

BOFAXE

Una“Fjord”able (Part 1)

WHY TRUMP CANNOT BUY GREENLAND

— Many people thought it was a belated [April's Fools joke](#): US media reported that US President Trump is considering to purchase Greenland, currently an autonomous region of the Kingdom of Denmark. Since Mr. Trump tweeted that given Denmark' Prime Minister “*would have no interest in discussing the purchase of Greenland, I will be postponing our meeting (...) for another time...*”, we know that the idea was dead serious. “Make America Great again” –this time in territorial terms? What would International Law (IL) have to say about such an idea?

This first Bofax in a two-part series situates Mr. Trump's proposal in the history of US land purchases and delineates the international legal framework regulating acquisitions of territory. The second Bofax argues the traditional legal understanding in this regard to be outdated in light of the right to self-determination as well as developments in international human rights law and applies this reasoning to the case of Greenland.

There is a long history of the US buying land from other States. Some important examples are the colony of Louisiana – a huge territory that today spreads over 14 US States – (purchased from France in 1803), Florida (purchased from Spain in 1819), parts of Mexico (purchased in 1854) and Alaska (US purchase from Russia in 1867). The US has also thought about purchasing Greenland before: once in 1867, after the Alaska-purchase with the goal to surround Canada with U.S. territory; a second time in 1917 as part of the purchase of the Danish overseas colonies and again after World War II, when President Truman offered 100 million Dollars for Greenland to build a military base there. Both offers were declined.

Many reasons come to mind why Mr. Trump wants to purchase Greenland now: amongst them are its strategic location close to the Arctic, the proximity to Russia, and the valuable mineral resources that, given the melting ice, are becoming easier to mine. So, while it is not crazy for Mr. Trump to have an interest in buying Greenland - is it feasible under International law?

Acquiring territory through a treaty or other kind of consent between the “owner state” and the new sovereign falls under the notion of *cession*. This includes the sale of territory, the redistribution of territory after wars (often regulated in peace treaties) or even territory as part of the dowry of a (monarch) ruler, as in the case of Bombay (given away by Portugal to the British in 1661 as part of the dowry of Catherine of Braganza, who married Charles II).

Until today, land deals are not uncommon. The nation of Kiribati, for instance, whose physical existence is threatened by rising ocean levels, bought land in Fiji in 2014, as a last resort if their land becomes uninhabitable. Similarly, Tuvalu, another drowning island State and already a nation highly [endangered by natural disasters](#), has considered similar purchases. However, in these cases the purchased territory would remain Fijian, with the residents of Kiribati becoming (if they give their consent) citizens of Fiji. There is indeed nothing in classical International law to prevent nations from ceding and acquiring territory as they see fit as long as the two States are in agreement about such transfers (which, of course, Denmark and the US are currently not).

The traditional view in international law is, in short: States are the subjects of international law and they can negotiate and sign treaties to their liking, including treaties on territory. Our conviction, however, is that this is an outdated understanding of International law.