

## THE DEFENCE OF GREENLAND

[At the end of the Second World War the Danish Rigsdag formally approved the "Agreement relating to the Defense of Greenland" signed on 9 April 1941 by Cordell Hull, Secretary of State of the United States of America, and Henrik de Kauffmann, Danish Minister in Washington. See the *Polar Record*, Vol. 3, No. 23, 1942, p. 476-79. This agreement was to remain in force until "the present dangers to the peace and security of the American Continent have passed". Since 1945, most of the war-time United States military installations in Greenland have been closed, and all but two of the meteorological stations have been handed over to the Danish authorities. However, the formation of the North Atlantic Treaty Organization (NATO) on 9 April 1949 caused the original agreement to be reviewed. As a result, it was cancelled and a new agreement signed on 27 April 1951 by the Danish Foreign Minister, Ole Bjørn Kraft, and the United States Ambassador in Copenhagen, Eugenie Anderson. The text, which is taken from *Forslag til rigsdagsbeslutning i anledning af den i København den 27. april 1951 undertegnede overenskomst i henhold til Den nordatlantiske Traktat mellem Regeringerne i Danmark og Amerikas Forenede Stater om forsvaret af Grønland*, J. H. Schultz A/S, København, 1951, is given below.]

AGREEMENT between the Government of the United States of America and the Government of the Kingdom of Denmark, pursuant to the North Atlantic Treaty, concerning the defense of Greenland.

### PREAMBLE

The Government of the United States of America and the Government of the Kingdom of Denmark,

being parties to the North Atlantic Treaty signed at Washington on 4 April 1949, having regard to their responsibilities thereunder for the defense of the North Atlantic Treaty area,

desiring to contribute to such defense and thereby to their own defense in accordance with the principles of self-help and mutual aid, and

having been requested by the North Atlantic Treaty Organization (NATO) to negotiate arrangements under which armed forces of the parties to the North Atlantic Treaty Organization may make use of facilities in Greenland in defense of Greenland and the rest of the North Atlantic Treaty area,

have entered into an Agreement for the benefit of the North Atlantic Treaty Organization in terms as set forth below:

### Article I

The Government of the United States of America and the Government of the Kingdom of Denmark, in order to promote stability and well-being in the North Atlantic Treaty area by uniting their efforts for collective defense and for the preservation of peace and security and for the development of their collective capacity to resist armed attack, will each take such measures as are necessary or appropriate to carry out expeditiously their respective and joint responsibilities in Greenland, in accordance with NATO plans.

### Article II

In order that the Government of the United States of America as a party to the North Atlantic Treaty may assist the Government of the Kingdom of Denmark by establishing and/or operating such defense areas as the two Governments, on the basis of NATO defense plans, may from time to time agree to be necessary for the development of the defense of Greenland and the rest of the North Atlantic Treaty area, and which the Government of the Kingdom of Denmark is unable to establish and operate singlehanded, the two Governments in respect of the defense areas thus selected, agree to the following:

- (1) The national flags of both countries shall fly over the defense areas.

(2) Division of responsibility for the operation and maintenance of the defense areas shall be determined from time to time by agreement between the two Governments in each case.

(3) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the United States of America, the following provisions shall apply:

(a) The Danish Commander-in-Chief of Greenland may attach Danish military personnel to the staff of the commanding officer of such defense area, under the command of an officer with whom the United States commanding officer shall consult on all important local matters affecting Danish interests.

(b) Without prejudice to the sovereignty of the Kingdom of Denmark over such defense area and the natural right of the competent Danish authorities to free movement everywhere in Greenland, the Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, shall be entitled within such defense area and the air spaces and waters adjacent thereto:

- (i) to improve and generally to fit the area for military use;
- (ii) to construct, install, maintain, and operate facilities and equipment, including meteorological and communications facilities and equipment, and to store supplies;
- (iii) to station and house personnel and to provide for their health, recreation and welfare;
- (iv) to provide for the protection and internal security of the area;
- (v) to establish and maintain postal facilities and commissary stores;
- (vi) to control landings, take-offs, anchorages, moorings, movements, and operation of ships, aircraft, and waterborne craft and vehicles, with due respect for the responsibilities of the Government of the Kingdom of Denmark in regard to shipping and aviation;
- (vii) to improve and deepen harbors, channels, entrances, and anchorages.

(a) The Government of the Kingdom of Denmark reserves the right to use such defense area in cooperation with the Government of the United States of America for the defense of Greenland and the rest of the North Atlantic Treaty area, and to construct such facilities and undertake such activities therein as will not impede the activities of the Government of the United States of America in such area.

(4) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the Kingdom of Denmark, the following provisions shall apply:

(a) The Government of the United States of America may attach United States military personnel to the staff of the commanding officer with whom the Danish commanding officer shall consult on all important local matters affecting United States interests pursuant to the North Atlantic Treaty.

(b) The Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, may use such defense area in cooperation with the Government of the Kingdom of Denmark for the defense of Greenland and the rest of the North Atlantic Treaty area, and may construct such facilities and undertake such activities therein as will not impede the activities of the Government of the Kingdom of Denmark in such area.

### *Article III*

(1) The operation of the United States naval station at Grønneidal will be transferred to the Government of the Kingdom of Denmark as soon as practicable and thereupon the Government of the Kingdom of Denmark will take over the utilization of the United States installations at Grønneidal on the following terms:

(a) United States ships, aircraft and armed forces shall have free access to Grønneidal with a view to the defense of Greenland and the rest of the North Atlantic

Treaty area. The same right of access shall be accorded to the ships, aircraft and armed forces of other Governments parties to the North Atlantic Treaty as may be required in fulfilment of NATO plans.

(b) The Government of the Kingdom of Denmark will assume responsibility for the operation, to the same extent as hitherto, of the meteorological reporting service at Grønødal, except for such future changes as might be mutually agreed upon. The Government of the Kingdom of Denmark likewise will assume responsibility for the maintenance of all United States buildings and equipment at Grønødal.

(c) Details regarding the use by the Government of the Kingdom of Denmark of United States property remaining at Grønødal, including provisions for reasonable protection thereof, the servicing of United States ships and aircraft, and the disposition of fuels and other stores, will be the subject of separate negotiations between representatives of the two Governments. It is agreed in this connection that, provided notification is given in each case to the Danish Commander-in-Chief of Greenland, the Government of the Kingdom of Denmark will have no objection to inspections of United States property remaining at Grønødal, so long as that station is used by the Government of the Kingdom of Denmark.

(2) If the obligations of either party under the North Atlantic Treaty should necessitate activities at Grønødal in excess of what the Government of the Kingdom of Denmark is able to accomplish alone, it is agreed that the Government of the Kingdom of Denmark will request that this station shall become a defense area according to the provisions of Article II of this Agreement.

#### *Article IV*

In connection with activities for the defense of Greenland and the rest of the North Atlantic Treaty area, the defense areas will, so far as practicable, be made available to vessels and aircraft belonging to other Governments parties to the North Atlantic Treaty and to the armed forces of such Governments.

#### *Article V*

(1) Under such conditions as may be agreed upon, the Government of the Kingdom of Denmark will, so far as practicable, provide such meteorological and communications services in Greenland as may be required to facilitate operations under this agreement.

(2) The Government of the Kingdom of Denmark agrees, so far as practicable, to make and furnish to the Government of the United States of America topographic, hydrographic, coast and geodetic surveys and aerial photographs, etc. of Greenland as may be desirable to facilitate operations under this Agreement. If the Government of the Kingdom of Denmark should be unable to furnish the required data, the Government of the United States of America, upon agreement with the appropriate Danish authorities, may make such surveys or photographs. Copies of any such surveys or photographs made by the Government of the United States of America shall be furnished to the Government of the Kingdom of Denmark. The Government of the United States of America may also, upon similar agreement, make such technical and engineering surveys as may be necessary in the selection of defense areas.

(3) In keeping with the provisions of Article VI of this Agreement, and in accordance with general rules mutually agreed upon and issued by the appropriate Danish authority in Greenland, the Government of the United States of America may enjoy, for its public vessels and aircraft and its armed forces and vehicles, the right of free access to and movement between the defense areas through Greenland, including territorial waters, by land, air and sea. This right shall include freedom from compulsory pilotage and from light or harbor dues. United States aircraft may fly over and land in any territory in Greenland, including the territorial waters thereof, without restriction except as mutually agreed upon..

*Article VI*

The Government of the United States of America agrees to cooperate to the fullest degree with the Government of the Kingdom of Denmark and its authorities in Greenland in carrying out operations under this Agreement. Due respect will be given by the Government of the United States of America and by United States nationals in Greenland to all the laws, regulations and customs pertaining to the local population and the internal administration of Greenland, and every effort will be made to avoid any contact between United States personnel and the local population which the Danish authorities do not consider desirable for the conduct of operations under this Agreement.

*Article VII*

(1) All materials, equipment, and supplies, required in connection with operations under this Agreement, including food, stores, clothing, and other goods intended for use or consumption by members of United States armed forces and civilians employed by or under a contract with the Government of the United States of America for the performance of work in Greenland in connection with operations under this Agreement, and members of their families, and the personnel and household effects of such military and civilian personnel, shall be permitted entry into Greenland free of inspection, customs duties, excise taxes or other charges; and no export tax shall be charged on such materials, equipment, supplies or effects in the event of shipment from Greenland.

(2) The aforesaid military and civilian personnel, and members of their families, shall be exempt from all forms of taxation, assessments or other levies by the Government of the Kingdom of Denmark or by the Danish authorities in Greenland. No national of the United States of America or corporation organized under the laws of the United States of America shall be liable to pay income tax to the Government of the Kingdom of Denmark or to the Danish authorities in Greenland in respect of any profits derived under a contract made with the Government of the United States of America in connection with operations under this Agreement or any tax in respect of any service or work for the Government of the United States of America in connection with operations under this Agreement.

*Article VIII*

The Government of the United States of America shall have the right to exercise exclusive jurisdiction over those defense areas in Greenland for which it is responsible under Article II (3), and over any offenses which may be committed in Greenland by the aforesaid military or civilian personnel or by members of their families, as well as over other persons within such defense areas except Danish nationals, it being understood, however, that the Government of the United States of America may turn over to the Danish authorities in Greenland for trial any person committing an offense within such defense areas.

*Article IX*

The laws of the Kingdom of Denmark shall not operate to prevent the admission to or departure from the defense areas or other localities in Greenland of any military or civilian personnel whose presence in such defense areas or other localities in Greenland is required in connection with operations under this Agreement, or of members of their families.

*Article X*

Upon the coming into force of a NATO agreement to which the two Governments are parties pertaining to the subjects involved in Articles VII, VIII and IX of this

Agreement, the provisions of the said articles will be superseded by the terms of such agreement to the extent that they are incompatible therewith. If it should appear that any of the provisions of such NATO agreement may be inappropriate to the conditions in Greenland, the two Governments will consult with a view to making mutually acceptable adjustments.

*Article XI*

All property provided by the Government of the United States of America and located in Greenland shall remain the property of the Government of the United States of America. All removable improvements and facilities erected or constructed by the Government of the United States of America in Greenland and all equipment, material, supplies and goods brought into Greenland by the Government of the United States of America may be removed from Greenland free of any restriction, or disposed of in Greenland by the Government of the United States of America after consultation with the Danish authorities, at any time before the termination of this Agreement or within a reasonable time thereafter. It is understood that any areas or facilities made available to the Government of the United States of America under this Agreement need not be left in the condition in which they were at the time they were thus made available.

*Article XII*

Upon the coming into force of this Agreement, the Agreement Relating to the Defense of Greenland between the two Governments signed in Washington on 9 April 1941, shall cease to be in force.

*Article XIII*

(1) Nothing in this Agreement is to be interpreted as affecting command relationships.

(2) Questions of interpretation which may arise in the application of this Agreement shall be submitted to the Minister for Foreign Affairs of the Kingdom of Denmark and to the United States Ambassador to Denmark.

(3) The two Governments agree to give sympathetic consideration to any representations which either may make after this Agreement has been in force a reasonable time, proposing a review of this Agreement to determine whether modifications in the light of experience or amended NATO plans are necessary or desirable. Any such modifications shall be by mutual consent.

*Article XIV*

(1) This Agreement shall be subject to parliamentary approval in Denmark. It shall come into force on the day on which notice of such parliamentary approval is given to the Government of the United States of America.

(2) This Agreement, being in implementation of the North Atlantic Treaty, shall remain in effect for the duration of the North Atlantic Treaty.

Signed in Copenhagen in duplicate in the English and Danish languages, both texts being equally authentic, this twenty-seventh day of April, 1951, by the undersigned duly authorized representatives of the Government of the United States of America and the Government of the Kingdom of Denmark.

[Signed] EUGENIE ANDERSON. L.S.

[Signed] OLE BJØRN KRAFT. L.S.