

Could a 'reverse Greenland' arrangement keep Scotland and Northern Ireland in the EU?

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*While no member state has ever left the European Union, Greenland opted to leave the EEC in 1985. **Ulrik Pram Gad** assesses what lessons the case of Greenland might have for the UK following its decision to leave the EU. He suggests that while the two situations are radically different, Greenland could serve as inspiration for a model in which Scotland, Northern Ireland and Gibraltar could retain membership of the EU while England and Wales pursue their own arrangements.*



Greenland is often mentioned as one of the few territories to have previously left the EU (or the EEC as it was when Greenland left in 1985). Greenland's exit is, however, generally a poor precedent for Brexit. Both in terms of process, substance, and the size of the problem. Nevertheless, there might be lessons to learn concerning the importance of constitutional pragmatism and willingness on all sides to play games with sovereignty.



Nuussuaq district in Nuuk, the capital of Greenland, with the Sermitsiaq mountain in background. Credits: Oliver Schauf.

In one specific way, the case of Greenland is indeed a precedent for the UK. Scotland is not the first place in which the question of EU membership has worked as a catalyst for devolution and constitutional reform. In 1972, a huge majority in Greenland voted against membership, but constitutionally integrated, the island had to follow Denmark into the EEC. This experience boosted the demands for home rule in Greenland – particularly as the Faroe Islands were allowed to stay out of the EEC, due to their 1946 home rule arrangement. Implemented from 1979, the Greenlandic home rule arrangement made withdrawal from the EEC possible in 1985.

But there is a more important way in which the Kingdom of Denmark may serve as an instructive example for the United Kingdom. The Danish case highlights how one sovereign state may comprise territories with a variety of formal and practical statuses via-à-vis the EU. Actually, the UK in itself involves some of the same diversity. But the

extremes and dynamics represented by Greenland and the Faroe Islands under Danish sovereignty might make new opportunities visible, that have not appeared from the British Commonwealth.

How Greenland left the EEC

When Greenland left the EEC, there was no Article 50 in the European treaties. Nor would such an article have been relevant, since what was taking place was not the exit of a member state. Rather what happened was that parts of the territory of a member state were exempted from membership. This was not a unilateral decision; it was formalised in a protocol to the treaties, known as '[The Greenland Treaty](#)', signed by all member states.

Denmark remained a member state, Greenland was transferred to a category of 'Overseas Countries and Territories with constitutional links to a member state'. This category already existed in the treaties, laying out a framework for such territories' association with the EEC. As part of the negotiations, Greenland had to agree to special conditions (a fisheries agreement, selling stocks for cash) to receive the preferential OCT status.

Initially, negotiations between the EEC and Greenland were handled by Denmark, with mandates cleared with Greenlandic authorities in Nuuk. But increasingly over the years, both the substantial preparations of negotiations and the communication has been taken over by Nuuk. This forms part of a general tendency of devolution within the Kingdom of Denmark. Notably, devolution also involves elements of foreign relations formally core to state sovereignty.

When the Arctic Council was formed in 1996, the Greenlandic Home Rule prime minister signed the founding documents on behalf of Denmark. No-one doubted his credentials. In 2005, Denmark circulated a [diplomatic note](#) to inform foreign diplomats that Greenland and the Faroe Islands could sign bilateral agreements with foreign states (provided that they only involved devolved matters). And if we look beyond Denmark, it is not uncommon for states to mandate lawyers, private citizens, NGO representatives – sometimes foreign nationals – to represent them at meetings in international organisations. This was essentially how the history of diplomatic practice began.

What matters is that all parties acknowledge the credentials of the representative. In 2013, the Danish authorities even agreed to launch an appeal at the WTO Board of Disputes on behalf of the Faroe Islands against the EU over a fisheries dispute – a matter which the Kingdom of Denmark has left to Brussels (Danish fisheries) and Tórshavn (Faroese fisheries). In this truly unprecedented situation, Denmark was preparing to launch a case against itself, though the matters were eventually settled 'out of court' before the case was launched.

A Greenland style 'territorial exemption' for England and Wales

The Brexit referendum results in England and Wales contrasted sharply with those in Scotland, Northern Ireland, and Gibraltar. Taking these differences into account – and combining them with prospects of Scottish independence, renewed troubles in Northern Ireland, and potentially severe isolation in Gibraltar – the UK could refrain from activating Article 50. Instead, negotiations could aim at a territorial exemption of England and Wales from UK membership.

The UK would still be a member state – voting rights reasonably reduced to match the population of Scotland and Northern Ireland. The question of who would represent this member state, on what mandate, and following what procedures of coordination would have to be solved within the UK. Possibly, the role of Scottish ministers and bureaucrats from Northern Ireland would have to be central.

The 'reverse Greenland' arrangement sketched above might solve the issue for Scotland, Northern Ireland and Gibraltar, but it would, of course, leave another problem on the table: namely the relationship England and Wales would have with the EU and the single market. Inspiration for this relationship would have to be found elsewhere as there is little guidance that can be offered by the Greenland case.

But while the EU might appear to be a rigid legal community, the political processes that generate EU agreements

are based chiefly on pragmatism. There is therefore scope to create unique arrangements and the formalities of the process will hardly act as an obstacle in achieving this. Greenland's experience illustrates that it can be necessary to play games with a state's formal sovereignty in order to uphold it. Copenhagen seems to have learned that lesson – now the question is whether London will too.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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