

# The 2008 Referendum on Greenland's Autonomy and What It Means for Greenland's Future

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## 1. Introduction

On 25 November 2008 Greenland held a referendum concerning the desirability of an increased level of self-governance. The people of Greenland had to decide whether to substitute the old Home Rule arrangement (*Hjemmestyre*), which had been in force since 1979, by a new form of self-government (*Selvstyre*), the terms of which had been negotiated between the Greenland and the Danish Parliament since 2004. Of the 39,000 eligible voters, 75.5 % supported such an increase of autonomy whereas 23.6 % were against it. The voter turnout amounted to 72 %.<sup>1</sup> Pursuant to the new autonomy regime, Greenland will remain part of the Danish Realm and the people of Greenland will retain their Danish citizenship. Yet, the people of Greenland celebrated the outcome of the referendum as a major step towards independence from Denmark.

The aim of this article is to illustrate the actual and legal consequences which the outcome of the referendum will have on Greenland's future. In particular it will be examined whether Greenland really is on the brink of becoming an independent State.

Since these questions cannot be answered without a general understanding of the historical and current legal and actual situation of Greenland, the article is structured as follows: First, the historic relationship between Denmark and Greenland will be surveyed (Part 2). Then the current Home Rule Act for Greenland will be described in practice (Part 3). Based on these examinations, the changes brought about by the outcome of the referendum will be presented (Part 4). Next it will be looked at the question whether Greenland has a right to independence (Part 5) and the arguments stated in favour and against Greenland's independence will be presented (Part 6). Finally, a conclusion will be offered (Part 7).

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<sup>1</sup> Namminersornerullutik Oqartussat, Grønlands Hjemmestyre, Vejledende folkeafstemning om selvstyre, 25.11.2008, available at: <<http://www.valg.gl>>.

## 2. The Historic Relationship between Denmark and Greenland

Currently, Greenland forms part of the Danish Realm alongside Denmark and the Faroe Islands. Whereas there are about 5.5 million people living on the mainland of Denmark,<sup>2</sup> there are only about 48,900<sup>3</sup> people living on the Faroe Islands or 57,600 on Greenland,<sup>4</sup> respectively. Hence, population-wise the Realm is dominated by Denmark but 88 % of the population of Greenland are Inuit or of mixed Danish-Inuit origin.<sup>5</sup>

The Inuit are indigenous people who have inhabited Greenland's coastal areas for about 4,500 years.<sup>6</sup> The majority of the Inuit population comprises three distinct language groups: Kalaallit, which is nowadays the official language of Greenland and which is spoken in West Greenland, Inughuit, which is spoken in the far north around Thule, and the Iit language of the Inuit living at the East coast of Greenland. Although the Inuit dialects differ from one another, most of the Inuit nowadays refer to themselves as Kalaallit – Greenlanders – and they call their island Kalaallit Nunaat, which means “Land of the Greenlanders”.<sup>7</sup>

Whereas the Faroe Islands were recognized as an integral part of the Danish Realm since the very first constitution in 1849, Greenland had the status of a Danish colony up till 1953. Until World War II the Danish Government's aim was to isolate Greenland from foreign and modern influences in order to save the “noble savages” from corruption. However, during the Second World War, Greenland's isolation was broken due to the German occupation of Denmark. In 1941 the Danish ambassador to Washington signed an agreement with the US Government allowing the US to build military facilities in Greenland. As a result a great number of US officials came to live in Greenland. So for the very first time, the population of Greenland came into permanent contact with foreigners and modern life. Although Denmark's sovereignty over Greenland was formally restored after the end of World War II, the US troops stayed on.<sup>8</sup>

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<sup>2</sup> CIA Factbook – Denmark (July 2009 est.), available at: <<https://www.cia.gov/library/publications/the-world-factbook/geos/da.html>>.

<sup>3</sup> CIA Factbook – Faroe Islands (July 2009 est.), available at: <<https://www.cia.gov/library/publications/the-world-factbook/geos/fo.html>>.

<sup>4</sup> CIA Factbook – Greenland (July 2009 est.), available at: <<https://www.cia.gov/library/publications/the-world-factbook/geos/gl.html>>.

<sup>5</sup> CIA Factbook – Greenland (2000), *supra* note 4.

<sup>6</sup> Statistics Greenland – Greenland Home Rule Government, Greenland in Figures 2008, at 3, available at: <<http://www.stat.gl/LinkClick.aspx?link=Intranet%2FGIF+2008+WEB.pdf&tabid=36&mid=371&language=en-US>>.

<sup>7</sup> M. Nuttall, Greenland: Emergence of an Inuit Homeland, in: Minority Rights Group (ed.), *Polar Peoples – Self-Determination and Development* (1994), 1-28, at 2-3.

<sup>8</sup> For an overview, see for example, J. A. Jensen, The Position of Greenland and the Faroe Islands Within the Danish Realm, *European Public Law* 9 (2003), 170-178, at 171-172; Nuttall, *supra* note 7, at 2-7

In the aftermath of the Second World War, Greenland contemplated the possibility of joining the Danish Realm on an equal basis solution.<sup>9</sup> In order to look into the situation of Greenland, a Royal Commission on Greenland (G-50) was appointed by the Danish Prime Minister in 1948. In February 1952 the two Greenland members of the Commission formally suggested Greenland's integration into the Danish Realm.<sup>10</sup>

The Danish Government welcomed this suggestion and prepared an integration proposal to the Council of Greenland – the members of which had been elected by the people of Greenland the year before – for approval, which was given in September 1952 without a dissenting vote.<sup>11</sup> When the new Danish Constitution was adopted and entered into force on 5 June 1953, Greenland became an integral part of the Danish Realm. This meant, *inter alia*, that according to Article 28 of the Danish Constitution, Greenland was to be represented by two members in the Danish Parliament. By UN Resolution 849 of 22 November 1954, entitled “Cessation of the Transmission of Information under Article 73 e of the Charter in Respect of Greenland” the General Assembly recognized Greenland's integration within the Danish Realm as an expression by the people of Greenland of their right of self-determination.<sup>12</sup>

During the 1960s a rapid modernization process took place in Greenland. Health standards, the level of education and living conditions in general improved significantly. At the beginning of the 1970s, a political mobilization and a nationalistic movement, especially among the young and educated section of the population of Greenland, emerged.<sup>13</sup> The Greenlanders did not regard their interest being sufficiently considered in the decision-making process. This assumption was supported in 1973 when Greenland alongside Denmark had to become a member of

<sup>9</sup> See J.E. Rytter, *Self-Determination of Colonial Peoples – The Case of Greenland Revisited*, *Nordic Journal of International Law* 77 (2008), 365-400, at 388, with reference to the Dansk Institut for Internationale Studier, *Afvikling af Grønlands kolonistatus 1945-54 – En historisk udredning* (2007), at 274.

<sup>10</sup> See *ibid.*, at 388, with reference to the Dansk Institut for Internationale Studier, *supra* note 9, at 248-252.

<sup>11</sup> See *ibid.*, with reference to the Dansk Institut for Internationale Studier, *supra* note 9, at 271-275.

<sup>12</sup> Cessation of the transmission of information under Article 73 e of the UN Charter in respect of Greenland, A/RES/849 (IX) of 22 November 1954:

“4. Takes note that when deciding on their new constitutional status, through their duly elected representatives, the people of Greenland have freely exercised their right to self-determination;

5. Expresses the opinion that, from the documentation and the explanations provided, Greenland freely decided on its integration within the Kingdom of Denmark on an equal constitutional and administrative basis with the other parts of Denmark;

6. Notes with satisfaction the achievement of self-government by the people of Greenland;

7. Considers that due to these circumstances the Declaration regarding Non-Self-Governing Territories with the provisions established under it in Chapter XI of the Charter can no longer be applied to Greenland”.

<sup>13</sup> Nuttall, *supra* note 7, at 8.

the European Community even though a majority of 70 % of the Greenland voters had voted against membership in the Danish EC referendum held in 1972.<sup>14</sup> Frustrated by the Danish dominance over Greenland the Greenlanders demanded “a more Greenlandic Greenland, i.e. a society as Greenlandic as possible and as Danish as necessary”.<sup>15</sup> In 1975 a joint Danish-Greenland Home Rule Commission was set up. Following negotiations between the Danish Government and representatives of the population of Greenland, a Home Rule arrangement was reached. The arrangement was not based on an international treaty or amendment to the Constitution but established by the passing of an ordinary statute by the Danish Parliament, the Home Rule Act 1979,<sup>16</sup> and endorsed in a referendum held in Greenland.<sup>17</sup> There are some disagreements among legal experts as to what extent the Danish Parliament can unilaterally repeal or change the Home Rule Act.<sup>18</sup> Since the Home Rule Act was established by an ordinary statute of the Danish Parliament and is not enshrined in the Danish Constitution, it can, in principle, be unilaterally repealed by the Parliament. Yet, whatever legal viewpoints are given, it is generally recognized that politically the Danish authorities can no longer unilaterally change the self-government arrangements laid down in the Home Rule Act.<sup>19</sup>

### 3. The Home Rule Act for Greenland in Practice

Section 1(1) of the Home Rule Act reads: “Greenland is a distinct community within the Kingdom of Denmark. Within the framework of the unity of the Realm, the Greenland home rule authorities shall conduct Greenland affairs in accordance with the provisions laid down in this Act.” Hence, under Home Rule, Greenland remains a part of the Kingdom of Denmark with sovereignty belonging exclusively to the Danish authorities. The Home Rule Act only delegates jurisdiction in those matters exclusively relating to Greenland to the Greenland Home Rule authorities.

The Home Rule Act was not meant to create a special form of indigenous self-government. Since it applies to all inhabitants of Greenland – Inuit and Danish –

<sup>14</sup> H.R. Krämer, Greenland’s European Community (EC)-Referendum, Background and Consequences, *German Yearbook of International Law* 25 (1982), 273-289, at 273.

<sup>15</sup> A.K. Sørensen, Greenland: From Colony to Home Rule, in: S. Tägil (ed.), *Ethnicity and Nation Building in the Nordic World* (1995), 85-105, at 101.

<sup>16</sup> The Greenland Home Rule Act, Act No. 577 of 29 November 1978.

<sup>17</sup> For an overview of the dispute whether the Home Rule Act is in conformity with the Danish Constitution, see Jensen, *supra* note 8, at 174-176; N. Loukacheva, *The Arctic Promise – Legal and Political Autonomy of Greenland and Nunavut* (2007), at 47-49 with further references; F. Harhoff, *The Status of Indigenous Peoples under International Law: Greenland and the Right to Self-Determination*, *Canadian Yearbook of International Law* 32 (1994), 243-257, at 250-251.

<sup>18</sup> See Harhoff, *supra* note 17, at 250-251; Jensen, *supra* note 8, at 176-177.

<sup>19</sup> J. Dahl, *The Greenland Version of Self-Government*, in: K. Wessendorf (ed.), *An Indigenous Parliament? – Realities and Perspectives in Russia and the Circumpolar North* (2005), 150-177, at 169-170.

alike it is in fact a classic example of territorial autonomy. Nowhere in the Home Rule Act is any special emphasis put on the promotion of indigenous rights. The Home Rule system has therefore to be regarded as a form of public territorial government.<sup>20</sup>

According to Section 1(2) of the Home Rule Act, Home Rule authorities were to be installed with both legislative and administrative power. In 1979, the Landsting (Greenland or Home Rule Parliament) and the Landsstyre (Greenland or Home Rule Government), headed by the Premier, held their first sessions. All inhabitants of Greenland have a right to vote provided they are Danish citizens. But although no political distinction is made between persons born in Greenland and persons born in Denmark, the Home Rule Government and its administration are in practice Inuit-run due to Greenland's population structure with almost 90 % of its inhabitants being Inuit or of mixed Danish-Inuit descent.

In general, most matters of internal policy (e.g. language policy, social policy, cultural affairs, wildlife management) have since been handed over for regulation to the Greenland authorities.<sup>21</sup> These subject areas are called Home Rule affairs. The decisions of the Greenland Parliament in these areas are called Acts of the Landsting and have the same legal effect as ordinary Danish Acts.<sup>22</sup> However, although in theory the Greenlanders have achieved autonomy within these areas, the education system, administrative institutions and the health sector rely to a large extent on skilled staff recruited from Denmark. Proficiency in the Danish language is needed in order to fully participate in everyday life.<sup>23</sup> In addition, about 60 % of all public expenditure comes from block grants from Denmark and only 40 % from locally-raised taxes.<sup>24</sup> Thus, there is a feeling of dependency on Denmark even in those areas officially handed over to Greenland for self-government.

Besides the so-called Home Rule affairs there are also areas of joint Danish-Greenland jurisdiction. First and foremost the exploitation of sub-surface resources has to be mentioned in this regard. Although "[t]he resident population of Greenland has fundamental rights in respect of Greenland's natural resources",<sup>25</sup> the Mineral Resources Act<sup>26</sup> provides both parties with a veto with regard to all matters relating to prospecting and exploiting such resources. Since 1998 the administration of all mineral resource activities has been in the hands of the Home

<sup>20</sup> Loukacheva, *supra* note 17, at 35-39.

<sup>21</sup> Cf. field list in the Schedule to the Home Rule Act.

<sup>22</sup> Cf. Section 4(2) and (4) of the Home Rule Act.

<sup>23</sup> J. Dahl, *Self-Government in Greenland, Indigenous Affairs* 3 (2001), 36-41, at 38; IWGIA – International Work Group for Indigenous Affairs, *Greenland, The Indigenous World 2000-2001*, 26-29, at 27.

<sup>24</sup> Dahl, *supra* note 23, at 38.

<sup>25</sup> Cf. Section 8(1) of the Home Rule Act.

<sup>26</sup> Act on Mineral Resources in Greenland, Act No. 335 of 6 June 1991 as amended by Act No. 1074 of 22 December 1993, Act No. 303 of 24 April 1996 and Act No. 317 of 3 June 1998, available at: <[http://www.bmp.gl/administration/EB1\\_20ba\\_10nn\\_Mineral-Resources-Act-sec.pdf](http://www.bmp.gl/administration/EB1_20ba_10nn_Mineral-Resources-Act-sec.pdf)>.

Rule authorities.<sup>27</sup> The first 500 million Danish Kroner (“DKK”) (EUR 67 million) of income from mineral resource activities are split between Denmark and Greenland, while the distribution of any income above has to be negotiated.<sup>28</sup>

Besides “Home Rule affairs” and “joint jurisdiction”, there are still a number of areas considered as “common affairs”. In those areas, regulations are carried out by the Danish authorities. Common affairs comprise the areas of foreign policy, military matters, monetary issues and the judicial system.<sup>29</sup> Yet, the Home Rule Act also allows for Home Rule authorities’ influence in these matters. For example, it has been agreed with the Danish Government that Greenland must be consulted on all matters of relevance to Greenland. Hence, before any legislation or administrative regulations containing provisions which exclusively concern Greenland are being passed they must be presented to the Home Rule authorities for their comments.<sup>30</sup> Likewise, provisions which affect Greenland but are not exclusively applicable there, have to be referred to the Home Rule authorities for their comments before being put into force in Greenland.<sup>31</sup> However, the Greenland authorities only have to be heard but their opinion does not bind the Danish authorities.<sup>32</sup> Another way to influence the Danish authorities on matters concerning Greenland is via the members elected to the Danish Parliament from Greenland. They function *inter alia* as spokesmen for Greenland.<sup>33</sup>

Of particular relevance is Greenland’s ability to participate in international affairs and foreign policy. In general, Danish authorities have exclusive priority in decision-making powers over foreign relations. As part of the Kingdom of Denmark, Greenland cannot become an independent member of international organizations, which are composed of sovereign States. Furthermore, it cannot independently conclude agreements with foreign countries and have diplomatic missions.

Some areas of foreign affairs, however, have been conferred to the Home Rule authorities. According to Section 16(1) of the Home Rule Act, the Home Rule authorities “may demand that in countries in which Greenland has special commercial interest Danish diplomatic missions employ officers specifically to attend to such interests”. If a foreign policy matter directly concerns Greenland, the Greenland authorities may also on request negotiate directly with the foreign government with the cooperation of the Danish Foreign Service.<sup>34</sup> In addition, treaties which the Danish Government enters into and which “particularly affect

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<sup>27</sup> Geus-De Nationale Geologische Undersøgelser for Danmark og Grønland, Newsletter No. 13 – May 1998, available at: <<http://www.geus.dk/ghexis/ghexis-13.htm>>.

<sup>28</sup> See Mineral Resources Act, *supra* note 26, Chapter 9.

<sup>29</sup> J e n s e n, *supra* note 8, at 173.

<sup>30</sup> Cf. Section 12(1) and (2) of the Home Rule Act.

<sup>31</sup> Cf. Section 12(3) of the Home Rule Act.

<sup>32</sup> J e n s e n, *supra* note 8, at 173.

<sup>33</sup> *Ibid.*

<sup>34</sup> Cf. Section 16(3) of the Home Rule Act.

Greenland interests", must be presented to the Home Rule authorities for their non-binding comments before they are signed by the Danish Government.<sup>35</sup>

In 2003, the Governments of Denmark and Greenland signed a joint declaration of principle on the involvement of Greenland in foreign and security policy (Itilleq Declaration).<sup>36</sup> The Declaration supports Greenland's participation in international negotiations along with the Danish Government in areas that are of particular importance to Greenland in order to assert Greenland's interests. In addition, the Greenland Government must also be consulted prior to the ratification of international agreements whose ratification is incumbent on Greenland. Furthermore, Denmark commits itself to attempt wherever possible<sup>37</sup> to restrict the effect of international agreements, to which it accedes, to the Danish mainland so that Greenland can independently take a decision on the extent, to which the agreement concerned shall apply to Greenland.<sup>38</sup>

On 26 June 2005, following negotiations with the Government of Greenland, the Authorisation Act<sup>39</sup> entered into force, which extended and modernized some provisions of the Home Rule Act dealing with Greenland's influence on foreign policy matters. The Authorisation Act enables Greenland to negotiate and conclude international agreements with foreign States and international organisations on behalf of the Kingdom of Denmark in areas which have been entirely taken over by the Home Rule authorities.<sup>40</sup> The Authorisation Act also allows Greenland to become a member of international organizations which allow for membership of non-State entities. Following a request by the Greenland Government, the Danish Government may decide to grant or support such applications.<sup>41</sup> Furthermore, the Authorization Act allows for representatives of the Government of Greenland to be appointed to the diplomatic missions of the Kingdom of Denmark for the particular attention of matters that relate entirely to subject areas taken over by the Home Rule authorities.<sup>42</sup> The Act does not, however, limit the foreign policy powers of the Danish authorities in relation to Greenland. The Danish authorities continue to bear overall responsibility for the foreign policy of the Realm and the

<sup>35</sup> Cf. Section 13 of the Home Rule Act.

<sup>36</sup> Itilleq Declaration of 14 May 2003.

<sup>37</sup> I.e. not in special areas like, for example, agreements relating to human rights.

<sup>38</sup> The Prime Minister's Office, The Greenland Home Rule Arrangement, summary available at: <<http://www.stm.dk>>.

<sup>39</sup> Act No. 577 of 24 June 2005 "Concerning the Conclusion of Agreements under International Law by the Government of Greenland".

<sup>40</sup> Section 1(1) of the Authorisation Act.

<sup>41</sup> Section 4 of the Authorisation Act.

<sup>42</sup> Section 3 of the Authorisation Act. Hence, the scope of activities was expanded from "special commercial interests" (Section 16(1) of the Home Rule Act) to all matters where powers have been transferred to the Home Rule authorities.

Danish Foreign Ministry must be consulted prior to the exercise of the full powers provided in the Act.<sup>43</sup>

#### 4. Changes after the Outcome of the Referendum

Before discussing the changes brought about by the referendum it has to be explored why this referendum was held about thirty years after the implementation of the Home Rule Act.

During the 1980s the Home Rule Act had been regarded as a major achievement on the road to self-government. Within a short period of time Greenland had taken over responsibilities in many areas from the Danish authorities and achieved the character of a quasi-State. However, towards the end of the 20<sup>th</sup> century many Greenlanders had begun to feel that the Home Rule arrangement had served its purpose and that the limitations of authority of the Greenland Parliament and Government laid down in the Home Rule Act constituted an obstacle to Greenland's further development towards a higher degree of independence.<sup>44</sup> Therefore, in 1999, the Home Rule Government established a Commission on Self-Government to investigate the possibility of achieving a higher level of independence. In early 2004, representatives of the Greenland Home Rule Government met with the Danish Prime Minister to present their own terms of reference for the work ahead.<sup>45</sup> Following negotiations between the Danish Government and the Home Rule Government, a Greenland-Danish Commission was installed. The Commission, which was chaired by the Speaker of the Home Rule Parliament, had the following mandate:

“The Commission shall, on the basis of Greenland's present constitutional position and in accordance with the right of self-determination of the people of Greenland under international law, deliberate and make proposals for how the Greenland authorities can assume further powers, where this is constitutionally possible.”<sup>46</sup>

The Greenland-Danish Commission presented its recommendations in April 2008<sup>47</sup> on which the referendum was based, supported by the Danish Parliament.

<sup>43</sup> Sections 1(5) and 2(2) of the Authorisation Act. See also Circular Note to All Heads of Diplomatic Missions Accredited to Denmark of 7 November 2005, available at: <[http://ec.europa.eu/development/icenter/repository/annex6\\_dk\\_greenland\\_en.pdf](http://ec.europa.eu/development/icenter/repository/annex6_dk_greenland_en.pdf)>.

<sup>44</sup> Dahl, *supra* note 23, at 37.

<sup>45</sup> See Report from the Commission on Self-governance, March 2003.

<sup>46</sup> The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, Executive Summary, April 2008, at 4, available at: <<http://www.amblissabon.um.dk/en/menu/InfoDenmark/GreenlandAndTheFaroeIslands/Referendum/>>.

<sup>47</sup> The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, *supra* note 46; Draft Act on Greenland Self-Government, Schedule, available at: <<http://www.amblissabon.um.dk/en/menu/InfoDenmark/GreenlandAndTheFaroeIslands/Referendum/>>. In this Draft Act the Self-Government Commission has drawn up a set of rules for ways in which the



Although the outcome of the referendum does not bind the Danish Parliament, it has promised to honour the results.

Due to the positive outcome of the 2008 referendum the following measures, proposed by the Greenland-Danish Commission, are to be implemented:

The Home Rule authorities will be granted the option to take over all fields of responsibility that have not already been assumed, including police force, courts and coastguard,<sup>48</sup> with the exception of matters concerning the Constitution, the Supreme Court, foreign affairs, defence and security policy, nationality and exchange rate and monetary policy.<sup>49</sup> However, as soon as responsibility in one area is assumed, this area has to be financed by the Home Rule authorities. An increased self-government therefore correlates with an increased economic responsibility.<sup>50</sup>

On foreign policy matters Greenland will be given a slightly greater influence. Regarding the authorization of the Home Rule authorities to negotiate and conclude international agreements in fields of responsibility which have already been taken over by them no modification of the current situation is intended. The rules laid down in the Authorisation Act shall be maintained. In areas which have not yet been handed over to the Home Rule authorities and in which the Danish Government therefore negotiates and concludes international treaties, the Greenland-Danish Commission recommends that Greenland's involvement in these areas should rest in general on the current basic principles of the Itilleq Declaration. Yet, the proposals contain some new elements: first, the Danish Government will have to inform the Landsstyre before commencing negotiations on international agreements which are of particular importance to Greenland. Second, the Danish Government will also have extended consultation obligations regarding such international agreements. Finally, an agreement must, to the widest extent possible, be concluded without any effect for Greenland if the Landsstyre does not want Greenland to be included in the agreement or if it has not submitted any comments at all.<sup>51</sup> However, since Greenland will only be granted a right to be consulted but no final say, the overall changes made in the area of foreign policy matters are rather small.

Regarding subsidies and mineral resource exploitation, the Greenland-Danish Commission is of the opinion that Greenland should, as far as possible, become

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submission of Danish legislation to the Self-Government authorities can be organized in those areas that still remain under the central authorities of the Realm.

<sup>48</sup> For a list of all fields of responsibility that may be assumed by the Home Rule Government, see Draft Act on Greenland Self-Government, *supra* note 47, Schedule.

<sup>49</sup> See The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, *supra* note 46, at 5.

<sup>50</sup> See The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, *supra* note 46, at 8; Draft Act on Greenland Self-Government *supra* note 47, Chapter 3, Sec. 6(1).

<sup>51</sup> See The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, *supra* note 46, at 9-10.; Draft Act on Greenland Self-Government *supra* note 47, Chapter 4.

economically self-sustainable and thus less dependent on Danish subsidies. It therefore proposes that all revenues from mineral resource activities in Greenland shall accrue to the Home Rule authorities. In return, Denmark's DKK 3.2 billion (EUR 430 million) annual grants shall be fixed at the 2007 level. Subsequently, the Danish subsidies are to be reduced by an amount corresponding to half the revenue from mineral resource activities exceeding DKK 75 million (EUR 10 million). Eventually, the annual subsidy from Denmark will be phased out.<sup>52</sup>

If the proposals are enacted, the Greenland language (Kalaallisut) will become the sole official language in Greenland,<sup>53</sup> but probably the most important change is that Greenlanders are recognized as a separate people under international law.<sup>54</sup> However, since Greenland will not achieve the status of a sovereign State, the people of Greenland will remain Danish citizens.

The measures are to enter into force on 21 June 2009,<sup>55</sup> the National Day of Greenland and the longest day of the year, following approval by both the Greenland and Danish Parliaments.

## 5. Does Greenland Have a Right to Independence?

Many Greenlanders regard the referendum result as a direct step towards full independence. However, under public international law there is no general right for a people to become independent.

The Charter of the United Nations recognizes in its Articles 1(2) and 55 a people's right to self-determination. Furthermore, according to Article 1 of the two Covenants on Human Rights<sup>56</sup> all peoples have the right to self-determination and by virtue of that right they may freely determine their political status. In the *Case Concerning East Timor (Portugal v Australia)* the International Court of Justice states that the right of a people to self-determination "has an *erga omnes* character" and it refers to the principle of self-determination as "one of the essential principles of contemporary international law".<sup>57</sup> In its Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* the

<sup>52</sup> See The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, *supra* note 46, at 8-9.; Draft Act on Greenland Self-Government *supra* note 47, Chapter 3.

<sup>53</sup> See The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, *supra* note 46, at 12-13; Draft Act on Greenland Self-Government *supra* note 47, Chapter 7.

<sup>54</sup> See The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, *supra* note 46, at 5; Draft Act on Greenland Self-Government *supra* note 47, Preamble.

<sup>55</sup> Draft Act on Greenland Self-Government *supra* note 47, Chapter 9, Sec. 22.

<sup>56</sup> International Covenant on Civil and Political Rights, A/RES/2200A (XXI) of 16 December 1966, 999 U.N.T.S. 171 (entered into force 23 March 1976) and International Covenant on Economic, Social and Cultural Rights, A/RES/2200A (XXI) of 16 December 1966, 993 U.N.T.S. 3 (entered into force 3 January 1976).

<sup>57</sup> I.C.J. Reports 1995, 90-106, at 102, para. 29.

Court reaffirms that “the right of peoples to self-determination is today a right *erga omnes*”.<sup>58</sup>

Whereas it is recognized that there is a right of internal self-determination, a right to external self-determination, i.e. a right to secession and independence, is generally denied since such a right would contravene the fundamental principle of sovereignty and territorial integrity of States.<sup>59</sup> The practice of the United Nations explicitly denies peoples a right of secession. The Declaration on Decolonization<sup>60</sup> states:

“Any attempt aimed at the partial or total disruption of the natural unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”

This statement is confirmed by the Declaration on Friendly Relations<sup>61</sup> which states:

“Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.”

Only in exceptional circumstances a right of secession is accepted. According to Cristescu as a special rapporteur of the former UN Sub-Commission on Prevention of Discrimination and Protection of Minorities,

“[t]he principle of equal rights and self-determination [...] does not grant an unlimited right of secession to populations living in the territory of an independent sovereign State [...] The right of secession unquestionable exists, however, in a special, but very important case: that of peoples, territories and entities subjugated in violation of international law. In such cases, the peoples concerned have the right to regain their freedom and constitute themselves independent sovereign States.”<sup>62</sup>

The same arguments against a right to secession were brought forward by the Supreme Court of Canada in the *Case Concerning Certain Questions Relating to Secession of Quebec from Canada*<sup>63</sup> where it was asked to rule on the legitimacy under Canadian and international law of a possible unilateral declaration of independence by Quebec. The Court held that a political sub-unit of an existing State had no right of secession as long as the central authorities respected the internal

<sup>58</sup> I.C.J. Reports 2004, 136-203, at 172, para. 88.

<sup>59</sup> See Article 2(1) of the UN Charter.

<sup>60</sup> Declaration on the Granting of Independence to Colonial Countries and Peoples, A/RES/1514 (XV) of 14 December 1960.

<sup>61</sup> Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, A/RES/2625 (XXV) of 24 October 1970.

<sup>62</sup> A. Cristescu, *The Right to Self-Determination. Historical and Current Development on the Basis of United Nations Instruments*, Doc. E/CN.4/Sub.2/404/Rev.1 (1981), at 26, para. 173.

<sup>63</sup> [1998] 2 SCR 217; 161 DLR (4<sup>th</sup>) 385, paras. 111-139.

self-determination of the ethnic group, e.g. language and culture. This view is consistent with the opinion of the EC Arbitration Commission on Yugoslavia, which seems to suggest that federal authorities can lawfully prevent secessions.<sup>64</sup>

However, the right to external self-determination of colonial peoples is generally regarded as being compatible with the principle of territorial integrity of States. A “colonial people” is defined by the UN as a population which 1. lives in a territory geographically separate from the country administering it, 2. is ethnically and/or culturally distinct from the population of the administering power, and 3. has not yet achieved a full degree of self-governance.<sup>65</sup>

According to General Assembly Resolution 2625,<sup>66</sup>

“[t]he territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.”

Hence, a colonial people can claim a right to independence from its former colonial power. In this context, the principle of territorial integrity applies only in so far as the existing colonial borders must be maintained in the process of decolonization (*uti possidetis*).<sup>67</sup>

The exercise of a colonial people’s right to self-determination may result in (1) independence as a new sovereign State, (2) self-government under the sovereignty of another State, (3) integration on an equal basis with another State or (4) any other status freely decided upon.<sup>68</sup> However, the principles of territorial integrity and political unity require that a colonial people can only once exercise its external self-determination. After having chosen one of the options of self-determination the former colony will lose its distinct status under international law.<sup>69</sup> Just as a State cannot subsequently unilaterally demand integration with its former colonial

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<sup>64</sup> For further information on the opinions of the EC Arbitration Commission on Yugoslavia see P. Radan, Post-Secession International Borders: A Critical Analysis of the Opinions of the Badinter Arbitration Commission, *Melbourne University Law Review* 24 (2000), 50-76; A. Pellet, The Opinions of the Badinter Arbitration Committee: A Second Breath for the Self-Determination of Peoples, *European Journal of International Law* 3 (1992), 178-185.

<sup>65</sup> Principles which should guide Members in Determining whether or not an Obligation exists to Transmit the Information called for under Article 73 e of the Charter, A/RES/1541 (XV) of 15 December 1960, Principle I and IV; Rytter, *supra* note 9, at 367.

<sup>66</sup> See *supra* note 61.

<sup>67</sup> See Rytter, *supra* note 9, at 368; R. Higgins, *Problems and Process – International Law and How We Use It* (1994), at 121-122.

<sup>68</sup> The first three options are enumerated in A/RES/1541 (XV), *supra* note 65, Principle VI; the existence of further options as long as they are freely decided upon, is confirmed by A/RES/2625 (XXV), *supra* note 61, and by the International Court of Justice, *Western Sahara Advisory Opinion*, I.C.J. Reports 1975, 12-69, at 24-25, paras. 57-59.

<sup>69</sup> See A/RES/2625 (XXV), *supra* note 61.

power, it cannot opt for independence once it has chosen a different form of self-determination.<sup>70</sup> In other words: there is no right to regret.

Therefore, if Greenland claims to have a right to unilaterally declare its independence from Denmark, it has to prove that it is or has been a colony and that it has not yet freely exercised its right of self-determination.<sup>71</sup> Greenland is geographically clearly separate from the Danish mainland. The Greenland population is also ethnically and linguistically different from the Danish population. Yet, as mentioned above<sup>72</sup> the UN recognized Greenland's integration with Denmark as the Greenlanders' free exercise of their right of self-determination and declared that Greenland could no longer be regarded as a non-self-governing territory. This strongly indicates that Greenland has exhausted its right to external self-determination, i.e. independence, by opting for integration with Denmark in 1952.

The validity of Greenland's integration has been repeatedly challenged. Especially the legal scholars Gudmundur Alfredsson<sup>73</sup> and Frederik Harhoff<sup>74</sup> have denied the exhaustion of the Greenlanders' right to independence. They argue that Greenland's integration with Denmark in 1953 and its international recognition in 1954 failed to comply with the General Assembly's substantial and procedural requirements regarding the exercise of colonial peoples' right of self-determination<sup>75</sup> and thus it cannot bind Greenland today.<sup>76</sup>

Yet, it is highly questionable whether the imperfections attached to Greenland's integration with Denmark are serious enough to turn the whole integration invalid. When Greenland decided on its integration with Denmark on an equal basis in 1952, the Greenlanders were clearly aware of the alternative of becoming an independent State. However, at that time this option was not regarded as a desirable one.<sup>77</sup> Since Greenland's integration was based on the Greenland people's free choice and recognized by the General Assembly the better arguments seem to in-

<sup>70</sup> Rytter, *supra* note 9, at 368.

<sup>71</sup> L. Hannikainen, The Quebec-Canada Case Compared to the Faroes and Greenland, in: S. Skaale (ed.), *The Right to National Self-Determination – The Faroe Islands and Greenland* (2004), 139-145, at 142.

<sup>72</sup> See *supra* note 12.

<sup>73</sup> G. Alfredsson, Greenland and the Law of Political Decolonization, *German Yearbook of International Law* 25 (1982), 290-308; *ibid.*, Greenland under Chapter XI of the United Nations Charter – A Continuing Law Dispute, in: Skaale (note 71), 49-94.

<sup>74</sup> F. Harhoff, Det grønlandske Hjemmestyres grund og grænser, *Ugeskrift for Retsvæsen* 116 (1982) Afdeling B, at 101-115.

<sup>75</sup> See Alfredsson (2004), *supra* note 73, at 68-90; *ibid.* (1982), *supra* note 73, at 302-306; Harhoff, *supra* note 74, at 107. They refer to the requirements laid down in the so-called "factor list resolutions" A/RES/567 (VI) of 18 January 1952, A/RES/648 (VII) of 10 December 1952 and A/RES/742 (VIII) of 27 November 1953.

<sup>76</sup> See Alfredsson (2004), *supra* note 73, at 92; *ibid.* (1982), *supra* note 73, at 308; Harhoff, *supra* note 74, at 107.

<sup>77</sup> See Rytter, *supra* note 9, at 388, with reference to the Dansk Institut for Internationale Studier, *supra* note 9, at 271-275.

dicating that the Greenland people's choice in 1953 is binding today.<sup>78</sup> In addition, at no time during the process in 1954 did the Greenlanders themselves complain about the integration process or dispute the validity of the integration.<sup>79</sup>

Furthermore, it has to be noted that the criticism on Greenland's integration is based on the assumption that the colonial peoples' right to self-determination had already been recognized under international law in 1953/1954.<sup>80</sup> However, in 1953/1954 a right of a colonial people to self-determination and independence had not yet emerged as a norm of customary international law. The procedures to be followed were at that time still rather vague and highly debated. The right of colonial peoples to external self-determination and firm rules to be followed in this context by the administrative powers had not been established until sometime between 1960 and 1970 beginning with Resolution 1514 (XV) of 1960.<sup>81</sup>

This, however, prompts another question. It may be argued that since Greenland's exercise of self-determination preceded the establishment of the international norm of colonial self-determination, it could not exhaust Greenland's right to external self-determination today. Yet, assessing past decisions and processes according to present rules and standards would endanger the stability in international relations in total. If the whole decolonization process had to be reopened due to the fact that the decisions taken at the time of decolonization are nowadays regarded as unfair, this would endanger the prevailing political system. It is therefore generally recognized that the fairness and validity of decisions and processes taken or carried through in the past should be assessed by the norms and standards prevailing at the time of their completion.<sup>82</sup> With regard to Greenland this means that since Greenland deliberately changed its status in 1953 and chose to integrate with Denmark instead of opting for independence, it has exhausted its right of external self-determination.

If Greenland wanted to become an independent State today, it will need Denmark's consent. Denmark as a sovereign State can, under international law, allow such a secession. The mandate of the Greenland-Danish Commission was to suggest self-government for Greenland within the Danish Realm. However, the mandate also stated:

"The Danish Government and the Greenland Landsstyre are in agreement that it is for the people of Greenland to decide whether Greenland wishes independence, and that the new arrangement shall imply no change to that. Where relevant, independence will have to be implemented through the conclusion of an agreement to this effect under the rules laid down in section 19 of the Danish Constitution. The Commission's proposals for a

<sup>78</sup> Ibid., at 397.

<sup>79</sup> Ibid., at 394 with further references.

<sup>80</sup> See Alfredsson (2004), *supra* note 73, at 91.

<sup>81</sup> A/RES/1514 (XV), *supra* note 60. For further information, see comments in Rytter, *supra* note 9, at 368-379.

<sup>82</sup> See *ibid.*, at 398; see also Judge Huber, *Island of Palmas Case (Netherlands v United States)*, United Nations Reports of International Arbitral Awards, Vol. II (1949), 829-871, at 845; I. Brownlie, *Principles of Public International Law* (2008), at 124-125 with further references.

new arrangement shall contain a provision on Greenland's access to independence in accordance with this."<sup>83</sup>

This is reflected in the Greenland-Danish Commission's Draft Act.<sup>84</sup> According to its Chapter 8, Sec. 21(1) the "[d]ecision regarding Greenland's independence shall be taken by the people of Greenland". Sec. 21(3) lays down the procedures which have to be followed in this process. Finally, Sec. 21(4) clarifies that "[i]ndependence for Greenland shall imply that Greenland assumes sovereignty over the Greenland territory."

Hence, the question whether Greenland's integration with Denmark in 1953 and its subsequent international recognition is binding on Greenland and bars it from choosing independence today will not have to be put to the test. The question therefore is not whether Greenland has a right to independence but rather under which terms such independence shall be reached.

Legally, granting Greenland independence would be a fairly simple process. According to Section 19 of the Constitution, the Danish Government may conclude treaties diminishing the territory of the Realm as long as the Parliament consents. Thus, if Greenland opted for independence no change of the Danish Constitution would be necessary. The sections in the Danish Constitution which explicitly mention Greenland<sup>85</sup> do not hinder the granting of independence in the sense that the Constitution would have to be amended and the sections removed before Greenland could become independent. These sections would simply cease to have any practical relevance.<sup>86</sup>

## 6. Arguments For and Against the Desirability of an Independent Greenland

Now that it has been shown that Greenland has the option to choose independence from Denmark if the people of Greenland wish to do so, it needs to be explored whether Greenland is indeed ready for such independence.

When or if full independence will follow the referendum of November 2008 is currently anybody's guess. Greenland's Premier Hans Enoksen has stated that he aims at establishing Greenland's independence by 2021, which will mark the 300<sup>th</sup> anniversary of colonization by Denmark.<sup>87</sup> The current Foreign Minister and Finance Minister, Per Berthelsen, however, is of the opinion that Greenland

<sup>83</sup> The Greenland-Danish Self-Government Commission's Report on Self-Government in Greenland, *supra* note 46, at 4.

<sup>84</sup> *Supra* note 47.

<sup>85</sup> See for example Section 28 or Section 31(5) of the Danish Constitution.

<sup>86</sup> Jensen, *supra* note 8, at 178.

<sup>87</sup> See A. McSmith, The Big Question: Is Greenland Ready for Independence, and What Would It Mean for Its People?, The Independent of 27 November 2008, available at: <<http://www.independent.co.uk/news/world/europe/the-big-question-is-greenland-ready-for-independence-and-what-would-it-mean-for-its-people-1036735.html>>.

will remain a part of the Danish Realm for at least another 20-30 years.<sup>88</sup> And of the approximately 12 % of Greenland's population of Danish descent, many would prefer that Greenland never gained full independence.

On its own, Greenland would be the 13<sup>th</sup> largest State in the world, in area, but population-wise, it would not even rank among the top 200.<sup>89</sup> It is one of the coldest places on Earth with most of its territory located within the Arctic Circle and 80 % of its surface permanently covered in ice.<sup>90</sup>

In favour of Greenland's independence it is argued that Greenland's people are neither Danes, nor Europeans, but Inuit with their own language and culture.<sup>91</sup> Furthermore, it is stated that due to its geographical position, Greenland's future lies with North America not Europe.<sup>92</sup> Advocates of an independent Greenland also criticise that Danish funds lead to passivity and dependency. They argue that the melting of the Arctic ice would allow for new mining and drilling operations in the near future.<sup>93</sup> Since geologists expect large coal, diamonds, iron, zinc, uranium and other valuable metal deposits in Greenland<sup>94</sup> as well as large undiscovered oil and gas fields,<sup>95</sup> Greenland could become the winner of the climate change and end its economic dependence on Denmark.<sup>96</sup>

Opponents of an independent Greenland, however, argue that an island with such a small population cannot be genuinely self-governing.<sup>97</sup> Furthermore,

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<sup>88</sup> See Interview with Per Berthelsen conducted by C. Seidler, *Das Überleben in der Arktis macht zäh*, *Der Spiegel Online* of 21 January 2009, available at: <<http://www.spiegel.de/wissenschaft/natur/0,1518,602283,00.html>>.

<sup>89</sup> United Nations Statistics Division, 2006, *Population by Sex, Rate of Population Increase, Surface Area and Density*, available at: <<http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table03.pdf>>.

<sup>90</sup> CIA Factbook – Greenland, *supra* note 4.

<sup>91</sup> See comments made by former Foreign Minister and Finance Minister, Aleqa Hammond, in: M. Ertel, *Untapped Riches – Greenland Braces for Independence and Wealth*, *Der Spiegel Online* of 11 December 2008, available at: <<http://www.spiegel.de/international/world/0,1518,590078,00.html>>; see also Jensen, *supra* note 8, at 177.

<sup>92</sup> See comments made by former Foreign Minister and Finance Minister, Aleqa Hammond, in: Ertel, *supra* note 91.

<sup>93</sup> J. Motzfeld, *Climate Change in a Greenlandic Perspective*, Presentation at the Trans-Atlantic Climate Conference, Torshavn, Faroe Islands, 7-8 April 2008; quotation can be found in M. Nuttall, *Self-Rule in Greenland – Towards the World's First Independent Inuit State?*, *Indigenous Affairs* 3-4 (2008), 64-70, at 70 and in *ibid.*, *Climate Change and the Warming Politics of Autonomy in Greenland*, *Indigenous Affairs* 1-2 (2008), 44-51, at 46.

<sup>94</sup> See Nuttall, *Self-Rule in Greenland*, *supra* note 93, at 66-67; *ibid.*, *Climate Change*, *supra* note 93, at 48.

<sup>95</sup> See D.L. Gautier, *Assessment of Undiscovered Oil and Gas Resources of the East Greenland Rift Basins Province*, U.S. Geological Survey Fact Sheet 2007-3077 (2007), available at: <[http://pubs.usgs.gov/fs/2007/3077/pdf/FS07-3077\\_508.pdf](http://pubs.usgs.gov/fs/2007/3077/pdf/FS07-3077_508.pdf)>.

<sup>96</sup> See comments made by Minninguaq Kleist, Head of Self-Governance Office, in: J. Kucera, *The Big Thaw*, *The Wilson Quarterly*, Autumn 2008, available at: <[http://www.wilsoncenter.org/index.cfm?fuseaction=wq.essay&essay\\_id=500524](http://www.wilsoncenter.org/index.cfm?fuseaction=wq.essay&essay_id=500524)>.

<sup>97</sup> See Nuttall, *Self-Rule in Greenland*, *supra* note 93, at 68, referring to comments made by members of the Demokraatit party (Democrats).



Greenland has no means of defending itself. If natural resources became more valuable in the future, Greenland could not – on its own – prevent other States or non-governmental entities from invading its territory and exploiting those resources against its will. Hence, without Danish protection Greenland would have to turn to someone else and simply exchange one dependency for another. Independence would therefore put Greenland at the mercy of the United States and its oil companies, which would very likely be worse protectors of the Greenland interests than Denmark.<sup>98</sup> Furthermore, Greenland is at the moment still heavily reliant on Danish subsidies. New possibilities of exploiting its natural resources may end Greenland's dependency on Denmark. However, up till now it is still doubtful how vast Greenland's natural resources really are and how fast the Arctic ice will melt. The expected oil or gas fields have not yet been discovered and the expected amount of these undiscovered resources is solely based on estimations and could be much smaller. After all, it may well be 20 years or more until oil will be discovered and even longer before the huge investment required pay off.<sup>99</sup> Therefore, opponents of an independent Greenland argue that independence is worthless if this meant for the people of Greenland to end up in poverty and that oil has to be discovered before Greenland starts spending the money.<sup>100</sup>

## 7. Conclusion

Whether Greenland should reasonably opt for independence is an open question as there are convincing arguments for both sides. However, it has to be borne in mind that most Greenlanders view their overall experiences with Denmark as more positive than negative.<sup>101</sup>

It cannot be disputed that the current Home Rule has been a huge political success. Greenland's transition from an underdeveloped colony in the 1950s to a developed quasi-State today was rapid, straightforward and went far beyond what was deemed possible within the Home Rule arrangement and even the Danish Constitution when it was introduced in 1979.<sup>102</sup> Today, the people of Greenland have reached the highest degree of self-government and autonomy ever granted to a Nordic indigenous people and only few fields remain in which Greenland cannot take autonomous decisions.

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<sup>98</sup> See comments made by Aqqaq Luk Lynge, top Greenland representative to the Inuit Circumpolar Council, in: Kucera, *supra* note 96. See also Nuttall, Climate Change, *supra* note 93, at 51.

<sup>99</sup> See BBC News of 27 November 2008, Danish Doubts over Greenland Vote, available at: <<http://news.bbc.co.uk/2/hi/europe/7752660.stm>>.

<sup>100</sup> See comments made by the Democrats' leader Jens Frederiksen, in: Kucera, *supra* note 96.

<sup>101</sup> See comments made by former Prime Minister Lars-Emil Johansen, in: Kucera, *supra* note 96.

<sup>102</sup> Loukacheva, *supra* note 17, at 43.

However, the people of Greenland feel that their Inuit culture and language are still neglected, that their lives continue to be dominated by the Danish way of life and that they are still being patronised by their former administrative power.

Over the past decades, the Inuit people of Greenland have discovered that they are indeed capable of managing their own affairs and promoting their interests. Currently, Greenland is, for example, member to the Inuit Circumpolar Conference (ICC; renamed the Inuit Circumpolar Council in 2006), an international non-governmental organization representing the approximately 150,000 Inuit living in the Arctic regions of Alaska, Canada, Greenland and Chukotka, Russia.<sup>103</sup> It also participates in the Nordic Council<sup>104</sup> and the Nordic Council of Ministers.<sup>105</sup> Furthermore, Greenland is autonomously – i.e. not as an integral part of Denmark – associated with the European Union. As mentioned above,<sup>106</sup> Greenland originally had to join the European Economic Community (EEC) with Denmark in 1973 although it voted against it since Home Rule was not enacted yet at the time of accession. Therefore, one of the Home Rule Government's first official acts was to withdraw Greenland from the EEC. In a referendum held in February 1982, 53 % of the eligible voters of Greenland voted in favour of such a withdrawal. Following negotiations, the Greenland Treaty<sup>107</sup> was concluded and on 1 February 1985 Greenland formally withdrew from the Community. However, instead of a com-

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<sup>103</sup> The ICC was founded in 1977 and holds Consultative Status II at the United Nations. The principal goals of the ICC are, “to strengthen unity among Inuit of the circumpolar region, to promote Inuit rights and interests on an international level, to develop and encourage long-term policies that safeguard the Arctic environment; and to seek full and active partnership in the political, economic, and social development of circumpolar regions.” For further information, see <<http://inuitcircumpolar.com>>.

<sup>104</sup> The Nordic Council is a forum of interparliamentary cooperation. It was formed in 1952 and has 87 chosen members, representing the countries of Denmark, Norway, Sweden, Finland and Iceland and the three autonomous territories of the Åland Islands, the Faroe Islands, and Greenland. The members of the Council are members of the national parliaments, who are nominated by the parliament on the recommendation of the party groups. The Nordic Council has only advisory and supervisory functions but no legislative or decision-making powers. Greenland joined the Nordic Council in 1984 and currently has the status of a permanent participant within the Danish delegation to the Nordic Council with two elected members. In 2006 Greenland expressed the wish of having its own delegation in the Nordic Council in order to take part in decision-making processes and to participate more independently in the work of the Nordic Council and the Nordic Council of Ministers. For further information, see <<http://www.norden.org>> and Loukacheva, *supra* note 17, at 112-114 with further references.

<sup>105</sup> The Nordic Council of Ministers is a forum for intergovernmental cooperation. It was formed in 1971. Overall responsibility for the Nordic Council of Ministers lies with the respective prime ministers. In practice, responsibility is delegated to the Ministers for Nordic Cooperation and to the Nordic Committee for Cooperation. Most of the Nordic ministers for specific policy areas meet in a council of ministers several times a year. Hence, the composition of the council may vary depending on the issues addressed. As an autonomous territory, Greenland can take part in the work of the Council and has representatives at various councils of ministers. For further information, see <<http://www.norden.org>>.

<sup>106</sup> See above *supra* note 14.

<sup>107</sup> Treaty amending, with regard to Greenland, the Treaties establishing the European Communities, OJ L 29/1 of 1 February 1985.

plete withdrawal, Greenland opted for transformation of its membership status into an Overseas Countries and Territories (OCT)<sup>108</sup> status under special arrangements regarding the unique circumstances.<sup>109</sup> This status has proven to be more beneficial to Greenland than its former one. Since Greenland is not a direct member of the EU any more it is able to manage its own interests. Nevertheless, thanks to its OCT status, the Greenland people have access to numerous EU programs.<sup>110</sup>

Thus, many Greenlanders feel that they are ready to take over responsibility for the remaining areas that are still controlled by Danish authorities. For centuries, the people of Greenland had not been able to manage their own affairs. Therefore, it is comprehensible that many Greenlanders want independence now that it is at hand.

However, since no final decision has been taken yet regarding Greenland's choice for independence and no date has been fixed, the people of Greenland might reevaluate their position over the next years. If in the future they felt treated as an equal partner within the Danish Realm on a basis of mutual respect and if they regarded their special interest sufficiently addressed by the Danish authorities, they might as well feel that the advantages of being part of Denmark might compensate for the lack of a full level of independence and opt to remain an integral part of the Danish Realm.

The Inuit people of Greenland may culturally and linguistically belong to other Inuit peoples in Alaska, Northern Canada and Russia and hence they should continue to promote their common interest in international fora. However, now that the people of Greenland have been given such a high level of autonomy and self-determination they might, by managing their own affairs, also develop a sense of belonging to Denmark and Europe as a whole and realize that the integration into such a strong community can assist them in promoting their interests.

Whether Greenland will become the newest member in the family of independent States or continue to be an integral part of the Danish Realm or even strengthen its ties with the European Union remains to be seen. Whichever decision the people of Greenland will finally take, Greenland's economic, social and political progress over the last years remains unequalled.

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<sup>108</sup> See Part IV, Articles 182-188 (ex-Articles 131-136 a) of the EC Treaty and its Annex II. See also Articles 198-204 and Annex II of the consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union Pursuant to the Treaty of Lisbon.

<sup>109</sup> For details, see K. M a s o n, EC Commission Draft Approves Withdrawal of Greenland from the European Community and Proposes Terms for Economic Reassociation, *Georgia Journal of International and Comparative Law* 13 (1983), 865-876. For details on the current relationship between Greenland and the EU, see L o u k a c h e v a, *supra* note 17, at 115-121.

<sup>110</sup> L o u k a c h e v a, *supra* note 17, at 117.

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