SOME CRITICAL OBSERVATIONS ON THE POLITICAL DEVELOPMENT OF THE FAROE ISLANDS, AND THEIR PRESENT POLITICAL SITUATION

Erlendur Patursson, Member of Parliament, M.A. (econ.)

The Faroe Islands form an integral part of the Kingdom of Denmark. This is made clear in the Danish Constitution of 5th June, 1849 with later amendments, and in the Danish Act of 23rd March, 1948 on Faroese self-government, which came into force on the 1st of April, 1948. In the Self-government Act this constitutional status is made abundantly clear, as can be seen from the following extracts: “within the State”, “constitutional status in the State” . . ., “within the unity of the State” . . ., “The State’s relationship with foreign countries” . . ., “State authorities” . . ., “State law” . . ., “Rigsdagen’s agreement” (the Danish Parliament at that time was called the Rigsdag) . . ., “the interests of the State” . . ., “right to Danish citizenship” . . ., “Danish citizens” . . ., “Dannebrog” (the Danish flag) . . ., “the Danish High Commissioner” . . ., “the highest ranking government official”.

But this constitutional status has never been approved by the Faroese people. When the Constitution Act was passed in Denmark and put into force in the Faroe Islands, the Faroese had no elected representation, nor had they when the act concerning Faroese representation in the Danish Parliament was passed there and put into force.

This inclusion of the Faroe Islands as an integral part of the Kingdom of Denmark took place without the acquiescence of the Faroese people, indeed we can undoubtedly say without their knowledge. A few Danish politicians protested against this infringement, but they went unheard. The following quotation from Monrad is characteristic of the Danish Parliament’s attitude. “I regard as distorted and treacherous the view that an individual province ought to decide whether, or to what extent, it will be a province or an independent state. I believe there can be no doubt about the wishes of the individual provinces. I believe that they will want to be a part of the larger community, of the fatherland.”

By the Danish Act of 26th March, 1852 the Faroese “Løgting” (at that time council, later parliament) was established. That this was modelled on the Danish provincial councils is seen, amongst other things, by the fact that the Danish governor and the dean of the church were ex-officio members, and the governor was, moreover, chairman. It had no legislative power, but only the right to propose legislation for the approval of the Danish Parliament.

This act was revised in a new act of 28th March 1923, but the position with regard to constitutional status was unchanged. The most important changes were that the governor and dean were no longer ex-officio members and that the “Løgting” was to elect its own chairman. The governor maintained, however, the right to attend meetings, but without the right to vote. The Faroe Islands continued to be an integral part of the Kingdom of Denmark.

With the German occupation of Denmark on the 9th of April, 1940, and the British occupation of the Faroe Islands on the 12th of April, 1940, all connection between Denmark and this part of the Kingdom of Denmark was severed and rendered impossible. This
made a number of practical changes necessary. The executive power was now transferred from the Danish Government to the Danish Governor of the Faroe Islands, and a form of legislative power was transferred to the “Løgting”; nevertheless, the governor had the right of veto.

With the end of the war in May, 1945, there was general agreement both in Denmark and the Faroe Islands that there could be no question of a return to the constitutional status which existed prior to the outbreak of war, and that changes were necessary. There was, however, no agreement on the form of these changes. Discussions took place between the Danish Government and representatives of the “Løgting” which resulted in the Danish Government putting forward a proposal for a new constitution for the Faroe Islands. This proposal was debated in the “Løgting”, but failed to get majority approval; nor was any other proposal capable of getting a majority. It was, therefore, decided to hold a plebiscite. This was held on the 14th of September, 1946. The voters were given two questions to choose between:

1. Do you want the Danish proposal to be put into force?
2. Do you want the Faroe Islands to be independent of Denmark?

This was the first time the Faroese nation was allowed to take a decision on its political status. This plebiscite, for which the Danish Government had given prior approval, resulted in a majority in favour of independence. The result caused concern in Denmark, and in an attempt to reverse this decision the King was advised to dissolve the “Løgting” and have writs issued for a new election.

The majority in this newly elected “Løgting” was against separation from Denmark, which the plebiscite had favoured, and therefore new discussions were started to try to find a compromise solution. After prolonged negotiations a majority in the “Løgting” and the Danish Government managed to reach agreement on a constitution. This new constitution came into force on the 1st of April, 1948, having been approved by the “Løgting” and by the Danish Parliament, but without a new plebiscite.

This act is a Danish act, according to which the Faroe Islands are acknowledged to be “a self-governing community within the Kingdom of Denmark”. The chief organs of government are the elected body, the “Løgting” (Parliament) and the “Landsstýri” (Government), the administrative authority, which is elected by the “Løgting”. These governing bodies can take over legislative and administrative authority in what are regarded as specifically Faroese affairs, provided that financial responsibility is also accepted. These specifically Faroese affairs fall into two categories, list A specifies those sectors which can be transferred to the Faroese without negotiation, and list B specifies those sectors which require negotiation, and the agreement of the Danish Government.

Over the years attempts have been made to alter the Self-government Act. Some of the most important will be touched on briefly.

1. As soon as the Act came into force a number of the sectors specified in list A were taken over by the Faroese. Since then repeated attempts have been made to take over further sectors, but except in the case of a few unimportant matters there has not been a majority for these proposals in the “Løgting”.

2. It has also been proposed that negotiations be taken up with the Danish authorities regarding sectors specified in list B; these are: