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FREE ASSOCIATION IN A GREENLANDIC CONTEXT

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Introduction

The Constitutional Commission presented its draft for a constitution for Greenland in Nuuk on the 28th of April 2023. This concluded a process of six years, a period during which both the members and frame of the commission had changed several times. The commission was in the iterative terms of reference tasked with considering how Free Association could fit into a Greenlandic legal framework. In its current format, Free Association is not mentioned explicitly in the draft constitution itself. But as discussed in the commentary to §44 about intergovernmental affairs, this facilitates such an arrangement, and §46 explicitly opens for cooperation on e.g. security and defense policy with another state with certain limitations.

In recent decades, interventions from Greenlandic politicians about how to organize future sovereignty have iteratively returned to the concept of Free Association. Nevertheless, even from these recurrent discussions it remains unclear, what this would entail, and how Greenlandic notions of independence would fit into a such an agreement. This Working Paper outlines some of the main arguments and debates regarding Free Association in a Greenlandic context, and what possibilities and unclarities these have generated.

The Political Debate in Recent Decades

Free Association entered Greenlandic politics as a concept in the 1990s, inspired by criticism from historians and, particularly, Icelandic law professor Guðmundur Alfreðsson of the process by which Greenland was formally decolonized in 1953. An official Greenlandic delegation visited Cook Island – one of the handful existing Free Associations – as early as 1994 and public musings from especially Siumut politicians emanated in the beginning of the new millennia, when a working group under the Self Rule Commission began exploring different options of an alternative to Home Rule obtained in 1979.

In this context, the current Head of the Ministry of Foreign Affairs, Mininnguaq Kleist, contributed on the subject as a Government of Greenland official, in furtherance of collecting comparative insights from Cook Islands in the mid-2000s (he later also wrote academic papers on the subject); akin to other civil servants visit a decade earlier to the same place.

However, these aspirations met the official Danish interpretation of constitutional law during the Self Rule deliberations: that Free Association was not something that could be established on the terms of the Danish constitution and, hence, impossible within the Kingdom of Denmark. Rather, Free Association would have to be made between two sovereign states. Nevertheless, in the public sphere, some Greenlandic politicians kept promoting Free Association as a label for a better way to organize Greenlandic-Danish relations. Notably, for more than a decade, the concept was mostly promoted in communication in the Danish parliament and in Danish media.

While the Greenlandic delegation in the commission had worked together across party lines, also sharing thoughts on Free Association particularly between members of Siumut and IA, mostly Siumut representatives discussed the concept in public, and there were some frictions between IA and Siumut, at times, in this regard. After the introduction of Self-government in 2009, the IA-led administration discussed Free Association again, particularly when initial ideas about a Greenlandic constitution was introduced in 2011.

Overall, during the first bit more than a decade of political debate from the early noughties, especially Siumut politicians, e.g. Lars-Emil Johansen and later Aleqa Hammond, have publicly put forward ideas related to Free Association. Representatives of IA and later Naleraq have chipped in, the latter also in campaign communication directed to a wider Greenlandic public. In recent years, especially Naleraq have voiced advocacy of the free association-model in election campaigns, with factions of Siumut also highlighting this as a possible next step for Greenland.

Mixed signals

In the Greenlandic debate in general, Free Association is viewed in a perspective of acquiring more powers of state. However, sometimes, Free Association appears as a middle-ground between the current status and full-fledged independence, while in other formulations, Free Association appears as a way of organizing full independence. Moreover, a number of the interventions promoting Free Association, particularly to Danish audiences, were made in the context of debates over specific disagreements, i.e. as a solution to a lingering deadlock between Greenlandic and Danish politicians. These deadlocks have sometimes arisen in relation to the constraints that the Self Rule Act and Danish Constitution present; at other times the arguments relate to matters of resource allocation and services that might could be solved within current arrangements.

Over time, Free Association has been revisited by many politicians, but this also leads to what the Italian scholar Giovanni Satori has coined ‘conceptual stretching’, i.e. the bulk of substantial positions and demands advanced by Greenlandic politicians under the banner of ‘free association’ has morphed over the years.

Only slightly simplifying, the problems Greenlandic politicians have wanted to solve with a transfer to Free Association relate to rights and citizenship, to economy, and to foreign policy:

- One of the consistent queries have been that Danish citizenship was forced on Greenlanders in 1953, without the UN-based possibility of Free Association presented by the colonial power. However, until recently, it was never explicitly discussed whether Free Association was to mean that Greenlanders would no longer be Danish citizens.
- In continuation, ideas about Greenlanders' access to, e.g., education and health care institutions in Denmark under Free Association remain blurred: It makes a difference whether Free Association should secure access for Greenlanders as Danish citizens under special conditions – or secure that Greenlanders have access despite lack of Danish citizenship.

- In some instances, Free Association was promoted as a means to reduce the role of the Danish state in the provision of welfare and other services in Greenland. In other instances, a compact of Free Association was described as a way to secure better quality and quantity of Danish services.
- Sometimes, Free Association was a label for Greenland's right to buy and pay for specific services from Denmark. At other times, this new format was meant to secure the flow of subsidies after formal sovereignty.
- Initial formulations insisted that Free Association was a necessary form to allow 'love and solidarity', as coined by Lars-Emil Johansen (Siumut), back in the relation between Greenland and Denmark. Later, it has been stressed that the freedom was also a freedom to seek association with other partners than Denmark.
- A constant feature of Greenlandic visions for Free Association is independent partaking in those international negotiations and organizations most important to Greenland; the UN, Arctic Council, the Olympic games and various marine resources governance bodies are often listed. However, some formulations list security and defense policy as issues where sovereignty should obviously be shared under Free Association. In other interventions, the whole point of transferring to Free Association is to get full sovereignty over exactly these sensitive core matters of statehood and societal development in Greenland.

Particularly regarding security and defense policy, the recent draft constitution actually tells us more: If this does indeed end up as the framework, under which a sovereign Greenlandic state may enter into Free Association, there are clear limitations as to how, how much and under which conditions sovereignty may be shared or outsourced. These limitations seem to rule out some of the elements included in particularly the Pacific compacts of Free Association involving the USA.

Potential partners

The Greenlandic politicians' conveyed wishes of a Free Association agreement should fit within the UN framework related to the Free Association option. Therefore, a Free Association agreement will primarily rely on negotiations; the success of which will be heavily influenced by how far each part will be placed from each other.

The Greenlandic counterpart could in principle be any other state, most likely the US, Canada, Iceland or Norway. But the most obvious place to begin negotiations would be Denmark. However, for two decades, Danish authorities have not been willing to discuss this specific model because it is deemed as too hypothetical, for now.

Contrasting Greenlandic notions of Free Association, however disparate they may be, is what could be characterized as a raging silence by Danish politicians. Greenlandic politicians and their notions of Free Association have most often been met with responses regarding Greenlandic independence as an either-or notion between Self Rule and independence, with no room for Free Association as a sort of middle-ground.

This approach has also been characterized by the Danish Ministry of Justice and Ministry of Foreign Affairs and their contributions to the Self Rule Commission and beyond. The Danish Constitution and its constraints is often portrayed as a major hindrance by the Danish politicians in ‘sharing’ Danish citizenship between two independent states, which Free Association would likely entail for Greenland.

On matters of economy, previous Prime Ministers of Denmark have ruled out the continuation of the block grant beyond leaving the Kingdom. Most often the block grant has been portrayed as an economic framework related to the Act of Self Rule i.e. with the dissolution of the Act of Self Rule, the economic framework would be dissolved as well. This perspective has been less consistently upheld in recent years with the current Danish Prime Minister, Mette Frederiksen, refusing to comment on the future of the block grant in relation to both Greenlandic independence or path towards Free Association.

Security policy and interests will most likely provide a valuable bargaining chip for Greenland in negotiations with Denmark proper. Danish security commitments in and around Greenland are of significant value for Danish relations with the United States and NATO.

It is, however, possible that Greenland would prefer a solution on defence directly with the United States. In regard to Greenland, the Pituffik Space Base (formerly known as Thule Air Base), the vicinity to the United States, and position in-between Russia would all make compelling arguments for an American interest in such an agreement. However, the Free Association agreements the United States have entered into in the Pacific, primarily motivated by military interests, have provisions that may not square with the delimitations set up in the new Greenlandic draft constitution.

In recent years, Pele Broberg from Naleraq has combined notions of Free Association and a possible a solution with NATO in the form of a construct similar to Iceland, wherein a Greenlandic civil coastguard is employed in cooperation with military assistance from the US and/or NATO.

Conclusions

Free Association is regularly highlighted in public debates and election campaigns as an alternative to the disequilibrium many Greenlanders regard the current status within the Kingdom of Denmark to be. When reading through the texts where Greenlandic politicians explain what they want from Free Association, it appears that the most important thing is recognition as equal. Ironically, equality was also the buzzword under which Greenland was integrated under the Danish constitution in 1953. At that point in time, it was the individual Greenlander who should become equal to individual Danes as citizens. Now – and in recent decades – the goal is equality as a people.

However, in international law and practice, Free Association is less a fixed model than a space open to a lot of specific models. Before a Free Association arrangement for Greenland can be negotiated, it needs to be specified, what kind of relation will allow Greenlanders to feel equal, particularly in terms of citizenships, economy and services provided by other states in Greenland, as well as in terms of foreign, security and defence policies.

The recently published constitution did only go into a few of the details needed for translating a Free Association model to a Greenlandic context. Hence, first and foremost, a more nuanced debate is needed within Greenland based on comparative experiences of the handful of existing cases of Free Associations and the legal, political, and economic pros and cons of this model in practice.

The recent draft proposal from the Constitutional Commission mentioned in the introduction to this paper was supposed to spark such a public debate, but at the time of writing this, it has only happened rudimentary in terms of frontloading the future of Greenlandic sovereignty and whether or not to become a Free Association.

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