



BRILL

The Constitutional History of Greenland

*Speech by the Minister for Mineral Resources, Labour, Interior
and Nordic Co-operation*

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Your Excellencies, Ladies and Gentlemen.

Let me start by thanking the Faculty of Law at The Arctic University of Norway, the KG Jebsen Centre for the Law of the Sea (JCLoS), and the research group for Sami Law for making this yearly event possible in Tromsø, the place known as the capital of the Arctic.

The symposium is truly an important agenda in a changing Arctic. The Arctic is truly changing in all kinds of ways, and Greenland is no exception.

All major journeys start with a step, and Greenland took that first step in November 2016 when the Premier's Office presented a memorandum on the appointment of a Greenlandic constitutional commission, with the main task of preparing a proposal for a Greenlandic constitution. The Parliament of Greenland submitted the memorandum, and for the first time the people of Greenland embarked on a journey to form a Greenlandic constitution.

I am pleased to say, that the step towards a Greenlandic constitution, was received with open arms. When we discuss Greenlandic independence as the ultimate goal, six out of seven parties want to pursue independence. The only questions are about how fast and how we reach the goal.

Greenland is the center of attention regarding independence taking place in a global discussion about the Arctic. In recent years, interest in Greenland from foreign spectators and commentators has been rising. I am glad that other people think about the current events in our country. We welcome views and opinions regarding the Greenlandic independence debate, but it is first of all, a debate that the people of Greenland should have.

Naalakkersuisut, the Government of Greenland, are aware of the fact that this is a public goal, in which all inhabitants must be involved in working towards a Greenlandic constitution. The work towards independence is important for various reasons, like our self-understanding, cohesion and for the strengthening of our identity.

I have confidence that we can achieve the goal of independence, even with a population of only 57,000 inhabitants.

We each have to give a little extra. I believe that it is about time we all take the full responsibility for ourselves.

Therefore, we aim towards a process, which systematically addresses fundamental debates on values, to raise awareness, and to allow the constitutional process itself to bring forth benefits – as long as the opportunity is utilized in a proper manner.

Our children deserve a good and safe upbringing, where we give them the opportunity to preserve and develop their identity and self-awareness. They must know the importance and value they each have. At the same time, we as adults need to set a good example, and show our children the capability to shape the future that we want.

The process towards a Greenlandic Constitution should gather us as a people. Everyone should feel welcome to participate, and we must appreciate the diversity of our country, and see each other's strengths.

The history of Greenland and literature written by Greenlanders show that independence and sovereignty of Greenland, has been part of the debate for various decades, and has been the purpose of the Greenlanders for a long period.

We are the first Inuit to pursue independence. In that regard, I would like to thank our ancestors, because without them, we would not stand here today. Thanks to them, we have the opportunity to pursue the last major step, Independence. Greenland has since colonization in 1721 undergone five major epochs: from anarchy to Guardians' Council (Forstanderskaberne); to provincial council; to becoming a Danish province; to Home Rule; to Greenland today, governed by Self-Governance.

Today, Greenland is an autonomous constituent country within the Kingdom of Denmark. In 1979, Denmark granted home rule to Greenland, and in 2008, Greenlanders voted in favor of the Self-Government Act, transferring more power from the Danish government to the local Greenlandic Government, and containing an agreement between Naalakkersuisut and the Danish Government that the decision lies with the people of Greenland as to whether Greenland wishes independence.

Under the current structure, in effect since 21 June 2009, Greenland can gradually assume responsibility for policing, the judicial system, company law, accounting, and auditing; mineral resource activities; aviation; law of legal capacity, family law and succession law; aliens and border controls; the working environment; and financial regulation and supervision. The Danish Government retains control of foreign affairs, defense, security policy, the Supreme Court, and nationality. It also retains control of monetary policy, and providing an initial annual block grant of DKK 3.4 billion (approx € 455 million).

The Self Government agreement is the reason why we can and are pursuing independence. We want to be able to meet with other countries as equal partners, and we have no interest in sitting on the sideline, and not being able to negotiate on behalf of our own country.

Regarding independence in general, there are three major historical periods for declaring independence: the American Revolutionary War in the 1700s, the immediate aftermath of the First World War, and the immediate aftermath of the Second World War (resulting in the establishment of the United Nations).

Greenland did not join any of those major independence movements. The amendment of the Danish Constitutional Act in 1953 resulted in a small Greenlandic representation in the Danish Parliament as a Danish province, rather than as a colony. In January 1979, a referendum on greater autonomy was held, in which 79% voted in favor of Home Rule, and on May 1st, 1979, Greenland Home Rule was established.

In April 2017, the Government of Greenland set up a Commission for a Greenlandic Constitution. Due to the election in spring 2018, the first commission members were in the commission for less than a year. Since I became Naalakkersuisoq for Mineral Resources, Labour, Interior and Nordic Co-operation, which also contains the department of Independence, I have found it necessary to re-evaluate the upcoming work in the Constitutional Commission.

I want to ensure that there is no doubt about the upcoming work in the constitutional commission and that it happens in dialogue with the parties in Inatsisartut, The Greenlandic Parliament, and Naalakkersuisut, the Government of Greenland. The terms of reference must be designed so that no one is in doubt about the task at hand.

In the international debate since the 1950s, the United Nations, and within the international political science community, the possibility of independence of microstates – states with less than one million inhabitants – the legal principle of sovereignty has persistently been confused with the political science concept of genuine independence. The legal principle of sovereignty refers to the ultimate source of power. A sovereign population is sovereign in so far as it self-dedicated its own Constitution, laws and rules of conducts.

A nation is sovereign in so far as laws are decided upon by itself, and thereby gains constitutional independence.

It is a fact that the Danish constitution has its limits, regarding areas of responsibility, which Greenland can have jurisdiction over. These limits include: foreign policy, security policy, citizenship and the Supreme Court. These areas can only be the responsibility of Greenland once it becomes a sovereign state. Unless the Danish constitution changes, we will never achieve

full self-determination. Detachment and/or cooperation with Denmark, will give us the right to decide for ourselves.

The starting point for the involvement of culture, language and identity in the constitution will be Greenlandic, the native Greenlandic people, while the constitution must take full account of the fact, that in today's Greenland there are many citizens of different backgrounds.

I wish the constitutional commission to be composed of a politically broadly represented commission. I wish for a professional commission, with qualified knowledge about Greenland, the people of Greenland, its history and culture, eager to be involved in the work of writing the draft constitution. The final draft of a Greenlandic constitution becomes the basic law for Greenland, when Greenland leaves the Danish Realm. The purpose of the constitution is to become the democratically adopted legal basis, for a sovereign Greenlandic state.

Independence is a high priority. Our goal in Greenland will not have been reached, until Greenland has gained the ultimate source of power. That said, this is not a priority that impedes our daily efforts for the country's citizens and their well-being. What we seek to achieve through independence, is a final liberation from the unequal relationship formed between us and Denmark over the centuries. An economic and political dependency that continues to reduce us to a vassal of a distant state, which furthermore governs large swaths of our political room to maneuver, and thus ultimately stands in the way of our complete self-governance.

Our wish for independence has never been born of a desire to exclude anyone. Quite the opposite, it is a desire to be able to meet with other countries on equal terms. Sovereignty over Greenland will make us stronger, both as a society and as individuals. Independence makes people more decisive and responsible with regard to their own lives, and the future of their country. This will furthermore only improve opportunities for strong, continued cooperation with those whom we are already closely connected.

Yet, it is the dream of freedom that gives us our energy. It is only those who dare to dream, who can bring change.

Thank you.