Till Kingdom Come?
An analysis of Greenland as the Danish link to the Arctic

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International Security & Law
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Introduction
On December 15 2014, Denmark filed documents to the United Nations Commission on the Limits of the Continental Shelf claiming ownership of around 900,000 square kilometres of the Arctic seabed – including the North Pole. The magnitude of the claim and the time horizon involved (the work of the UN Commission may take as long as twenty years\(^1\)) indicate that Denmark has committed itself to the Arctic and is set on exercising its influence as an Arctic state.

However, Denmark is only an Arctic state by virtue of Greenland being part of the Danish Kingdom. Therefore, the relationship between Denmark and Greenland is crucial for Danish involvement in the Arctic, and viewed in this context, the current Danish engagement in the Arctic seems to run counter to the historical trend. For the past 60 years, Denmark has gradually loosened its grip on Greenland, and thus its link to the Arctic, by granting Greenland ever increasing autonomy - to the point where Greenlandic independence was considered a real possibility and the future of the ‘unity of the Realm’\(^2\) was no longer taken for granted.

Taking this into account, the new Danish commitment to the Arctic may breathe new life into the ‘unity of the Realm’, but it also calls for a clarification of Denmark and Greenland’s relations.

The prevalent understanding in international relations and law of sovereignty as an either/or concept is inadequate to describe the status of Greenland. On the contrary, sovereignty between Denmark and Greenland is very much a matter of constant negotiation. In reality, the exact division of power between Greenland and Denmark is far from clear and important issues regarding foreign and defense policy are still unresolved. These uncertainties may undermine efforts to secure greater Arctic influence to the Danish Kingdom as a whole.

In the context of continental shelf claims, potential new sea lanes and global competition for raw materials, the Arctic has taken on a new security dimension which makes it increasingly relevant to understand the particular nature of Denmark and Greenland’s relations – not just for the parties themselves, but for the international society as a whole.

Thus, the purpose of this paper is firstly to provide a historical outline of the relations between Denmark and Greenland in the unity of the Danish Realm, secondly to describe the division of responsibility between Denmark and Greenland in the current

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\(^2\) The state entity including Denmark, Greenland and the Faroe Islands are commonly referred to as ‘Rigsfællesskabet’ or ‘Rigsenheden’ in Danish. However, these are actually unofficial terms since they are not mentioned in any laws. There are numerous English translations of the terms, including ‘Community of the Realm’, ‘Commonwealth’ and ‘unity of the Realm’. I have chosen the latter, since this is the translation employed by the Danish Prime Minister’s Office.
Self-Government Act and finally to provide an analysis of current controversial issues between Denmark and Greenland, particularly in relation to foreign- and defence policy in the Arctic.

**Historical outline**

Formally speaking, Denmark is a unitary state and this is why Greenland is referred to as part of the so called ‘unity of the Realm’. This unity seems to imply that sovereignty ultimately rests with Denmark and that the current Self-Government act of Greenland is merely a devolution of power which can ultimately be rescinded by the Danish government. However, the matter is complicated by a gradual change in the interpretation of the Danish Constitution and by the growing impact of international law.

To showcase this, the following outline will focus on three distinct events which are essential to the evolving status of Greenland within the unity of the Realm. Namely, 1953 when Greenland was first acceded into the Danish Realm, 1979 when Greenland was granted Home Rule by the Danish Parliament and finally the inception of Self-Government in 2009.

**1953 – Accession to the Realm**

Prior to 1953, Greenland had been ruled as a Danish colony since 1721, but after the foundation of the United Nations and the subsequent wave of decolonisation, Danish politicians grew increasingly aware that the role as colonisers would prove problematic. Thus, from 1945 to 1954, Greenland was on the UN list of non-self-governing territories which meant that the Danish government at the time had to provide regular reports on how they intended to further the self-determination of Greenland. In light of the decolonization process, Greenlandic politicians were well aware that it was a possibility to pursue full independence, but chose to maintain their ties to Denmark - as a result, in a revision of the Danish Constitution in 1953, Greenland became a formal county of Denmark and was granted representation by two seats in the Danish Parliament. Thus, from 1953 and onwards, the unity of the Danish Realm consisted of Denmark, the Faroe Islands (since 1816) and Greenland (but not Iceland which had gained its independence in 1944).

However, the Constitution of 1953 offers surprisingly little information on the exact nature of the ‘unity of the Realm’. This was not because nobody deemed it important at the time – on the contrary, prominent Danish law professor Alf Ross proposed a much more explicit recognition of Greenland and the Faroe Islands as potentially self-governing peoples in the Constitution, but this was deemed too controversial and therefore rejected by the Commission responsible for the constitutional revision.

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(4) ibid: p. 226
Although Greenland was about to lose its colonial status, it remained a widespread sentiment in Denmark in the 1950s that the people of Greenland were particularly vulnerable and therefore in need of support from the Danish state.\(^7\)

Consequently, the 1953 Constitution incorporated Greenland into the Danish Realm - one the one hand maintaining a clear hierarchy between Copenhagen and Nuuk, but on the other hand so vaguely phrased that the status of Greenland was left essentially unresolved.

Therefore, the first articles of the Danish Constitution merely stipulate that the Constitution applies to all parts of the Danish realm and the executive and legislative powers rest with the King (the government) and the Danish Parliament Folketinget – with the implicit understanding that Denmark is a unitary state and that any devolution of power from Denmark to Greenland (or the Faroe Islands) had to happen within the limits of the Danish Constitution.

**1979 – Home Rule**

The first major devolution came in 1979 with the Home Rule Act. The background to this development was that following a national referendum, Denmark (and thus Greenland along with it) entered the European Community in 1973. Although a clear majority in Greenland were against accession to the EU, they were overruled in the overall Danish election result. As an echo of colonialism, Greenland suddenly found itself subject to legislation regarding fisheries (a principal component of Greenlandic economy) not just decided in Copenhagen, but even further away in Brussels. This proved decisive in the process that led to home rule in 1979.\(^8\)

The development from 1953 to 1979 is immediately apparent as the first paragraph in the Home Rule Act was an echo of the old proposal by professor Alf Ross recognizing Greenland as a ‘special people community’ within the Danish Realm. The Home Rule Act gave Greenland its own parliament Inatsisartut and its own government Naalakkersuisut. These institutions were given potential legislative and executive power in Greenland over a number of administrative fields mentioned in an appendix to the law. The fields included in the appendix were, amongst others, direct and indirect taxes, social welfare, labour market affairs, education, health services and protection of the environment.\(^9\) In § 4 of the Act, it was clearly established that it was for Greenland to decide whether and when the fields in the appendix were to be transferred to Greenlandic responsibility.\(^10\)

However, it was a clear opinion in the Danish State Department that a number of fields were not eligible for transfer if Danish sovereignty was to be retained. These

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\(^8\) Gad (2012): “Greenland projecting sovereignty – Denmark protecting sovereignty away”. In: Rebecca Adler-Nissen & Ulrik Pram Gad (eds.) European Integration and postcolonial sovereignty games. Routledge Ltd.: p. 217

\(^9\) The full list can be seen here; [http://stm.dk/_p_12712.html](http://stm.dk/_p_12712.html)

\(^10\) [http://www.stm.dk/_p_12712.html](http://www.stm.dk/_p_12712.html)
fields included constitutional law, foreign relations, currency and monetary policy, defence, criminal justice, courts, prisons and general principles regarding law of legal capacity, family law and succession law.11

Yet, the perception of what can be transferred and what cannot has gradually changed over the decades.

A striking example of this change is the letter from the Danish Prime Minister in 1982 claiming that granting the Faroe Islands the right to the subsoil and any mineral resources therein was contrary to Danish law and therefore not feasible.12 Yet ten years later, the Faroe Islands were granted the right to their own subsoil as well as the profits from any exploitation. According to the Danish Ministry of Justice, this agreement did not, after all, compromise Danish sovereignty, because the Faroe Islands did not have the right to transfer or surrender the subsoil to another state.13

This issue of natural resources proved an important part of the transition to the next stage of Denmark and Greenland’s relations.

2009 – Self-Government

As noted, the interpretation of the level of devolution possible within the framework of the Danish Constitution has changed quite a bit over the decades. This is the perception in Greenland, and it is also reflected in the report of the Commission on Self-Government which preceded the Self-Government Agreement.14

Moreover, the Self-Government Act was passed at a time where the prospects of mineral resource extraction and new sea lanes in the Arctic made Greenlandic independence seem a real possibility.15 In this context, it is hard not to see the Self-Government Act as another step towards Greenland’s independence. In the preamble, the inhabitants are explicitly recognized as a people under international law enjoying the right to self-determination. Moreover, § 21 stipulates: “Decision regarding Greenland’s independence shall be taken by the people of Greenland.” The article goes on to state that such a decision will, not may, result in a negotiation of the full transfer of sovereignty to Greenland.16

In addition, the devolution envisioned in the Self-Government Act has no clear limit. Although the Act contains two lists enumerating fields envisioned for transfer, § 4 of the Act provides that fields of responsibility not on these lists may also be transferred, as long as they exclusively concern Greenland affairs.17

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(11) Grønlandsk-dansk selvstyrekommissions betænkning om selvstyre i Grønland, april 2008: p. 19
(12) Grønlandsk-dansk selvstyrekommissions betænkning om selvstyre i Grønland, april 2008: p. 20
(13) Ibid.: p. 20
(14) Ibid.: p. 19-20
(15) As proclaimed by Aleqa Hammond, the former Prime Minister of Greenland. See Breum, Martin (2014): Balladen om Grønland. Gyldendal.: p. 15-16
(16) http://stm.dk/multimedia/GR_Self-Government_UK.doc
(17) http://stm.dk/multimedia/GR_Self-Government_UK.doc
Thus, the notion of the unity of the realm is upheld as certain fields are still deemed unfit for transfer; constitutional law, foreign policy, defence and security policy, the Supreme Court, citizenship, currency and monetary policy.

Comparing with the Home Rule Act, the principal changes are firstly that where Greenland previously only had legislative and executive power, Greenland is now also allowed to establish courts and thus exercise judicial power in transferred fields of responsibility. Albeit, with the important caveat that the ultimate legal authority resides with the Supreme Court in Denmark.\(^1\) Secondly, while foreign- and defence policy are continuously considered the prerogative of Danish authorities,\(^2\) a large part of the Self-Government Act is dedicated to the increased leeway which Greenland now enjoys in international affairs.

The government of Greenland is now authorized to negotiate and enter into international agreements with foreign states and international organizations provided that the agreements exclusively concern Greenland and fields of responsibility taken over by Greenland.\(^3\) I will focus on the inherent problems with this approach in the analysis below.

The first fields which were transferred after the Self-Government Act were the mineral resource area and the working environment of the offshore area. The transfer of these fields (and the potential profit) was somewhat controversial in the Danish public debate, but after recognizing Greenlanders as a people in its own right, it would arguably be contrary to international law, if they were not granted the right to the natural resources.\(^4\)

In conclusion, Denmark is still formally a unitary state, but, as can be seen, the devolution of power from Denmark to Greenland has reached an extent where it transcends the typical definition of devolution. Normally, devolution entails that the central government can revoke the delegation of power at any given time, but it is highly questionable if this is still a real possibility for Denmark.

The whole premise of the current Self-Government Act is to emphasize the equality as opposed to the hierarchy between Denmark and Greenland. However, if Denmark intends for the Danish Kingdom to act as a unitary actor in the Arctic, then a number of issues ought to be clarified.

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\(^1\) Grønlandsk-dansk selvstyrekommissions betænkning om selvstyre i Grønland, april 2008: p. 20
Current controversies: Law, finance and defence

The incremental process whereby Greenland has been granted more and more responsibility has created a peculiar situation where Greenland is apparently only under formal Danish sovereignty so long as Greenland will accept it.

This limbo between dependence and independence entails a number of potential problems of which I will touch upon the four principal ones.

Firstly, the Self-Government Act underscores that defence and security issues are to remain under the authority of Denmark. However, there is no preliminary definition of what constitutes a defence- and/or security issue, so this has to be decided on a case by case basis. Currently, Greenland and Denmark disagree on how to make that distinction.22

This is exemplified by the issue of uranium extraction in Greenland. According to the government of Greenland, the extraction of uranium falls under the mineral resource area which was transferred in 2010. However, the Danish government claims that due to the particular nature of uranium and the pertaining international conventions that Denmark has ratified, it should be considered a security-issue. Thus, any export of uranium from Greenland must be in accordance with the Non-Proliferation Treaty and if it is not, then Denmark, as the signatory state, is legally liable.23 Indeed, due to the particular nature of Denmark and Greenland’s relationship, ensuring that international safeguard obligations are met is particularly challenging, since a number of international conventions are relevant for the mining of uranium and Denmark and Greenland are not signatories to all of the same conventions.24

In order to solve the disagreement, the office of the former Prime Minister of Greenland Aleqa Hammond hinted at the possibility of using the solution sketched out in the Self-Government Act.25 This entails that a disagreement over how to divide responsibilities between Denmark and Greenland shall be decided by a dispute board consisting of two representatives from Denmark, two from Greenland and three judges of the Danish Supreme Court.26 However, this last resort will surely cast a shadow on future Danish-Greenlandic cooperation regardless of the outcome.

Secondly, the confusion over international obligations extends beyond the uranium issue. As mentioned, Greenland is authorised to enter international agreements exclusively regarding the affairs of Greenland. However, in reality it is extremely difficult to find fields of responsibility which are exclusive to Greenland – since virtually any activity on Greenland is likely to somehow be covered by one or more

(22) Ibid.: p.36
(23) Alfredsson, Mortensen & Ulfbeck (2014): p. 34
of the numerous international conventions that Denmark has ratified.\textsuperscript{27} Since Greenland is not a state and thus not a proper subject of international law, Denmark remains the principal legal subject responsible for breaches of international agreements in Greenland – even if the administrative field in question has formally been transferred to Greenland.

Thirdly, while Greenland has formally been given the right to independence, Greenland remains, in reality, highly dependent on the annual block grant from Denmark – since it currently makes up roughly one third of Greenland’s GDP. Each time an administrative field is transferred to Greenland all the pertaining expenses are also transferred, and the revenues from fisheries which currently make up roughly 90\% of Greenland’s exports are unlikely to increase.\textsuperscript{28} Without financial support from Denmark, Greenland would find itself in a very vulnerable economic position and be liable to make unsound concessions in exchange for financial aid. However, this lingering dependence on Danish aid remains a very sore spot for Greenland.

Therefore, much attention has been given to deposits of uranium, rare earth elements and oil in Greenland’s subsoil, since greater economic independence necessarily hinges on the extraction of these resources. However, the potential of these resources is disputed. It has been estimated that in order to make Greenland completely independent of the Danish block grant, no less than 24 grand scale mining-projects would have to operate simultaneously and generate revenue. Currently, only Isua and Kvanefjeld in southern Greenland are considered to be potential grand scale projects.\textsuperscript{29} Indeed, whereas the number of exploration licenses has gone up, the number of active mines in Greenland has remained almost constant in the past ten years.\textsuperscript{30} Moreover, simply focusing on getting mining projects operational in order to generate direct and indirect tax revenues is not a viable strategy. If Greenland does not reform its economy in other ways, then the mineral resources will eventually run out and Greenland will be facing the same budgetary constraints as it does now, only this time without any natural resources.\textsuperscript{31}

Thus, for the time being, economic realities do much to keep Greenland within the ‘unity of the Realm’. However, as previously mentioned, the time frame for the claims on the Arctic seabed is counted in decades and therefore a fourth and final issue of defence capability may become relevant in the future.

\textsuperscript{27} Grønlandsk-dansk selvstyrekommisions betænkning om selvstyre i Grønland, April 2008: p. 22
\textsuperscript{28} The Committee for Greenlandic Mineral Sources to the Benefit of Society (2014) To the Benefit of Greenland Report, University of Copenhagen/University of Greenland, January 2014: p. 10
\textsuperscript{29} A grand scale project is defined as a mining project with a construction cost greater than 5 billion DKK. See To the Benefit of Greenland Report, January 2014: p. 18.
\textsuperscript{30} Denmark, Greenland and Faroe Islands: Kingdom of Denmark Strategy for the Arctic 2011-2020: p. 27
\textsuperscript{31} To the Benefit of Greenland Report (2014): p. 19
The vast majority of Greenland is uninhabited and it requires substantial resources to maintain a military presence able to display the intention and will to exercise sovereignty in the vast territory and adjacent waters – this is currently Denmark’s responsibility. With increasing traffic in Arctic waters and competing claims to the seabed, this responsibility will only grow heavier in the future. If Denmark is committed to the Arctic it must also commit to the expenses that come with operations in the Arctic - the lack of a display of sovereignty will create a power vacuum in the Arctic and this will be geopolitically unacceptable to the United States.32

Therefore, in the hypothetical event that Greenland becomes independent, there are two likely scenarios in terms of defence capability. Greenland would either have to adapt the same model as Iceland or adapt a defence agreement with Denmark. The first scenario entails that Greenland, like Iceland, foregoes having its own defence capability, instead relying on NATO for the overall security guarantee. However, in this scenario Greenland, like Iceland, would still have to finance their own coastguard to patrol waters, control fisheries, provide search and rescue etc. since this is not part of the NATO package.33

The second scenario would likely resemble some form of free association agreement, the possibility of which has been considered by Greenlandic officials for several years.34 The principles guiding free association are most commonly used in relation to microstates.35 An example of this is Puerto Rico which functions as an independent state with its own constitution, participating in international organizations under its own flag but simply leaving foreign policy and security issues to the United States.36

In others words, free association for Greenland would mean an even more autonomous, virtually independent, Greenland simply choosing to cooperate with Denmark in selected areas, such as coast guard patrolling etc. However, such a scenario seems to undermine the notion of the Danish Kingdom as a unitary actor in the Arctic. The current Danish commitment to the Arctic seems to require a stronger unity between Denmark and Greenland, not a weaker one.

Conclusion

The vague descriptions of the status of Greenland in the Danish Constitution have allowed a gradually widening devolution within the unitary Danish state since 1953. Combined with the growing impact of international law, Denmark and Greenland

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35 The principles can be found in United Nations General Assembly Resolution 1541 (XV).
now find themselves in a situation where their relationship is increasingly based on formal equality. Yet, the relationship between Denmark and Greenland is far from fixed and economic realities will continue to clash with the desire of both Greenland and Denmark to distance themselves from the roles of colonised and colonisers. At the time of writing, the possibility of Greenlandic independence seems to be off the table for the foreseeable future, but with the current continental shelf claim Denmark has committed itself to the Arctic for the long haul.

The increasing global focus on the Arctic entails that much of what Greenland and Denmark choose to do, separately and in unison, can be interpreted in the light of foreign and/or defence policy by other states. This poses a problem because these are exactly the fields where Greenland and Denmark disagree on how to divide authority. If the controversy regarding authority on foreign and defense policy lingers on, this may undermine the ability of the Danish Kingdom as a whole to follow a coherent strategy in the Arctic.

Thus, if Denmark is set on becoming and remaining an Arctic power in future decades, Denmark will do well to solve these issues and nurture and strengthen its relation to Greenland - the link to the Arctic.
References


Committee for Greenlandic Mineral Sources to the Benefit of Society (2014) To the Benefit of Greenland Report, University of Copenhagen/University of Greenland


