: a Nordic divide over security and defence policy’, eds Bailes, Herolf and Sundelius (note 35), pp. 315–22; and Hopkinson, W., *Sizing and Shaping European Armed Forces: Lessons and Considerations from the Nordic Countries*, SIPRI Policy Paper no. 7 (Mar. 2004), URL <<http://www.sipri.org>>.

¹²¹ In Central Europe, while Austria and Switzerland retain their national non-aligned status, there are no special measures of territorial ‘neutralization’ or ‘demilitarization’ beyond NATO’s political commitment to self-restraint on its new members’ territory. In practice, the strategic meaning of Austrian ‘neutrality’ has been transformed by Austria’s encirclement by new NATO members to the east (the Czech Republic, Hungary, Slovakia and Slovenia). Another important difference from Northern Europe is that no state in Central Europe any longer has a direct boundary with Russia proper.

¹²² Scelle, G., *Précis de droit des gens* [Handbook of international law] (first edn 1932), (Centre National de la Recherche Scientifique: Paris, 1984), p. 122.

1986; the significant exemptions from EU obligations still held by the Åland and Faroe islands;¹²³ the two occasions (September 1972 and November 1994) when Norway decided by popular referendum not to join the EU; the fact that Finland joined the European Free Trade Area through a tailor-made institutional arrangement in 1961 and the Council of Europe only in 1987; Denmark's four EU opt-outs, including one from the ESDP;¹²⁴ and the Danish (2000) and Swedish (2003) referendum votes against joining the Economic and Monetary Union. The more the European continent unites under the aegis of the EU and NATO, the more this Nordic 'double abstention' will come under pressure. The progress of EU and NATO enlargement is steadily pushing the Nordic states into a corner in respect of their increasingly untypical partially integrated status as well as in a geographical sense.

This does not mean, however, that existing or even new measures of territorial disarmament as such must be seen as conflicting with the widening and deepening of the European architecture. Some 'disarmed' territories have an apparently stable status quo (Åland, Greenland and Svalbard), while other situations may have to evolve quite soon (Iceland after the prospective US troop withdrawal and Finland and Sweden with the Agreement on Adaptation of the CFE Treaty). As a further complication and as noted above, both the EU and NATO have shown themselves consistently willing in the past to find technical fixes to accommodate any special territorial arrangements and restrictions (including sub-territories with unusual status) that otherwise acceptable new members may bring with them.¹²⁵

A more pertinent question, perhaps, is whether Nordic measures of 'subtraction' any longer make sense—or have a net positive effect—in terms of the substantive security agenda affecting these countries and their surrounding seas. It is shown above that the awareness of old-fashioned military threats remains more present in this part of Europe than elsewhere and that existing measures of territorial disarmament are still seen by both sides as relevant to dealing with it (even if the creation of new measures of this sort now looks very unlikely). However, for the Nordic nations as much as any other group of European states, the present-day security agenda has been extended to include a huge range of other risks and threats for which formal state boundaries, or any other types of territorial limit, are virtually irrelevant. These challenges range from the deliberate human threats of

¹²³ In 1948 the Faroe Islands gained self-government under Denmark. Their foreign affairs and defence are handled by Denmark but otherwise they have internal self-government. They are not a member of the EU. See Carsten Pedersen, K., 'Denmark and the European Security and Defence Policy', eds Bailes, Herolf and Sundelius (note 35), pp. 37–49.

¹²⁴ See Carsten Pedersen (note 123).

¹²⁵ Thus, when Norway's EU accession negotiations were completed before the 1994 negative referendum, the EU side saw no reason to make problems over the status of Svalbard or even over the fact that Norway's sea boundary with Russia was not the subject of a fully agreed demarcation. The success of Denmark and Finland in maintaining total exclusion from EU obligations, or their limited application, for various of their sovereign territories is mentioned above. Special territorial statuses elsewhere in the EU include the UK's Channel Islands and Isle of Man, Spain's sovereignty over Ceuta and Melilla on the African coast, and the French overseas territories.

international terrorism, crime, smuggling, sabotage (including cyber-sabotage) and illegal migration; through various risks posed by weapons of mass destruction outside the context of traditional war (including possible terrorist use, accidents and pollution); to risks over which humanity has less control such as violent weather and climate change, exhaustion of the environment and natural resources, and epidemic diseases of people, animals and crops. Not only do the traditional Nordic devices of abstention, restraint and dissuasion mean little or nothing in these contexts, but the transnational dimension in which such challenges arise and the highly interconnected nature of their impact are steadily reducing the historic elements of singularity in the Nordic (and Baltic) states' security plight. In short, both the 'passive' and potential 'active' significance of geography as a factor capable of limiting security problems has been much eroded and seems bound to decline further in future.

Two different views, one optimistic and one more questioning, could be taken of the interconnection between these facts and the surviving pattern of territorial disarmament in Northern Europe. On the positive side, it may be argued that, since the traditional arrangements only refer to specific traditional military activities, and since those activities are generally acknowledged to be of only marginal relevance to any of the new challenges mentioned, there is nothing in the special Nordic statuses per se that need inhibit either a proper national response to the perceived risks or the engagement of all the territories concerned in international cooperation for such ends. Thus, all the Nordic states—whether members of the EU or not—are full members of the Union's Schengen system of border security and immigration control, and all can benefit from the protection this regime offers against border-related problems ranging from possible terrorist infiltration to excessive numbers of asylum seekers. All the Nordic members of the EU have access to a large number of 'functional security' policies and instruments being developed by the Union, from disease control (the EU European Centre for Disease Prevention and Control is located in Stockholm) through mechanisms to coordinate practical EU aid for internal emergencies of many kinds, to the latest demands in 2006 for a strategically aware EU energy security policy. Denmark, Finland and Sweden all joined in the political declaration of a new 'solidarity' commitment promising mutual assistance between EU members in the event of major terrorist attacks or comparable national disasters that was adopted following the March 2003 terrorist atrocities in Madrid, and none of them felt it necessary to make reservations relating to their own or their possessions' special territorial regimes. Coming back to the East–West strategic context of former Nordic territorial exceptions, it is also worth noting that the Nordic states were among the first to point out that the EU's security cannot be guaranteed in any of these dimensions without some measure of cooperation or at least dialogue with Russia and other former Soviet states whose territory is so often involved as the transit zone or even the source of various non-traditional menaces.

Without denying any of these points, a more searching reflection on the handling of non-traditional security changes in the North European region may bring out

some more specialized areas of difficulty. For example, new preventive and punitive security controls over the movement of people and goods—tighter export controls, container searches, port and harbour security measures, stricter immigration controls, and tighter security in air and sea transport—have been a strong feature of new security strategies in the Euro-Atlantic space as a whole, reflecting the multiple value that such disciplines can offer against criminals of all kinds, from terrorists to people traffickers. How easy is it, in both legal and practical terms, to assure the full application of such measures in special territories like Åland, the Faroe Islands, Greenland and Svalbard? The threat to these territories even in the new dimensions may be very small, but there would still be reason to worry if they risked becoming loopholes or vulnerable ‘back doors’ in the new-style European territorial regime. Again, the use of military resources to deal with new internal threats is not wholly irrelevant, even if there are some Nordic cultural dispositions (especially in Sweden) that militate against exploring it. What would happen if terrorists or criminals seized the port of Mariehamn and could not be dislodged without the use of professional armed forces, or if any of the special-status territories suffered a natural catastrophe that could only be remedied with the help of specialized military equipment? While many of the historical arrangements described here have the equivalent of an override clause in cases of supreme national defence, it would be something of a lawyer’s dream to start arguing over whether security emergencies of the new, non-war kind could justify invoking such provisions or not.

Last but not least, it may turn out that the largest problem posed by traditional territorial restraints for the adjustment of the states and populations of Northern Europe to the new threat spectrum lies in their subjective and psychological significance, as explored in the previous section. The self-wished ‘apartness’ of many Nordic communities and their territorial subdivisions has not up to now been a problem either for the inhabitants themselves or for Europe as a whole, and it has often brought benefits for both. Nowadays, however, an aspiration for apartness and the restrictive, conservative and passive behaviours that it is liable to lead to are more and more out of place in a Europe that shares not just a single market but increasingly also a single security space and a single set of factors conditioning life and death. If the habit of territorial opting out leads the peoples and decision makers to wilfully underplay the new, non-territorial challenges that face them, or to offer less solidarity and integrated cooperation to other European states than is necessary for the safety both of the latter and of the Nordic people themselves, the Nordic specialities that have hitherto been viewed as useful or at worst eccentric could quite soon show themselves in a more negative light. Conversely, if clinging to these elements of special status can provide these states with a kind of psychological ‘safety blanket’ that helps them make the effort to reach out to other European states in the non-traditional spheres of security—and, indeed, to continue making an above-average contribution to the tackling of shared security challenges at the global level—then all of Europe might find new reasons for continuing to look upon them with tolerance or actual favour.

Appendix. Excerpts from documents on territorial disarmament

Convention on the Demilitarization of the Åland Islands, signed at Paris by the United Kingdom of Great Britain and Ireland, France and Russia on 30 March 1856

Original French text

...

Article 1

Sa Majesté l'Empereur de toutes les Russies, pour répondre au désir qui lui a été exprimé par Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande et l'Empereur des Français, déclare que les Iles d'Åland ne seront pas fortifiées, et qu'il n'y sera maintenu ni créé aucun établissement militaire ou naval.

Article 2

La présente Convention, annexée au Traité général signé à Paris en ce jour, sera ratifiée, et les Ratifications en seront échangées dans l'espace de quatre semaines ou plus tôt, si faire se peut.

...

Source: International Treaties and Documents Concerning Åland Islands 1856–1992 (Ålands Kulturstiftelse: Mariehamn, 1993), URL <http://www.kultur.aland.fi/kulturstiftelsen/traktater/eng_fr/ram_right-enfr.htm>.

Convention relative to the Establishment of a Neutral Zone and to the Dismantling of Fortifications (Karlstad Convention), signed by Norway and Sweden at Stockholm on 26 October 1905

Translation of original French text

...

Article 1

In order to assure peaceful relations between the two States, there shall be established on the two sides of the joint frontier, a territory (neutral zone) which shall have the advantages of a perpetual neutrality.

This zone shall be limited as follows:

On the Norwegian side, by a line of demarcation running in a straight line through the Kirkö, touching the north-westerly point of the Singleö at the church of Ingedal and from there, forming a succession of straight lines passing by: the church of Rokke, the point situated on the northern bank of the mouth of the stream of Fredrikshald in the Femsjö, the mouth in the northeast corner of the Femsjö, of the stream passing near the farm of Röd, at the eastern extremity of the Klosatjern, the eastern extremity of the Grefslivand (to the north of the church of Haerland), the point advancing to the Ögderensjö southeast of Kraaktorp, the strait between the Mjermen and the Gaasefjord, the Eidsdammen, the south-western extremity of the Dyrerudtjern (at the northern extremity of the Liermosen), the church of Urskog, the southern extremity of the Holmtjern, the southern corner of the Digersjö, the northern extremity of the Skassensjö, as far as the point where the Ulvaa cuts the 61st parallel;

On the Swedish side, by a line of demarcation starting from the northern point of the Nordkoster, and forming a succession of straight lines passing through: the southern point of the Norra Långö, the northeastern extremity of the Lake of Färingen, the north-eastern extremity of the Lursjön, the mouth of the Kynne river in the Södra Bullaren, the southeastern extremity of the Södra Kornsjön, the southern extremity of the Stora Le, the western extremity of the Ojnesjön, the southern extremity of the Lysedstjärn, the southern extremity of the Nässjön, the southern extremity of the Bysjön, the north-western extremity of the Lake of Kymmen, the northwestern extremity of the Grunn-sjön, the northwestern extremity of the Kläggen, the northern extremity of the Mängen, the western extremity of the Bred-sjön, as far as the point where the right bank of the Klaraälven cuts the 61st parallel.

In the said zone the islands, islets, and reefs are included, but not the parts of the sea itself with its gulfs which are situated within the limits of the zone.

The neutrality of the said zone shall be complete. It shall, therefore, be forbidden each of the two States to carry on within this zone any operation of war, to use it as a point of support or as a basis of operations of this character and to have stationed there (with the exception provided by Art. 6) or to concentrate there any armed military forces, except those which are necessary for the maintenance of public order or for giving assistance in case of accidents. If in one of the States there exists or if later there should be constructed railroads through a part of the neutral zone of this State, in a direction essentially parallel to the longitudinal axis of the zone, the present provisions shall not oppose the use of these railroads for the purpose of military transports. Neither shall they forbid persons domiciled in the part of the zone of one of the States and which belong to the army or to the navy of that State, from assembling there in order to be sent out of the zone without delay.

It shall be forbidden to preserve in the neutral zone, and there shall not be established therein in future, any fortifications, ports of war or provision depots intended for the army or the navy.

However, these provisions shall not be applicable in case the two States should bring each other assistance in a war against a common enemy. If one of the two States finds itself at war with a third Power, they shall not bind, for that part of the zone which belongs to each of them, either the one which is at war, or the other, in so far as it is a question for the latter of enforcing the respect for its neutrality.

Article 2

By virtue of the preceding provisions, the fortifications which are at present situated in the neutral zone as it has been established hereinbefore, shall be dismantled, to wit: the groups of Norwegian fortifications of Fredrikssten with Gyldenlöve, Overbjerget, Veden and Hjelmkollen, of Örje with Krok-sund, and of Urskog (Dingsrud).

Article 3

The fortifications mentioned in Art. 2 shall be rendered useless for serving as such. The former works of Fredrikssten and of the forts of Gyldenlöve and of Overbjerget shall, however, be reserved, but it shall be prohibited to construct any works of maintenance having the character of a fortification.

More detailed stipulations relative to the modern constructions of these three forts, as well as to the measures to be taken with regard to the other fortifications, shall be inserted in a separate act which shall have the same force and the same value as the present Convention.

Article 4

The execution of the measures provided for in Art. 3 shall be made at the latest eight months after the coming into force of the present Convention.

Article 5

A Commission composed of three officers of a foreign nationality (neither Norway nor Sweden) shall be charged with seeing to it that the measures provided for in Art. 3 shall be duly executed. Of these officers one shall be named by each of the two States and the third by the two officers thus designated or, in case they shall be unable to arrive at an agreement, by the President of the Swiss Federal Council.

More detailed provisions regarding this control shall be inserted in the separate act mentioned hereinbefore.

Article 6

Fredrikssten shall continue to be the headquarters of the military command of the district and of the school for non-commissioned officers of the forces subject to this command, all essentially on the same footing as before the construction of the modern fortifications.

Article 7

The group of fortifications of Kongsvinger shall not be increased either as regards constructions, armament or garrison, the size of the latter never having exceeded 300 men. There shall not be included in the garrison the men called together for the annual manoeuvres. In application of the aforementioned provision no new fortifications shall be established within a radius of 10 km. around the former fortress of Kongsvinger.

Article 8

The differences relative to the interpretation or the application of the present Convention which can not be settled by direct diplomatic negotiations shall be, with the exception which follows from Art. 5, submitted to an arbitral tribunal composed of three members, one of whom shall be named by each of the two States and the third by the two members thus designated, or if they can not agree upon this choice, by the President of

the Swiss Federal Council, or in the manner provided for by the two last paragraphs of Art. 32 of the Hague Convention of July 29, 1899. None of the umpires may be the subject of either State or domiciled in their territories. They shall not have any interest in the questions which may form the subject of the arbitration.

In default of *compromis* clauses to the contrary, the arbitral tribunal shall determine the place of its meeting and the arbitral procedure.

Article 9

The present Convention shall immediately come into force and shall be denounced only by common consent.

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Source: Wehberg, H., *The Limitation of Armaments*, Pamphlet no. 46 (Carnegie Endowment for International Peace, Division of International Law: Washington, DC, 1921), pp. 27–28.

Act of Union between Iceland and Denmark (Law of Confederation)

Entered into force on 1 December 1918

Unofficial translation of original Danish text

Denmark and Iceland are free and sovereign states united by a common king.

Danish citizens in Iceland are to enjoy equal rights and privileges with the citizens of Iceland, and vice-versa.

The citizens of each country are exempt from military service in the other country.

Access to fishing within the maritime jurisdiction of both countries is equally free to Danish and Icelandic citizens, regardless of residence.

Danish ships in Icelandic harbors have the same rights as Icelandic ships, and vice versa.

Denmark will act in Iceland's behalf in foreign affairs. In the Ministry of Foreign Affairs there will be a representative appointed in consultation with the Government of Iceland and familiar with Icelandic conditions. Attachés who are well informed on Icelandic affairs shall be appointed to the already existing consulates and legations. All agreements entered into by Denmark with foreign countries and already published shall, in so far as they concern Iceland, be in force for that country also. Agreements ratified by Denmark after the proposed Law of Confederation has gone into effect shall not be binding upon Iceland without the express consent of the Icelandic authorities concerned.

Until such time as Iceland shall decide to take charge of the inspection of fisheries in whole or in part, this duty will be performed by Denmark under the Danish flag. The monetary system shall continue to be the same for both parties as at present, so long as the Scandinavian monetary system exists. Should Iceland desire to establish her own coinage, the question of acknowledgment by Sweden and Norway of the coins and notes stamped in Iceland will have to be settled by negotiation with those countries.

Denmark's Supreme Court has jurisdiction in Icelandic cases until Iceland shall decide to institute a supreme tribunal of her own. Until then one member of the Supreme Court shall be an Icelander. Matters of importance to both countries, such as coinage, trade, customs, navigation, mails, telegraphs and radio telegraphs, administration of justice, weights and measures, as well as financial arrangements shall be regulated by agreements of the authorities of both countries.

The sum of 60,000 kroner contributed annually by Denmark to Iceland shall be discontinued, and instead Denmark shall establish two funds of 1,000,000 kroner each, one at the University of Copenhagen and one at the University of Reykjavik, for the

promotion of intellectual intercourse between the two countries.

There shall be established an advisory body of at least six members, one-half from Iceland and the other half from Denmark, to be appointed by the Alting and the Rigsdag respectively, to deal with any bills brought forward in the Parliament of one country which also touch the interests of the other.

If differences of opinion should arise concerning the provisions of this Law of Confederation which cannot be adjusted by the Governments, they shall be laid before a court of arbitration consisting of four members, two to be appointed by each country. This court of arbitration shall settle differences by a plurality of votes, and in the case of a tie the matter shall be submitted to an arbitrator appointed alternately by the Swedish and the Norwegian Governments.

This Law of Confederation may be revised until the year 1940 upon the request of either the Rigsdag or the Alting. The agreement may be abrogated only by a two-thirds vote of each Parliament, which must afterwards be confirmed by a plebiscite.

Denmark will communicate to foreign powers its acknowledgment of Iceland as a sovereign power in accordance with the provisions of this Law of Confederation. At the same time Denmark will announce that Iceland declares itself to be perpetually neutral and has no naval flag of its own.

Source: 'Danish-Iceland agreement', The Nation, 14 Dec. 1918, pp. 749-50, translated from Stavanger Aftenblad (Christiania).

Treaty of Peace between Russia and Finland, signed at Dorpat on 14 October 1920

...

Article 6

1. Finland guarantees that she will not maintain, in the waters contiguous to her seaboard in the Arctic Ocean, warships or other armed vessels, other than armed vessels of less than one hundred tons displacement, which Finland may keep in these waters in any number, and of a maximum number of fifteen warships and other armed vessels, each with a maximum displacement of 400 tons.

Finland also guarantees that she will not maintain, in the above-mentioned waters, submarines or armed aeroplanes.

...

Article 12

The two Contracting Powers shall on principle support the neutralization of the Gulf of Finland and of the whole Baltic Sea, and shall undertake to co-operate in the realisation of this object.

Article 13

Finland shall militarily neutralise the following of her islands in the Gulf of Finland: Sommarö (Someri), Nervö (Narvi), Seitskär (Seiskari), Peninsaari, Lavansaari, Stora Tyterskär (Suuri Tytärsaari), Lilla Tyterskär (pieni Tytärsaari) and Rödskar. This military neutralisation shall include the prohibition to construct or establish upon these islands any fortifications, batteries, military observation posts, wireless stations of a power exceeding a half-kilowatt, ports of war and naval bases, depots of military stores and war material, and, furthermore, the prohibition to station upon these islands a greater number of troops than is necessary for maintaining order.

Finland shall, however, be entitled to establish military observation posts on the islands of Sommarö and Nervö.

Article 14

As soon as this Treaty comes into force, Finland shall take measures for the military neutralisation of Hogland under an international guarantee. This neutralisation shall include the prohibition to construct or establish upon this island any fortifications, batteries, wireless stations of a power exceeding one kilowatt, ports of war and naval bases, depots of military stores and war material, and, further, the prohibition to station upon this island a greater number of troops than is necessary for maintaining order.

Russia undertakes to support the measures taken with a view to obtaining the above-mentioned international guarantee.

Article 15

Finland undertakes to remove the gun breeches, sights, elevating and training gears, and munitions of the fortifications of Ino and Puumala within a period of three months from the date upon which this Treaty comes into force, and to destroy these fortifications within a period of one year from the date upon which this Treaty comes into force.

Finland also undertakes neither to construct armoured turrets nor batteries, with arcs of fire permitting a range beyond the boundary line of the territorial waters of Finland upon the coast between Styrstudd and Inonniemi, at a maximum distance of twenty kilometres from the shore, nor batteries with a range beyond the boundary line of the territorial waters of Finland, upon the coast between Inonniemi and the mouth of Rajajoki, at a maximum distance of twenty kilometres from the shore.

Article 16

1. The Contracting Powers mutually undertake to maintain no military establishments

or armaments designed for purposes of offence upon Ladoga, its banks, the rivers and canals running into Ladoga, nor upon the Neva as far as the Ivanoffski rapids (Ivanovskie porogi). In the above-mentioned waters it shall, however, be permissible to station warships with a maximum displacement of one hundred tons, and provided with guns of a maximum calibre of forty-seven millimetres, and, furthermore, to establish military and naval bases conforming to these restrictions.

Russia shall, however, have the right to send Russian war vessels into the navigable waterways of the interior by the canals along the Southern Bank of Ladoga and even, should the navigation of these canals be impeded, by the southern part of Ladoga.

...

Source: URL <<http://www.forost.ungarisches-institut.de/pdf/19201014-1.pdf>>.

Treaty of Peace between Russia and Estonia (Treaty of Tartu), signed at Dorpat on 2 February 1920

Entered into force on 30 March 1920

...

Article III

...

2. The portion of the territory of Estonia to the east of the Narova, the River Narova itself, and the Islands in the midst of the stream, as well as the zone to the south of Lake Pihkva, which is situated between the boundary above mentioned and the line of Villages, Borok–Smolni–Belkovar–Sprechtitschi, will be, from a military point of view, considered as neutral until January 1st, 1922.

Estonia undertakes to maintain no troops of any kind in the neutralized zones other than those which are necessary for the frontier service and the maintenance of order, and of which the strength is laid down in Annex 2 of the present Article; not to construct fortifications or observation posts, nor to constitute military depots, nor to deposit any kind of war material whatsoever with the exception of what is indispensable for the effectives allowed for; nor to establish there bases or depots for the use of any kind of vessels, or of any kind of aerial fleet.

3. Russia, for her part, undertakes not to maintain troops in the region of Pskov to the west of the line: western bank of the mouth of the Velikaya, the Villages of Sivtseva, Luhnova, Samulina, Schalki and Sprechtitschi until January 1st, 1922, with the exception of those which are indispensable for the frontier service and for the maintenance of order and for the effectives provided for in Annex 2 of the present Article.

4. The contracting parties undertake to have no armed vessel whatsoever on Lakes Peipus and Pihkva.

...

Annex 2

The two Contracting Parties undertake:

...

5. Not to maintain on Lakes Peipus or Pihkva for the customs defence, except patrol-ships armed with guns of a maximum calibre of 47 millimetres, with a maximum of two guns and two machine guns per vessel. The number of these patrol-ships should not exceed five.

...

Source: URL <http://web-static.vm.ee/static/failid/150/tartu_rahug_eng.pdf>, pp. 3–4.

Treaty relating to Spitsbergen (Svalbard Treaty), signed by Norway, the United States, Denmark, France, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, and Sweden at Paris on 9 February 1920

Entered into force on 14 August 1925

Article 1

The High Contracting Parties undertake to recognize, subject to the stipulations of the present Treaty, the full and absolute sovereignty of Norway over the Archipelago of Spitsbergen, comprising, with Bear Island of Beeren-Eiland, all the islands situated between 10° and 35° longitude East of Greenwich and between 74° and 81° latitude North, especially West Spitsbergen, North-East Land, Barents Island, Edge Island, Wiche Islands, Hope Island or Hopen-Eiland, and Prince Charles Forland, together with all islands great or small and rocks appertaining thereto.

Article 2

Ships and nationals of all the High Contracting Parties shall enjoy equally the rights of fishing and hunting in the territories specified in Article 1 and in their territorial waters.

Norway shall be free to maintain, take or decree suitable measures to ensure the preservation and, if necessary, the re-constitution of the fauna and flora of the said regions, and their territorial waters; it being clearly understood that these measures shall always be applicable equally to the nationals of all the High Contracting Parties without any exemption, privilege or favour whatsoever, direct or indirect to the advantage of any one of them.

Occupiers of land whose rights have been recognized in accordance with the terms of Articles 6 and 7 will enjoy the exclusive

right of hunting on their own land: 1) in the neighbourhood of their habitations, houses, stores, factories and installations, constructed for the purpose of developing their property, under conditions laid down by the local police regulations; 2) within a radius of 10 kilometres round the headquarters of their place of business or works; and in both cases, subject always to the observance of regulations made by the Norwegian Government in accordance with the conditions laid down in the present Article.

Article 3

The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in Article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.

They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining or commercial enterprises both on land and in the territorial waters, and no monopoly shall be established on any account or for any enterprise whatever.

Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the High Contracting Parties going to or coming from the territories specified in Article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or coming from the said territories, or for any other purpose.

It is agreed that in every respect and especially with regard to exports, imports and transit traffic, the nationals of all the High Contracting Parties, their ships and goods shall not be subject to any charges or restrictions whatever which are not borne by the nationals, ships or goods which enjoy in Norway the treatment of the most favoured

nation; Norwegian nationals, ships or goods being for this purpose assimilated to those of the other High Contracting Parties, and not treated more favourably in any respect.

No charge or restriction shall be imposed on the exportation of any goods to the territories of any of the Contracting Powers other or more onerous than on the exportation of similar goods to the territory of any other Contracting Power (including Norway) or to any other destination.

Article 4

All public wireless telegraphy stations established or to be established by, or with the authorization of, the Norwegian Government within the territories referred to in Article 1 shall always be open on a footing of absolute equality to communications from ships of all flags and from nationals of the

High Contracting Parties, under the conditions laid down in the Wireless Telegraphy Convention of July 5, 1912, or in the subsequent International Convention which may be concluded to replace it.

Subject to international obligations arising out of a state of war, owners of landed property shall always be at liberty to establish and use for their own purposes wireless telegraphy installations, which shall be free to communicate on private business with fixed or moving wireless stations, including those on board ships and aircraft.

Article 5

The High Contracting Parties recognize the utility of establishing an international meteorological station in the territories specified in Article 1, the organization of which shall form the subject of a subsequent Convention.

Conventions shall also be concluded laying down the conditions under which scientific investigations may be conducted in the said territories.

Article 6

Subject to the provisions of the present Article, acquired rights of nationals of the High Contracting Parties shall be recognized.

Claims arising from taking possession or from occupation of land before the signature of the present Treaty shall be dealt with in accordance with the Annex hereto, which will have the same force and effect as the present Treaty.

Article 7

With regard to methods of acquisition, enjoyment and exercise of the right of ownership of property, including mineral rights, in the territories specified in Article 1, Norway undertakes to grant to all nationals of the High Contracting Parties treatment based on complete equality and in conformity with the stipulations of the present Treaty.

Expropriation may be resorted to only on grounds of public utility and on payment of proper compensation.

Article 8

Norway undertakes to provide for the territories specified in Article 1 mining regulations which, especially from the point of view of imposts, taxes or charges of any kind, and of general or particular labour conditions, shall exclude all privileges, monopolies or favours for the benefit of the State or of the nationals of any one of the High Contracting Parties, including Norway, and shall guarantee to the paid staff of all categories the remuneration and protection necessary for their physical, moral and intellectual welfare.

Taxes, dues and duties levied shall be devoted exclusively to the said territories and shall not exceed what is required for the object in view.

So far, particularly, as exportation of minerals is concerned, the Norwegian Govern-

ment shall have right to levy an export duty which shall not exceed 1 per cent of the maximum value of the minerals exported up to 100 000 tons, and beyond that quantity the duty will be proportionately diminished. The value shall be fixed at the end of the navigation season by calculating the average free on board price obtained.

Three months before the date fixed for their coming into force, the draft mining regulations shall be communicated by the Norwegian Government to the other Contracting Powers. If during this period one or more of the said Powers propose to modify these regulations before they are applied, such proposals shall be communicated by the Norwegian Government to the other Contracting Powers in order that they may be submitted to examination and the decision of a Commission composed of one representative of each of the said Powers. This Commission shall meet at the invitation of the Norwegian Government and shall come to a decision within a period of three months from the date of its first meeting. Its decisions shall be taken by a majority.

Article 9

Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base in the territories specified in Article 1 and not to construct any fortification in the said territories, which may never be used for warlike purposes.

Article 10

Until the recognition by the High Contracting Parties of a Russian Government shall permit Russia to adhere to the present Treaty, Russian nationals and companies shall enjoy the same rights as nationals of the High Contracting Parties.

Claims in the territories specified in Article 1 which they may have to put forward shall be presented under the conditions laid down in the present Treaty (Article 6 and Annex) through the intermediary of the Danish Government, who declare their willingness to lend their good offices for this purpose.

...

The present Treaty will come into force, in so far as the stipulations of Article 8 are concerned, from the date of its ratification by all the signatory Powers; and in all other respects on the same date as the mining regulations provided for in that Article.

Third Powers will be invited by the Government of the French Republic to adhere to the present Treaty duly ratified. This adhesion shall be effected by a communication addressed to the French Government, which will undertake to notify the other Contracting Parties.

...

Note: Parties to the treaty as of 1 January 2002: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, China, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Japan, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russia, Slovakia, South Africa, Spain, Sweden, Switzerland, UK, USA, Venezuela, Yugoslavia

Source: URL <<http://odin.dep.no/jd/engelsk/publ/p10001858/012001-040007/index-ved001-b-f-a.html>>.

Treaty of Peace between Russia and Latvia, signed at Riga on 11 August 1920

Entered into force on 4 October 1920

...

Article IV

The Parties agree:

1) To forbid the [deployment on] their territory of any army, except the army of the Government or such friendly nation with which one of the Parties to this Treaty has entered into a war convention but are not in actual state of war with the other Party to this Treaty; and to forbid within the borders of their territory to contract and mobilize personnel for the armies of such States, organizations and groups whose objective is armed conflict with the other Party to this Treaty.

Note: Concerning the present designations in the Russian army of certain army units that are part of the 'Latvian Riflemen Division', both Parties acknowledge that such designations shall have a historical meaning only. These units do not have and shall not have in the future a mainly Latvian contingent and, regardless of their designation, they shall have no relation to the Latvian nation or the Latvian State.

Therefore Latvia shall not consider the retention of such historical designations a breach of this Article.

The Parties shall not create new designations for their army units derived from the geographical or national names of the other Party.

2) Not to permit the establishing and sojourn of any organizations or groups which intend to assume the role of government of all or part of the territory of the other Party to this Treaty, or representatives and officials of organizations and groups intending to overturn the Government of the other Party to this Treaty.

3) To forbid states in actual state of war with the other Party and organizations and groups whose intent is armed conflict with the other Party to this Treaty to use its ports and take across its territory anything that may be used to attack the other Party to this Treaty, namely, the armed forces, war materiel, war machinery and artillery, service corps, engineering and air force materiel of the aforesaid States, organizations and groups.

4) Except in cases provided by international law, to forbid to enter and use the waters of their territory by any warships, cannon and mine boats etc., belonging either to organizations and groups whose intent is armed conflict with the other Party to this Treaty, or to States in a state of war with the other Party to this Treaty and whose intent is to attack the other Party to this Treaty, if such intent becomes known to the Party to this Treaty possessing the said territorial waters and ports.

...

Article XVIII

Both Parties to this Treaty agree to do everything in their power to protect the safety of commercial ships sailing on their waters, providing necessary pilots, renewing lights, putting up protective signs and, until such time as the sea is cleared of all mines, use specific means to mark off such mine fields.

Both Parties stand willing to clear the Baltic Sea of all mines, to which purpose a specific agreement shall be made by both interested Parties; in the event this fails to happen, the portion of participation for each Party shall be determined by a Court of Arbitration.

...

Source: URL <<http://www.mfa.gov.lv/en/policy/peace-treaty/>>.

Convention on the Non-fortification and Neutralization of the Åland Islands, signed by Germany, Denmark, Estonia, Finland, France, the United Kingdom of Great Britain and Ireland, Italy, Lithuania, Poland and Sweden at Geneva on 20 October 1921

Original French text

...

Article 1

La Finlande, confirmant en tant que de besoin, en ce qui la concerne, la déclaration faite par la Russie dans la Convention du 30 mars 1856, relative aux Îles d'Åland, annexée au Traité de Paris du même jour, s'engage à ne pas fortifier la partie de l'archipel finlandais, dite 'les îles d'Åland'.

...

Article 3

Aucun établissement ou base d'opérations militaires ou navales, aucun établissement ou base d'opération d'aéronautique militaire, ni aucune autre installation utilisée à des fins de guerre ne pourra être maintenue ou créé dans la zone décrite à l'article 2.

Article 4

Sous réserve des dispositions de l'article 7, aucun force militaire, navale ou aérienne d'aucune Puissance ne pourra pénétrer ni séjourner dans la zone décrite à l'article 2; la fabrication, importation, le transit et la réexportation des armes et du matériel de guerre y sont formellement interdits.

Les dispositions suivantes seront toutefois appliquées en temps de paix:

a) en dehors du personnel de police régulière nécessaire pour le maintien de l'ordre et de la sécurité publique dans la zone, conformément aux dispositions générales en vigueur dans la République finlandaise, la Finlande pourra, si des

circonstances exceptionnelles l'exigent, y introduire et y entretenir temporairement telles autres forces armées qui seront strictement nécessaires au maintien de l'ordre.

b) La Finlande se réserve également le droit de faire visiter les îles, de temps à autre, par un ou deux de ses navires de guerre légers de surface, qui pourront dans ce cas, mouiller temporairement dans leurs eaux. En dehors de ces navires, la Finlande pourra, si des circonstances particulières importantes l'exigent, introduire dans les eaux de la zone et entretenir temporairement d'autres navires de surface ne devant en aucun cas dépasser le déplacement total de 6 000 tonnes.

La faculté d'entrer dans l'archipel et de mouiller temporairement ne pourra être accordée par le Gouvernement finlandais qu'à un seul navire de guerre de toute autre Puissance.

c) La Finlande pourra faire survoler la zone par ses aéronefs militaires ou navals, mais leur atterrissage est interdit hors le cas de force majeure.

Article 5

L'interdiction de faire entrer et stationner des navires de guerre dans la zone décrite à l'article 2 ne porte pas atteinte à la liberté du passage inoffensif à travers les eaux territoriales, passage qui reste soumis aux règles et usages internationaux en vigueur.

Article 6

En temps de guerre, la zone décrite à l'article 2 sera considérée comme zone neutre et ne sera, directement ni indirectement, l'objet d'une utilisation quelconque ayant trait à des opérations militaires.

Néanmoins, au cas où une guerre intéresserait la mer Baltique, il sera loisible à la Finlande, en vue d'assurer le respect de la neutralité de la zone, de poser des mines à titre temporaire dans ses eaux et de prendre

à cet effet les dispositions d'ordre maritime strictement nécessaires.

La Finlande en réfèrera immédiatement au Conseil de la Société des Nations.

...

Article 8

Les dispositions de la présente Convention demeureront en vigueur quelles que soient les modifications qui pourraient être apportées au *statu quo* actuel dans la mer Baltique.

...

Source: URL <http://www.kultur.aland.fi/kulturstiftelsen/traktater/eng_fr/1921c_fr.htm>.

Treaty between Finland and the Soviet Union concerning the Åland Islands, signed at Moscow on 11 October 1940

Translation of original Finnish text

...

Article 1

Finland pledges to demilitarize the Åland Islands, not to fortify them, and not to put them at the disposal of the armed forces of foreign states.

This also implies that neither Finland nor other states, within the zone consisting of the Åland Islands may keep or establish any installations or bases of operation of a military nature, installations or bases of operation of military air forces or any other installations for military purposes, and that the artillery platforms now present on the islands shall be demolished.

Article 2

The denomination 'the Åland Islands zone' in this treaty includes all the islands, isles and skerries which are inside the sea area bordered by the following lines:

...

The territorial waters of the Åland Islands are considered to reach to a distance of three nautical miles from those islands, isles and skerries which are at least temporarily visible above the sea surface at low water.

Article 3

The USSR is granted right to maintain an own consulate on the Åland Islands that beyond usual consular functions supervises the fulfilment of the commitments stated in Article 1 in this treaty, concerning the non-fortification and demilitarization of the Åland Islands.

In case this consular representative would observe anything that according to his views stands in conflict with the stipulations in this treaty about the demilitarization and non-fortification, he is authorized to report this to the Finnish authorities with the Governmental office in the Province of Åland as intermediary for steps to be taken for a joint investigation thereof.

This investigation is to be made by a representative of the Finnish government and of the consular representative of the USSR as soon as possible.

The results of the joint investigation are to be written down in a protocol in quadruple in Finnish and Russian and reported to the governments of the two signing parties for the taking of necessary steps.

Article 4

This treaty is in force as soon as it has been signed, and shall thereafter be ratified.

The ratification documents are to be exchanged in Helsinki within ten days.

...

Source: *International Treaties and Documents Concerning Åland Islands 1856–1992* (Ålands Kulturstiftelse: Mariehamn, 1993), URL <http://www.kultur.aland.fi/kulturstiftelsen/traktater/eng_fr/ram_right-enfr.htm>.

Treaty of Peace with Finland, signed by the Soviet Union, the United Kingdom of Great Britain and Northern Ireland, Australia, the Belorussian Soviet Socialist Republic, Canada, Czechoslovakia, India, New Zealand, the Ukrainian Soviet Socialist Republic and South Africa, and Finland at Paris on 10 February 1947

...

Article 5

The Åland Islands shall remain demilitarised in accordance with the situation as at present existing.

...

Article 12

1. Each Allied or Associated Power will notify Finland, within a period of six months from the coming into force of the present Treaty, which of its pre-war bilateral treaties with Finland it desires to keep in force or revive. Any provisions not in conformity with the present Treaty shall, however, be deleted from the above-mentioned treaties.

2. All such treaties so notified shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

3. All such treaties not so notified shall be regarded as abrogated.

...

Source: International Treaties and Documents Concerning Åland Islands 1856–1992 (Ålands Kulturstiftelse: Mariehamn, 1993), URL <http://www.kultur.aland.fi/kulturstiftelsen/traktater/eng_fr/ram_right-enfr.htm>.

Letter from the Soviet Legation to the Finnish Government on the Reinstatement of Treaties after the War, sent on 13 March 1948

The Legation in Finland of the Union of Socialist Soviet Republics respectfully announces that, according to article 12 of the peace treaty with Finland, the Government of the USSR has again set in force the following treaties between the USSR and Finland signed before the war:

1. The treaty between the USSR and Finland concerning Åland Islands, signed on 11 October, 1940.

2. The treaty between the RSFSR and Finland concerning the maintaining of principal seaways and arrangement of fishing in the border waters between Russia and Finland, signed on 28 October, 1922.

3. The treaty between the RSFSR and Finland concerning floating of timber in waters flowing from Russia to Finland and vice versa, signed on 28 October, 1922.

4. The treaty between SSSR and Finland concerning amendment of the treaty of 28 October 1922 concerning floating of timber in waters flowing from Russia to Finland and vice versa, signed on 15 October, 1933.

These treaties are thus still in force.

Source: International Treaties and Documents Concerning Åland Islands 1856–1992 (Ålands Kulturstiftelse: Mariehamn, 1993), URL <http://www.kultur.aland.fi/kulturstiftelsen/traktater/eng_fr/ram_right-enfr.htm>.

Agreement on the Defense of Greenland, signed by Denmark and the United States at Copenhagen on 27 April 1951

*Entered into force on 8 June 1951
Amended on 6 August 2004*

Preamble

The Government of the United States of America and the Government of the Kingdom of Denmark, being parties to the North Atlantic Treaty signed at Washington on April 4, 1949 having regard to their responsibilities thereunder for the defense of the North Atlantic Treaty area, desiring to contribute to such defense and thereby to their own defense in accordance with the principles of self-help and mutual aid, and having been requested by the North Atlantic Treaty Organization (NATO) to negotiate arrangements under which armed forces of the parties to the North Atlantic Treaty Organization may make use of facilities in Greenland in defense of Greenland and the rest of the North Atlantic Treaty area, have entered into an Agreement for the benefit of the North Atlantic Treaty Organization in terms as set forth below:

Article I

The Government of the United States of America and the Government of the Kingdom of Denmark, in order to promote stability and well-being in the North Atlantic Treaty area by uniting their efforts for collective defense and for the preservation of peace and security and for the development of their collective capacity to resist armed attack, will each take such measures as are necessary or appropriate to carry out expeditiously their respective and joint responsibilities in Greenland, in accordance with NATO plans.

Article II

In order that the Government of the United States of America as a party to the North Atlantic Treaty may assist the Government of the Kingdom of Denmark by establishing and/or operating such defense areas as the two Governments, on the basis of NATO defense plans, may from time to time agree to be necessary for the development of the defense of Greenland and the rest of the North Atlantic Treaty area, and which the Government of the Kingdom of Denmark is unable to establish and operate single-handed, the two Governments in respect of the defense areas thus selected, agree to the following:

(1) The national flags of both countries shall fly over the defense areas.

(2) Division of responsibility for the operation and maintenance of the defense areas shall be determined from time to time by agreement between the two Governments in each case.

(3) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the United States of America, the following provisions shall apply:

(a) The Danish Commander-in-Chief of Greenland may attach Danish military personnel to the staff of the commanding officer of such defense area, under the command of an officer with whom the United States commanding officer shall consult on all important local matters affecting Danish interests.

(b) Without prejudice to the sovereignty of the Kingdom of Denmark over such defense area and the natural right of the competent Danish authorities to free movement everywhere in Greenland, the Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, shall be entitled within such defense area and the air spaces and waters adjacent thereto:

(i) to improve and generally to fit the area for military use;

(ii) to construct, install, maintain, and operate facilities and equipment, including meteorological and communications facilities and equipment, and to store supplies;

(iii) to station and house personnel and to provide for their health, recreation and welfare;

(iv) to provide for the protection and internal security of the area;

(v) to establish and maintain postal facilities and commissary stores;

(vi) to control landings, takeoffs, anchorages, moorings, movements, and operation of ships, aircraft, and water-borne craft and vehicles, with due respect for the responsibilities of the Government of the Kingdom of Denmark in regard to shipping and aviation;

(vii) to improve and deepen harbors, channels, entrances, and anchorages.

(c) The Government of the Kingdom of Denmark reserves the right to use such defense area in cooperation with the Government of the United States of America for the defense of Greenland and the rest of the North Atlantic Treaty area, and to construct such facilities and undertake such activities therein as will not impede the activities of the Government of the United States of America in such area.

(4) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the Kingdom of Denmark, the following provisions shall apply:

(a) The Government of the United States of America may attach United States military personnel to the staff of the commanding officer of such defense area, under the command of an officer with whom the Danish commanding officer shall consult on all important local matters affecting United States interests pursuant to the North Atlantic Treaty.

(b) The Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, may use such defense area in cooperation with the Government of the Kingdom of Denmark for the defense of Greenland and the rest of the North Atlantic Treaty area, and may construct such facilities and undertake such activities therein as will not impede the activities of the Government of the Kingdom of Denmark in such area.

Article III

(1) The operation of the United States naval station at Gronnedal will be transferred to the Government of the Kingdom of Denmark as soon as practicable and thereupon the Government of the Kingdom of Denmark will take over the utilization of the United States installations at Gronnedal on the following terms.

(a) United States ships, aircraft and armed forces shall have free access to Gronnedal with a view to the defense of Greenland and the rest of the North Atlantic Treaty area. The same right of access shall be accorded to the ships, aircraft and armed forces of other Governments parties to the North Atlantic Treaty as may be required in fulfillment of NATO plans.

(b) The Government of the Kingdom of Denmark will assume responsibility for the operation, to the same extent as hitherto, of the meteorological reporting service at Gronnedal, except for such future changes as might be mutually agreed upon. The Government of the Kingdom of Denmark likewise will assume responsibility for the maintenance of all United States buildings and equipment at Gronnedal

(c) Details regarding the use by the Government of the Kingdom of Denmark of United States property remaining at Gronnedal, including provisions for reasonable protection thereof, the servicing of United States ships and aircraft, and the disposition of fuels and other stores, will be the subject

of separate negotiations between representedatives of the two Governments. It is agreed in this connection that, provided notification is given in each case to the Danish Commander-in-Chief of Greenland, the Government of the Kingdom of Denmark will have no objection to inspections of United States property remaining at Gronnedal, so long as that station is used by the Government of the Kingdom of Denmark.

(2) If the obligations of either party under the North Atlantic Treaty should necessitate activities at Gronnedal in excess of what the Government of the Kingdom of Denmark is able to accomplish alone, it is agreed that the Government of the Kingdom of Denmark will request that this station shall become a defense area according to the provisions of Article II of this Agreement.

Article IV

In connection with activities for the defense of Greenland and the rest of the North Atlantic Treaty area, the defense areas will, so far as practicable, be made available to vessels and aircraft belonging to other Governments parties to the North Atlantic Treaty and to the armed forces of such Governments.

Article V

(1) Under such conditions as may be agreed upon, the Government of the Kingdom of Denmark will, so far as practicable, provide such meteorological and communications services in Greenland as may be required to facilitate operations under this Agreement.

(2) The Government of the Kingdom of Denmark agrees, so far as practicable, to make and furnish to the Government of the United States of America topographic, hydrographic, coast and geodetic surveys and aerial photographs, etc. of Greenland as may be desirable to facilitate operations under this Agreement. If the Government of the Kingdom of Denmark should be unable to furnish the required data, the Government

of the United States of America, upon agreement with the appropriate Danish authorities, may make such surveys or photographs. Copies of any such surveys or photographs made by the Government of the United States of America shall be furnished to the Government of the Kingdom of Denmark. The Government of the United States of America may also, upon similar agreement, make such technical and engineering surveys as may be necessary in the selection of defense areas.

(3) In keeping with the provisions of Article VI of this Agreement, and in accordance with general rules mutually agreed upon and issued by the appropriate Danish authority in Greenland, the Government of the United States of America may enjoy, for its public vessels and aircraft and its armed forces and vehicles, the right of free access to and movement between the defense areas through Greenland, including territorial waters, by land, air and sea. This right shall include freedom from compulsory pilotage and from light or harbor dues. United States aircraft may fly over and land in any territory in Greenland, including the territorial waters thereof, without restriction except as mutually agreed upon.

Article VI

The Government of the United States of America agrees to cooperate to the fullest degree with the Government of the Kingdom of Denmark and its authorities in Greenland in carrying out operations under this Agreement. Due respect will be given by the Government of the United States of America and by United States nationals in Greenland to all the laws, regulations and customs pertaining to the local population and the internal administration of Greenland, and every effort will be made to avoid any contact between United States personnel and the local population which the Danish authorities do not consider desirable for the conduct of operations under this Agreement.

Article VII

(1) All materials, equipment, and supplies required in connection with operations under this Agreement, including food, stores, clothing, and other goods intended for use or consumption by members of United States armed forces and civilians employed by or under a contract with the Government of the United States of America for the performance of work in Greenland in connection with operations under this Agreement, and members of their families, and the personal and household effects of such military and civilian personnel, shall be permitted entry into Greenland free of inspection, customs duties, excise taxes or other charges; and no export tax shall be charged on such materials, equipment, supplies or effects in the event of shipment from Greenland.

(2) The aforesaid military and civilian personnel, and members of their families, shall be exempt from all forms of taxation, assessments or other levies by the Government of the Kingdom of Denmark or by the Danish authorities in Greenland. No national of the United States of America or corporation organized under the laws of the United States of America shall be liable to pay income tax to the Government of the Kingdom of Denmark or to the Danish authorities in Greenland in respect of any profits derived under a contract made with the Government of the United States of America in connection with operations under this Agreement or any tax in respect of any service or work for the Government of the United States of America in connection with operations under this Agreement.

Article VIII

The Government of the United States of America shall have the right to exercise exclusive jurisdiction over those defense areas in Greenland for which it is responsible under Article II (3), and over any offenses which may be committed in Greenland by the aforesaid military or civilian personnel or by members of their fam-

ilies, as well as over other persons within such defense areas except Danish nationals, it being understood, however, that the Government of the United States of America may turn over to the Danish authorities in Greenland for trial any person committing an offense within such defense areas.

Article IX

The laws of the Kingdom of Denmark shall not operate to prevent the admission to or departure from the defense areas or other localities in Greenland of any military or civilian personnel whose presence in such defense areas or other localities in Greenland is required in connection with operations under this Agreement, or of members of their families.

Article X

Upon the coming into force of a NATO agreement to which the two Governments are parties pertaining to the subjects involved in Articles VII, VIII and IX of this Agreement, the provisions of the said articles will be superseded by the terms of such agreement to the extent that they are incompatible therewith. If it should appear that any of the provisions of such NATO agreement may be inappropriate to the conditions in Greenland, the two Governments will consult with a view to making mutually acceptable adjustments.

Article XI

All property provided by the Government of the United States of America and located in Greenland shall remain the property of the Government of the United States of America. All removable improvements and facilities erected or constructed by the Government of the United States of America in Greenland and all equipment, material, supplies and goods brought into Greenland by the Government of the United States of America may be removed from Greenland free of any restriction, or disposed of in Greenland by the Government of the United

States of America after consultation with the Danish authorities, at any time before the termination of this Agreement or within a reasonable time thereafter. It is understood that any areas or facilities made available to the Government of the United States of America under this Agreement need not be left in the condition in which they were at the time they were thus made available.

Article XII

Upon the coming into force of this Agreement, the Agreement Relating to the Defense of Greenland between the two Governments signed in Washington on April 9, 1941(2) shall cease to be in force.

Article XIII

(1) Nothing in this Agreement is to be interpreted as affecting command relationships.

(2) Questions of interpretation which may arise in the application of this Agreement shall be submitted to the Minister for Foreign Affairs of the Kingdom of Denmark and to the United States Ambassador to Denmark.

(3) The two Governments agree to give sympathetic consideration to any representations which either may make after this Agreement has been in force a reasonable time, proposing a review of this Agreement to determine whether modifications in the light of experience or amended NATO plans are necessary or desirable. Any such modifications shall be by mutual consent.

Article XIV

(1) This Agreement shall be subject to parliamentary approval in Denmark. It shall come into force on the day on which notice of such parliamentary approval is given to the Government of the United States of America.

(2) This Agreement, being in implementation of the North Atlantic Treaty, shall remain in effect for the duration of the North Atlantic Treaty.

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Source: URL <<http://www.yale.edu/lawweb/avalon/diplomacy/denmark/den001.htm>>. The amendments agreed in 2004 are available at URL <<http://www.state.gov/p/eur/rls/or/35269.htm>>.

Defense Agreement between the Republic of Iceland and the United States of America, signed at Reykjavík on 5 May 1951

Entered into force on 5 May 1951

Preamble

Having regard to the fact that the people of Iceland cannot themselves adequately secure their own defenses, and whereas experience has shown that a country's lack of defenses greatly endangers its security and that of its peaceful neighbors, the North Atlantic Treaty Organization has requested, because of the unsettled state of world affairs, that the United States and Iceland in view of the collective efforts of the parties to the North Atlantic Treaty to preserve peace and security in the North Atlantic Treaty area, make arrangements for the use of facilities in Iceland in defense of Iceland and thus also the North Atlantic Treaty area. In conformity with this proposal the following Agreement has been entered into.

Article I

The United States on behalf of the North Atlantic Treaty Organization and in accordance with its responsibilities under the North Atlantic Treaty will make arrangements regarding the defense of Iceland subject to the conditions set forth in this Agreement. For this purpose and in view of the defense of the North Atlantic Treaty area, Iceland will provide such facilities in Iceland as are mutually agreed to be necessary.

Article II

Iceland will make all acquisitions of land and other arrangements required to permit entry upon and use of facilities in accordance with this Agreement, and the United States shall not be obliged to compensate Iceland or any national of Iceland or other person for such entry or use.

Article III

The national composition of forces, and the conditions under which they may enter upon and make use of facilities in Iceland pursuant to this Agreement, shall be determined in agreement with Iceland.

Article IV

The number of personnel to be stationed in Iceland pursuant to this Agreement shall be subject to the approval of the Icelandic Government.

Article V

The United States in carrying out its responsibilities under this Agreement shall do so in a manner that contributes to the maximum safety of the Icelandic people, keeping always in mind that Iceland has a sparse population and has been unarmed for centuries. Nothing in this Agreement shall be so construed as to impair the ultimate authority of Iceland with regard to Icelandic affairs.

Article VI

The Agreement of October 7, 1946, between the United States and Iceland for interim use of Keflavik Airport shall terminate upon the coming into force of this Agreement whereupon Iceland will assume direction of and responsibility for civil aviation operations at Keflavik Airport. The United States and Iceland will negotiate appropriate arrangements concerning the organization of the Airport to coordinate the operation thereof with the defense of Iceland.

Article VII

Either Government may at any time, on notification to the other Government, request the Council of the North Atlantic Treaty Organization to review the continued necessity for the facilities and their utilization, and to make recommendations to the two Governments concerning the continuation of this Agreement. If no understanding between the two Governments is reached as a result of such request for review within a period of six months from the date of the original request, either Government may at any time thereafter give notice of its intention to terminate the Agreement, and the Agreement shall then cease to be in force twelve months from the date of such notice. Whenever the contingency provided for in Articles 5 and 6 of the North Atlantic Treaty shall occur, the facilities, which will be afforded in accordance with this Agreement, shall be available for the same use. While such facilities are not being used for military purposes, necessary maintenance work will be performed by Iceland or Iceland will authorize its performance by the United States.

Article VIII

After signature by the appropriate authorities of the United States and Iceland, this Agreement, of which the English and Icelandic texts are equally authentic, shall come into force on the date of receipt by the Government of the United States of America of a notification from the Government of Iceland of its ratification of the Agreement.

...

Source: URL <<http://www.yale.edu/lawweb/avalon/diplomacy/iceland/ice001.htm>>.

Protocol between the Government of the Russian Federation and the Government of the Republic of Finland concerning Inventory of the Judiciary Basis for the Bilateral Relations between Finland and Russia, signed at Helsinki on 11 July 1992

The Government of the Russian Federation and the Government of the Republic of Finland, have

Starting from the consideration that the Russian Federation is the Successor State of USSR, and considering the results of the consultations held in Moscow on 23–24 April 1992 and in Helsinki [on] 3–5 June 1992 concerning inventory of the treaties between the Republic of Finland and SSSR,

Agreed as follows:

Those treaties which are included in Appendix I to this protocol, are still in force between the Republic of Finland and the Russian Federation.

...

Appendix I. Treaties between USSR and Finland which are in force between Russia and Finland

- ... 11 Oct. 1940 Treaty concerning Åland Islands
- 16 March 1948 Treaty concerning the renewed setting in force of the treaty

Source: 'Protocol on Bilateral Relations between Russia and Finland', URL <http://www.kultur.aland.fi/kulturstiftelsen/traktater/eng_fr/1992_en.htm>.

About the author

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