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The Legal Debate Surrounding Greenland and Denmark: Unpacking Donald Trump's Statements

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On January 8, 2025, U.S. President-elect Donald Trump [questioned Denmark's legal rights to Greenland](#), stating, “people don't really know if Denmark has any legal rights to [Greenland].” While the specific concerns behind his remarks remain unclear, they likely touch on two interrelated issues: Denmark's historical establishment of sovereignty over Greenland, despite limited effective occupation initially, and the Greenlandic people's right to self-determination.

This post examines the legal foundations of Denmark's sovereignty over Greenland and addresses the Greenlandic people recognized right to self-determination within international law. It concludes that Greenland's legal status within the Kingdom of Denmark is firmly established. Denmark's sovereignty is supported by historical legal



democratic processes, not a legal deficiency in Denmark's title.

The Evolution of Sovereignty in the Arctic: Traditional Land Acquisition Rules and Arctic Realities

The establishment of sovereignty in the Arctic often deviated from the [traditional rules of land acquisition](#), such as discovery of *terra nullius* combined with effective occupation, prescription, cession, conquest (no longer permissible under international law), or accretion (p. 163). The conventional formula of discovery of *terra nullius* followed by effective occupation and notification to other nations [was ill-suited for the Arctic realities](#) due to the region's inaccessibility and harsh climate that prevented establishment of permanent settlements coupled with effective administrative control over the territory (p. 167). This created challenges for USSR, Canada, Denmark, and Norway in securing legal claims over some Arctic territories. For example, the declassified [internal documents of the Canadian Government](#) shed light on Canada's struggle in establishing legal grounds for asserting Arctic sovereignty and change in legal approaches to its land claims from 1905 to 1956.

Recognizing these unique challenges, by the late 19th and early 20th centuries international law evolved to lower the threshold for sovereignty claims over uninhabited and remote territories. Cases such as [Island of Palmas \(1928\)](#), [Clipperton Island \(1931\)](#), and [the Legal Status of Eastern Greenland \(1933\)](#) solidified the approach that remote and hard-to-reach areas do not require the same level of physical presence of a sovereign as more accessible regions if other powers could not make out a superior claim.

Denmark's sovereignty over Greenland had been based upon this approach. For centuries, Denmark peacefully and continuously displayed its authority over the island without challenges from other nations until [Norway's competing claim](#) arose in 1925 (para.72). This culminated in 1931 Norwegian proclamation of sovereignty and



shown to exist: **the intention and will to act as sovereign**, and some actual exercise or **display of such authority** (para.96). As confirmed in the Eastern Greenland case, Denmark has successfully demonstrated both elements.

Acquiescence by Other Nations

Another important element that the PCIJ considered was the acquiescence of other states to Denmark's authority and the absence of a stronger claim to Greenland. In its 1933 decision, the PCIJ referenced state practice, including Dutch, French and Swedish [recognition of Danish sovereignty](#) over Greenland (para. 25). Notably, in 1916, the United States [issued a declaration affirming](#) that it would not object to Denmark extending its political and economic interests over the whole of Greenland (paras. 135-136). Since resolving the controversy with Norway, no other nation has formally challenged Denmark's sovereignty over the island.

The United States has consistently recognized Danish sovereignty, as evidenced by the [Agreement Relating to the Defense of Greenland of 1941](#), the [Defense of Greenland Agreement of 1951](#), and [Amending and Supplementing the 1951 Agreement of 2004](#).

More recent example includes Danish submission of information to the Commission on the Limits of the Continental Shelf ([CLCS](#)) in regard to [the Greenland's Northern continental shelf beyond 200 nautical miles](#) in 2014: the U.S. did not object to the consideration of the submission by the CLCS and [did not question the powers of Denmark](#). This longstanding U.S. acquiescence has legal consequences under the doctrine of estoppel, precluding the United States from contesting Greenland's status as part of Denmark.

Finally, both the United States and Denmark are members of the [Arctic Council](#), an intergovernmental forum fostering cooperation among Arctic States, Arctic Indigenous peoples, and other stakeholders. States or organizations interested in the Arctic affairs



confirming their recognition of Arctic States' sovereignty. Importantly, the Arctic States themselves have not raised any sovereignty concerns amongst each other within the Council.

Contemporary Status of Greenland and Right to Self-Determination

The issue of Arctic sovereignty is inextricably linked to the rights of Indigenous peoples, including the Greenlandic Inuit. Historically, the rules of international law on land acquisition ignored the pre-existing rights of Indigenous people as applied to the establishment of sovereignty. Rather, the [control over native inhabitants](#) was used as a legal basis for sovereignty of the occupying power (p. 51). The application of these legal principles to territories inhabited by Indigenous populations is now widely criticized as a "[continuation of colonialism.](#)" As a response, occupying governments have increasingly sought to enter into arrangements with Indigenous communities to address issues of self-governance and self-determination.

Greenland's transition from a colony to a self-governing territory exemplifies this trend. Its colonial status was abolished in 1953 when it became an integral part of the Kingdom of Denmark. In 1979, Greenland was [granted home rule](#), which allowed for a greater degree of autonomy. This self-governance was further expanded in 2009 under the [Act on Greenland Self-Government](#), granting Greenland control over key domestic matters, including its natural resources. Denmark retained responsibility for foreign affairs, defense, and security policy, but Greenland's government, [Naalakkersuisut](#), gained the authority to engage in international relations on matters exclusively concerning Greenland's domestic jurisdiction, as outlined in Chapter 4 of the Act.

The Self-Government Act explicitly recognizes Greenlanders as people with the right to self-determination under international law. This legal framework allows Greenland to pursue independence through a



consent from the Danish Parliament (*Folketing*), as stipulated by Section 19 of the Danish Constitution.

While Greenland remains part of the Kingdom of Denmark, there is a [growing independence movement](#). In response to Donald Trump's remarks about Greenland, *Naalakkersuisut* issued a [Press release](#) emphasizing that Greenland's future must be defined by its inhabitants while affirming a commitment to constructive cooperation with neighboring states, including the United States, one of Greenland's closest partners.

Should Greenland pursue independence, several significant issues related to Arctic affairs would require attention. For instance, Greenland would need to decide whether to establish its own military, currently absent, and whether to seek membership in NATO and the Arctic Council. Also, Greenland would need to address how (and whether) it would assume other important responsibilities, such as conducting Arctic search and rescue operations. Additionally, questions regarding the 2014 submission to the CLCS in respect to the Greenland's Northern continental shelf beyond 200 nautical miles could arise, including whether to expand the submission [to include the Alpha-Mendeleev Ridge complex and the Chukchi Borderland](#) (p. 399), and how to approach future delimitation of the extended continental shelves in the Central Arctic Ocean with Canada and Russia (and possibly the U.S. should the submission expand to the Chukchi Borderland). These considerations highlight the complexities that would accompany Greenland's potential transition to full independence.

Conclusion

Today, Greenland's status within the Kingdom of Denmark is firmly grounded in international law. Denmark's sovereignty over the island has been consistently upheld through peaceful and continuous display of authority, acquiescence by other states, and recognition within international forums. President Trump's remarks, while provocative,



Government Act, its right to self-determination ensures that any move toward independence will be a democratic decision by the Greenlandic people. Such a change will reshape Arctic affairs and could significantly impact the political climate of the High North.

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