Thoughts on a Greenlandic Constitution Speech by Mininnguaq Kleist Held at the Polar Law Symposium in Nuuk, September 8th 2011

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Before I begin my presentation I will start by introducing myself. I was born and raised in Greenland, lived 2–3 years in Denmark during childhood with my family. I studied in Aarhus, Denmark, where I took a masters degree in philosophy. After studies, I worked for one of the Greenlandic MPs in the North Atlantic Group in the Danish Parliament, Folketinget, and as the special advisor to the Chair of the constitutional and international law work group under the Greenlandic-Danish Self-Government Commission. Later on as a head of department in the Self-Government Office under the Greenland Government, and today as a head of office in our department of foreign affairs – the two latest positions in departments under The Premier’s Office.

Despite my professional background I will not speak on behalf of the Government of Greenland. I will be the only one to blame for what I say.

As mentioned I am educated within philosophy, not law. But I have dealt somewhat with law for some years now.

Background on the 1953 Constitution of the Kingdom of Denmark

When I worked for the North Atlantic Group in the Danish Parliament, I looked among other things into how Greenland entered into the Danish Kingdom –

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leaving its formal colonial status behind. This was not the prettiest of processes, nor was it done with a focus on the Greenlandic peoples rights. This is important to know if you want to know about the Greenlandic constitutional situation.

The Constitution of the Kingdom of Denmark came into effect in 1953, and it was through this constitution that Greenland became an “integral part” of the Danish Kingdom. In the decade before, the United Nations was formed and one of its main pillars of focus was decolonization of the world.

Greenland was a colony and was on the UN list of Non-Self-Governing Territories (list of colonies), and because of this Denmark had to report to the UN on how developments and the societal conditions were within the colony of Greenland. This was not an optimal position for the colonial state Denmark to be in, because colonial states got examined and could get criticized for how things were within the colony. This was embarrassing to Denmark. I will not go into details on this, but with the integration of Greenland into the Danish Kingdom, Greenland was no longer a formal colony and could be taken of the list in the UN. This happened in 1954.

The Danish constitution has its roots back to 1849, and again has inspiration from among others Montesquieu and the Belgium constitution. Much of the old constitution survived through the amendments and continued in the new constitution of 1953. The Danish constitution is by itself a fine Danish document, but perhaps not the most up-to-date-document today.

In the years before 1953 the work on amending the constitution had begun, this included the provisions which would make Greenland part of Denmark.

In 1952 the Greenlandic semi-democratic “Landsråd”, “Land Council”, with elected Greenlandic politicians decided that Greenland should become part of Denmark. Unfortunately this decision did not happen on the best of foundations. Denmark only gave the Greenlandic politicians three days to make their decision in. The written material upon which the Greenlandic leaders were to form their decision were handed out at the beginning of the meetings, not days before the meeting – so no proper preparation was possible. The civil servants/officials advising the Greenlanders were all Danes employed by the Danish state, and the Greenlanders were told they could not come with conditions, nor comments to their decision – only ‘Yes’ or ‘No’ to integration. This process was criticized by the Greenlanders. After two days they decided that Greenland should integrate into Denmark.

This process seen from a Greenlandic perspective was of course extremely lacking (I am not here judging whether or not the actual decision was right, but the process was downright wrong).

Now why is that important? Well, it is important because the result of that process is still law this day today. And it shows a process where the Greenlanders were not invited to have a say-so, had no influence nor were they allowed to