

Ever since the re-founding[1] of Greenland in 1721 when Lutheran ministers were sent to convert the Greenlanders to Protestantism, Greenland has been under the Danish realm due to the legal concept of *terra nullius*. [2] Over the centuries, Greenlandic sovereignty has been an issue, but only very recently with respect to the Inuit, the indigenous people of Greenland. One of the most important cases regarding Greenland's sovereignty, the Eastern Greenland case of 1933, [3] was a disagreement between Norway building a radio station on what the Danes considered to be their territory. The only reference to the Inuit was in dicta, considering them objects needing protection of a civilized state, giving their welfare to the Danish realm without considering their wishes. [4] Since that time, however, Greenland has gained steps toward independence from the Kingdom of Denmark via the U.N. Charter in 1945, which promotes self-government, [5] Home Rule in 1979, and finally self-government in 2009. The logical next step is independence, when Greenland is no longer reliant on the annual Danish block grant, and its economy stable and diversified. This would be the first time in which an indigenous-majority country would exist. This begs the question: what type of State would this nation be? Would it fall into its former colonial master's ways of realism and adopt a Westphalian attitude or would it continue to function within the "social institutions or set of rules guiding the behavior of those engaged in identifiable social practices," [6] such as the ICC, which plays such a large role in Inuit identity? Perhaps they could even create a yet unseen hybrid governance system.

This piece explores the realism versus institutionalism debate in a post-independent Greenland, and identifies the key arguments and inflection points that are determining which way Greenland is leaning. Not only will the author draw from current Greenlandic actions on the world stage, he will critique and contrast multiple IR authors who are viewing Greenlandic sovereignty through an incorrect lens. Section II will discuss Inuit sovereignty and institutionalism, while Section III will address realism and Greenland's current Westphalian actions. The contribution will end with a succinct conclusion that Greenland will more than likely end up as a Westphalian state, which portends particular legal complications and a vocal minority who wish to continue to identity as Inuit.

Institutionalism and the Uniqueness of Inuit Sovereignty

Defining Inuit Institutionalism

Arguably, Greenland currently acts as an Institutional sub-national entity. In general, “Institutionalists share many of Realism’s assumptions about the international system— that it is anarchic, that States are self-interested, rational actors seeking to survive while increasing their material conditions, and that uncertainty pervades relations between countries. However, Institutionalism relies on microeconomic theory and game theory to reach a radically different conclusion—that co-operation between nations is possible.”[7] Greenland enacts this cooperation through various fora such as the Arctic Council by having one-third of decision-making power for the Kingdom of Denmark’s delegation along with Denmark itself and the Faroese, having their flag displayed, and even taking the lead in the Sustainable Development Working Group.[8] Most Greenlanders have representation via the Inuit Circumpolar Council, a Permanent Participant of the Arctic Council, and Greenland’s branch of the ICC has signed “A Circumpolar Inuit Declaration on Sovereignty in the Arctic,” which states:

Inuit are a people. Though Inuit live across a far-reaching circumpolar region, we are united as a single people. Our sense of unity is fostered and celebrated by the Inuit Circumpolar Council (ICC), which represents the Inuit of Denmark/Greenland, Canada, USA and Russia. As a people, we enjoy the rights of all peoples. These include the rights recognized in and by various international instruments and institutions, such as the Charter of the United Nations; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Vienna Declaration and Programme of Action; the Human Rights Council; the Arctic Council; and the Organization of American States.[9]

Yet, Slaughter’s definition of Institutionalism is lacking given that it is in regards to nation-states rather than pan-regional organizations, such as the ICC, and refers the reader back to a sense of nationalism, which the Inuit attempt to transcend via “*cultural integrity*.”[10] Shadian brings the definition of Institutionalism to the Arctic by defining a new type of indigenous institutionalism: “Inuit institutional sovereignty . . . is brought to fruition through local, regional and international institutions and economic ventures (i.e. trade agreements among Greenlandic, Canadian and Alaskan Inuit). In all, the myth and structure combined comprise the Inuit polity — a post-Westphalian contemporary representation of political organization — and, equally so, it is polities which engage in politics. Sovereignty as a concept, therefore, does not diminish nor does the state disappear. Instead, sovereignty

exists as the process by which being political is possible.”[11]

We also see this neo-institutionalism within the Arctic but outside the context of Greenland. The Inuit of Canada have helped buoy the sovereignty of the State within the Arctic. Article 15 of the Nunavut Land Claims Agreement which deals with marine areas adds: “Canada’s sovereignty over the waters of the Arctic Archipelago is supported by Inuit use and occupancy. Inuit have negotiated four comprehensive land claims agreements covering northern Quebec (1975), the Beaufort Sea region (1984), Nunavut (1993) and northern Labrador (2004). All support Canada’s Arctic sovereignty generally, but only the NCLA explicitly addresses Arctic sovereignty.”[12] From this example, we see the success of cooperation and the possibility of an institutional Greenland, yet it would seem to only thrive were it to be bolstering a sovereign state, such as Denmark. Many understand and appreciate the legality of such a cooperation scheme between the State and indigenous people;[13] yet is this alternative a beneficial option when independence is on the table?

Some Greenlanders do believe operating within this framework would be beneficial. Sara Olsvig, former leader of the Greenlandic political party *Inuit Ataqatigitt*, argues that the while the Self-Government Act[14] implements many of the principles of the United Nations Declaration for the Rights of Indigenous Peoples, it does not comply with one hundred percent of its tenets.[15] “Olsvig expresses frustration that now they are finally in a position to be able implement [all] of them because of self-government, [yet] they do not do so but instead claim they no longer apply.”[16] Therefore, some Greenlanders in the political elite still wish to follow the neo-institutionalist regime despite the self-government’s claims. The argument of the self-government is that it is the democratic representation of all Greenlanders, their consent through an election is the consent of all, indigenous and non-indigenous.[17] As Johnstone explains, “this is a pretty thin form of consent. In fact, it is a very western representative democracy kind of consent.”[18] While we see the ICC as a thought leader and bridge builder for the Inuit and perhaps one of the best examples of Oran Young’s neo-institutionalism at work in the Arctic, it is not without its fault within the contemporary landscape.

Limitations of Inuit Sovereignty for Greenland via Institutionalism

The limitations to the neo-institutionalism regime of Oran Young within the Arctic occurs as

it falls into the trap known as the “pragmatic approach, focusing on questions of . . . what is *likely to occur*.”[19] Rather than the pragmatic or prescriptive approach, championed by Icelandic scholar Guðmundur Alfredsson, where questions of what *should* occur predominate,[20] the functional approach, “which seeks to analyze what *does* occur (in governance) and to understand the processes of decision-making”[21] is the most useful for a future Greenland IR analysis. Thierry Rodon is an example of such a political scientist in this camp.[22] These functionalists have created an analytical framework to assess success in international governance:

(1) effectiveness defined as mitigation or removal of specific problems; (2) political participation, highlighting changes in participation and influence in decision making on Arctic affairs; and (3) region building understood as contributions by Arctic institutions to denser functional or discursive connectedness among the inhabitants of the region.[23]

In the next section on realism, reflect on the following question: does a new consciousness, as desired by the ICC,[24] trump the establishment of a new country trying to navigate its nascent geopolitical reality? In reviewing the three goals of the functionalists, the next section will outline Greenland’s successes in those areas and show Greenland has been trending toward the realist model rather than the neo-institutionalist model.

III. Realist Actions and Trends Within Greenland

Realism Defined and Actions Taken

Slaughter defines Realism as the following:

States are sovereign and thus autonomous of each other; no inherent structure or society can emerge or even exist to order relations between them. They are bound only by forcible → coercion or their own → consent. In such an anarchic system, State power is the key—indeed, the only—variable of interest, because only through power can States defend themselves and hope to survive. Realism can understand power in a variety of ways—eg militarily, economically, diplomatically—but ultimately emphasizes the distribution of coercive material capacity as the determinant of international politics.[25]

Put more simply, States can only rely on themselves for survival and are skeptical of international institutions. Greenland is already looking toward the future and scholars have already begun exploring Greenland's future. The regime of 2010 was already looking ahead towards independence and already was adopting realist attitudes:

[P]redominately Inuit leadership in Greenland has fixed its gaze on a further, though still distant goal [of] full independence. This attitude was often repeated in interviews I conducted with Greenlandic government officials and other Greenlandic political actors in the summer of 2010. Interestingly, in embracing this position the political role of the ICC is also seen as significantly diminished . . . for instance, the ICC's significance for Greenland is essentially that of being an international advocacy group responsible for Inuit cultural preservation. Yet, it is the Greenlandic government, according to this official, that must strive to achieve greater sovereignty for the Inuit of Greenland through the establishment of an independent Greenlandic nation-state.[26]

When looking at the three goals of functionalism from the previous section, the Realist model is dominating. In the first problem of mitigating or solving an issue, an example can be seen in Greenland's Home Rule Act of 1979. Working through the EEC, an international/institutionalist organization, Greenland (due to Denmark) was subject to the Common Fisheries Policy, which highly damaged their main source of income. Seeing their way of life threatened, the Greenlanders looked to the Faroe Islands, which already had Home Rule and did not accede to the EEC.[27] Upon receiving Home Rule in 1979, Greenland voted in 1982 to leave the EEC and created in 1985 a "bespoke treaty that retained access of the European fleet to certain fisheries in exchange for tariff-free access to the European market for Greenland-caught fish and EEC financial support." [28] Therefore goal one of the functionalists was supported through Greenland's own actions rather than an international regime. While it may be argued the 1985 treaty showed Greenland's acceptance of international institutions, they only entered it for their own survival and profit; a more realist objective.

In the second issue, political participation, highlighting changes in participation and influence in decision making on Arctic affairs, we again see Greenland adopting a realist attitude. It has been noted that moves are being made and sovereignty games are already being played in order "to adjust the boundary for what Greenland may do internationally by

altering the level of representation, hence contributing to the process towards fulfilling the ideal national self-image of transforming the postcolonial hierarchy into one of sovereign equality.”[29] While sovereignty games are merely heuristic devices, they provide insight into the future actions of the specific player. Especially within the foreign policy realm, Greenland can act both within the school of realism and institutionalism in order to obtain the goals of realism, particularly within the Arctic Council:

In addition to the Danish Realm’s delegation, Greenland has two other channels for representation in the Arctic Council. The first is via the permanent participation of the ICC which pleads for Indigenous Peoples’ rights and takes a more critical stance on hydrocarbon exploitation and the state-centered sovereignty perspective. The other is via the West Nordic Council which was welcomed as an observer at the Fairbanks Ministerial meeting in 2017. In this parliamentary cooperation, Greenland and the Faroe Islands act on an equal footing with the sovereign state of Iceland, sharing the same past as a former Danish colony and often mentioned as a role model for future Greenlandic state formation. The extra channels of representation expand the number of possible moves in the game as Greenland representatives may both put forward their opinions as a member state, a permanent participant and an observer, hence gaining more influence in the Arctic Council and enhancing Greenland’s foreign policy sovereignty on the Arctic governance stage.[30]

In the third issue, region building understood as contributions by Arctic institutions to denser functional or discursive connectedness among the inhabitants of the region, one must understand that participation is for power and that such entrance into international institutions would be for one’s own nation state rather than progression of the cultural integrity of the Inuit in the Arctic, although Greenland is not so callous to believe those ideals to be mutually exclusive. Again, self-interest rules the day “as the Greenlandic government’s approach to the issue of sovereignty is ultimately grounded on an acceptance, even an unquestioned assumption, of the validity of a Westphalian political ontology. This is not to say that the Greenlandic authorities do not recognize how the ICC’s tactics of a circumpolar Inuit strategy have helped the Inuit in their respective areas promote greater autonomy, yet the idea and the subsequent practice of sovereignty persists as an ideal, and it does so via the scalar construct of the nation-state.”[31] In this sense, it would only make sense that Greenland join the EEC, Arctic Council, and others as an individual state rather than as a stronger voice for the ICC or the Inuit in general. If synergies are to be found, they

will be used but rather as leverage than out of a sense of Inuit heritage.[32]

For example, Greenland's entrance into the natural resource extraction regime to see "the desire for full sovereignty on the part of the Greenlanders . . . as grounded on a realist inspired belief that full sovereignty means possessing complete command over the laws and rules that are instituted." [33] For example, in 2013, the Parliament of Greenland voted and overturned the zero-tolerance policy on mining and radioactive materials by a single vote, therefore welcoming multinational conglomerates to stake out mines despite strong protests not only within Greenland but with Denmark as Denmark gave mineral rights to Greenland but viewed uranium as a security issue (over which Denmark has control). [34] Therefore, within all three of the functional governance targets, Greenland best uses the Realist perspective while bringing in its Institutional capacity as needed to further its goals. Greenland has positioned itself wisely as a strong Arctic player with the IR capacity to negotiate beneficial treaties and alignments were it to become independent.

Legal Pitfalls of Adopting the Westphalian Attitude

The major question in this area becomes one, again, of sovereignty. While there is no set definition of indigenous peoples, the presence of ILO 169 and the United Nations Declaration of the Rights of Indigenous Peoples agree that one key concept is they "consider themselves distinct from other sectors of the societies now prevailing on those territories . . ." [35] Would this mean that Greenlanders lose their indigeneity based on concepts of international law? One scholar believes so as "[i]ncreasingly in international affairs, the Greenland Self-Government is rejecting the indigenous label altogether at least in cases where the extent the Greenland Self-Government represents *itself* (rather than being represented by the Kingdom of Denmark), preferring, for example, to the use the 'traditional knowledge' rather than 'indigenous knowledge.'" [36] Such actions may not speak for all Greenlanders but were this to continue to be the government position, along with Inuit being the predominant demographic, Greenland risks losing its indigenous status under certain interpretations of International Law treaties.

Not only would this hurt self-identifying indigenous peoples within Greenland, it arguably creates new legal obligations for Nuuk or what I will refer to as Western Greenland. There are arguably two other minorities within Greenland that are recognized by the ICC: North

Greenlanders and East Greenlanders.[37] They were colonized much later, as North Greenland was discovered by the Peary expeditions, and the United States recognized Danish sovereignty over them in 1916.[38] Eastern Greenland was known by other Inuit but were not visited until 1883 by Gustav Holm and their Inuit guides from southern Greenland.[39] At the very least, they are linguistic minorities (Tunumiit Oraasiat in the East with 3000 speakers and Inuktun in the North with 1000 speakers).

It has been asked why these are dialects rather than languages when they are incomprehensible to one another, unlike “so-called ‘Scandinavian.’”[40] Furthermore, the cultures and traditions of hunting and clothing differ.[41] This question has yet to be addressed by the UN Committee on the Elimination of Racial Discrimination, The UN Human Rights Committee, nor the UN Committee on Economic, Social and Cultural Rights, yet neither Denmark nor Greenland acknowledge these groups’ legal, distinctive indigeneity despite signing the ILO 169 Convention.[42] If these groups are indigenous peoples within Greenland, the self-government must guarantee for them the rights that the West Greenlanders used to demand against the Kingdom of Denmark . . . an insistence on the unity of the Greenlandic people risk the very assimilationist practices that have scarred Inuit . . . for generations.”[43]

1. Conclusion

While such concrete analyses of IR framework futures prove useful, they are rarely fully accurate. Perhaps the best explanation of Greenland’s development will be one described by Rógvi, who receives criminally little attention in Arctic academic literature, whose analysis of Faroese governance shows in a similar fashion the coherence of governance processes and the logic of its development through time as Greenland.[44] The better functioning aspects of Faroese governance such as fish-farming, employment services, taxation and pelagic fisheries are seen as the results of trial and error, of evolved law and structures and vigorous debate, and not the results of planning or legal transplants.[45] Greenland will probably follow a similar trial and error method in achieving greater autonomy, even post-independence as it finds its footing in the international landscape.

However, it is this author’s belief that Greenland’s autonomy will be in line with Westphalian state actors rather than in accordance of an institutional supra-national Inuit

identity. However, there are critics of this idea. Despite the evidence presented above, “the Greenlandic government must be recognized as pursuing a nationalism, or Greenlandization, that is distinct, although not necessarily exclusionary of, a broader suprastate Inuit nationalism.”[46] Nuttal’s viewpoint in 1994 strikes the author as unduly idealistic and detached from the current political developments given its age, yet it opens up the door for a creative hybridization that is worthy of future exploration. While perhaps Realism is best for most Greenlanders, it may be a loss for the Inuit as a people, with the possibility that Nuuk becomes the new Copenhagen for those outlying areas of Greenland. However, this agrees with Gerhardt, who stated “the ICC’s struggle over the years for self-determination is very much a struggle against the hierarchical power structure that has been imposed on them. Yet, this author contends that the political path taken by the Greenlandic indigenous people is not something that we, as outsiders, can or should judge.”[47] As said by The Who, “meet the new boss, same as the old boss.”[48] One can only hope Greenlanders would not shackle themselves with something similar to the chains of their past colonizing oppressors as an independent nation by having Nuuk engage in neo-Copenhagenesque actions.

References

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- [2] See Johnstone, Rachael Lorna, “The Impact of International Law on Natural Resource Governance in Greenland,” *Polar Record* (May 30, 2019).
- [3] *Eastern Greenland Case (Denmark v. Norway)*. (1933). Permanent Court of International Justice. PCIJ Series A/B, No. 53, 1933.
- [4] *Id.*
- [5] Charter of the United Nations. (1945). Adopted 26 June 1945, entered into force 24 October 1945. *United Nations Treaty Series* 1, XVI.
- [6] Young, Oran, *International Governance: Protecting the Environment In a Stateless*

Society. Ithaca, New York: Cornell University Press. (1994).

[7] Slaughter, Anne-Marie, "International Relations, Principal Theories," at pg. 2, published in: Wolfrum, R. (Ed.) Max Planck Encyclopedia of Public International Law (Oxford University Press, 2011).

[8] See Jacobsen, Marc, "Greenland's Arctic Advantage: Articulations, Acts and Appearances of Sovereignty Games," SAGE Journal, (Oct. 23, 2019), at pg. 10.

[9] "A Circumpolar Inuit Declaration on Sovereignty in the Arctic," The Inuit Circumpolar Council, at §1.3 (April 2009) available at https://www.itk.ca/wp-content/uploads/2016/07/Declaration_12x18_Vice-Chairs_Signed.pdf (last viewed April 14, 2020) (emphasis in original).

[10] Shadian, Jessica, "From States to Polities: Reconceptualizing Sovereignty Through Inuit Governance," European Journal of International Relations, at pg. 12, (Sept. 2010).

[11] *Id.* at pg. 18.

[12] Fenge, Terry, "Inuit and Nunavut Claim: Supporting Canada's Arctic Sovereignty," Policy Options, at pg. 86, (2007-08).

[13] See Etok, Charles, "Science and the Indigenous Arctic - Legal basis for Inuit Sovereignty in the Circumpolar Region," Center For World Indigenous Studies Publication Catalogue, (1993), available at <http://www.nzdl.org/cgi-bin/library.cgi?e=d-00000-00-off-0ipc-00-0-0-10-0-0-0direct-10-4--0-11-11-en-50-20-about-00-0-1-00-0-0-11-1-0utfZz-8-00&cl=CL1.11&d=HASH9f65bfef129d64203dcf42&x=1> (last checked April 14, 2020).

[14] The contribution is to reflect only on the actions and desires of the ruling class (Self-Government and Parliament) within Greenland when they enact certain anti-Inuit policies for Greenland's benefit. This contribution by no means independence will change all Greenlandic individuals' views of their heritage and prevent the millennia of cooperation

and friendship they share with those from Chukotka, Alaska, and Canada.

[15] See Johnstone, note 2 *supra*, at pg. 6.

[16] *Id.*

[17] See *id.*

[18] *Id.*

[19] Pelaudeix, Cécile, “What is ‘Arctic Governance’? A Critical Assessment of the Diverse Meanings of ‘Arctic Governance’” *The Yearbook of Polar Law* VI, at pg. 412 (2015) (emphasis in original).

[20] See *id.* at pg. 415.

[21] *Id.* at pg. 418 (emphasis in original).

[22] See *id.*

[23] *Id.* at pg. 419.

[24] Stenbaek, M., “Arctic Policy — Blueprint for an Inuit Homeland,” *Etudes/Inuit/Studies* 9(2), pg. 9 (1985).

[25] Slaughter, note 7 *supra*, at pg. 1.

[26] Gerhardt, Hannes, “The Inuit and Sovereignty: The Case of the Inuit Circumpolar Conference and Greenland,” *Tidsskriftet Politik*, pg. 10, (April 2011).

[27] See Johnstone, note 2 *supra*, at pg. 4.

[28] *Id.*

[29] Jacobsen, note 8 *supra*, at pg. 4.

[30] *Id.* at pg. 10 (internal citations omitted).

[31] Gerhardt, note 26 *supra*, at pg. 10.

[32] *See* note 14 *supra*.

[33] *Id.*

[34] *See* Vestergaard, C., & Thomasen, G., "Governing Uranium in the Danish Realm," Report (2006). Danish Institute for International Studies, *available at* <https://www.diis.dk/en/research/governing-uranium-in-the-realm> (last viewed April 14, 2020).

[35] Martinez, Cobo J., "Study of the Problem of Discrimination Against Indigenous Populations," Report, New York: United Nations. U.N. Doc. E/CN.4/Sub.2/1986/7 Add. 4 at para. 379 (1987).

[36] Johnstone, note 2 *supra*, at pg. 6.

[37] *See* ICC Declaration, note 9 *supra*.

[38] *See* Nonbo, Andersen A., "Restorative Justice and the Greenlandic Reconciliation Process," Yearbook of Polar Law (2019).

[39] *See* Thalbitzer, W., Andrup, G.C., & Holm, G.F., The Ammassalik Eskimo: Contributions to the Ethnology of the East Greenland Natives, vol. 1-2 (Meddelelser om Grønland). (Bianco Luna: Copenhagen) (English Translation) (1914).

[40] *See* Johnstone, note 2 *supra*, at pg. 6 (citing personal communication with Tukumminnguaq Nykjær Olsen).

[41] *See id.* at pp. 6-7.

[x42] See Ngiviu, T., "The Inughuit of Northwest Greenland: An Unacknowledged Indigenous People," *Yearbook of Polar Law*, Vol. 6, pp. 142-161, *available at* doi: 10.1163/18768814_006 (last viewed April 14, 2020).

[43] Johnstone, note 2 *supra*, at pg. 7.

[44] Kári á Rógvi, "Faroese Governance," in *Polar Law Textbook II*, (Ed. Natalia Loukacheva), pp. 215-240, (Copenhagen: Nordic Council of Ministers) (2013), *available at* <http://norden.diva-portal.org/smash/get/diva2:701016/FULLTEXT01.pdf> (last viewed April 14, 2020).

[45] *See id.*

[46] Nuttall, M., "Greenland: Emergence of an Inuit Homeland," published in *Polar Peoples: Self-determination and Development*, (Minority Rights Group, London), pg. 24, (1994).

[47] Gerhardt, note 26 *supra*, at pg. 12.

[48] The Who, "Won't Get Fooled Again," *Who's Next*, Track and Decca Records (Released 25 June 1971).