

DEFENSE OF GREENLAND

Agreement signed at Washington April 9, 1941; exchange of notes at Washington April 7 and 9, 1941

Entered into force April 9, 1941

*Terminated June 8, 1951, by agreement of April 27, 1951*¹

55 Stat. 1245; Executive Agreement Series 204

AGREEMENT RELATING TO THE DEFENSE OF GREENLAND

WHEREAS:

ONE. After the invasion and occupation of Denmark on April 9, 1940 by foreign military forces, the United Greenland Councils at their meeting at Godhavn on May 3, 1940 adopted in the name of the people of Greenland a resolution reiterating their oath of allegiance to King Christian X of Denmark and expressing the hope that, for as long as Greenland remains cut off from the mother country, the Government of the United States of America will continue to hold in mind the exposed position of the Danish flag in Greenland, of the native Greenland and Danish population, and of established public order; and

TWO. The Governments of all of the American Republics have agreed that the status of regions in the Western Hemisphere belonging to European powers is a subject of deep concern to the American Nations, and that the course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent; and

THREE. Defense of Greenland against attack by a non-American power is essential to the preservation of the peace and security of the American Continent and is a subject of vital concern to the United States of America and also to the Kingdom of Denmark; and

FOUR. Although the sovereignty of Denmark over Greenland is fully recognized, the present circumstances for the time being prevent the Government in Denmark from exercising its powers in respect of Greenland.

¹ 2 UST 1485; TIAS 2292.

THEREFORE,

The undersigned, to wit: Cordell Hull, Secretary of State of the United States of America, acting on behalf of the Government of the United States of America, and Henrik de Kauffmann, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Denmark at Washington, acting on behalf of His Majesty the King of Denmark in His capacity as sovereign of Greenland, whose authorities in Greenland have concurred herein, have agreed as follows:

ARTICLE I

The Government of the United States of America reiterates its recognition of and respect for the sovereignty of the Kingdom of Denmark over Greenland. Recognizing that as a result of the present European war there is danger that Greenland may be converted into a point of aggression against nations of the American Continent, the Government of the United States of America, having in mind its obligations under the Act of Habana signed on July 30, 1940,² accepts the responsibility of assisting Greenland in the maintenance of its present status.

ARTICLE II

It is agreed that the Government of the United States of America shall have the right to construct, maintain and operate such landing fields, seaplane facilities and radio and meteorological installations as may be necessary for the accomplishment of the purposes set forth in Article I.

ARTICLE III

The grants of the rights specified in Article II shall also include the right to improve and deepen harbors and anchorages and the approaches thereto, to install aids to navigation by air and by water, and to construct roads, communication services, fortifications, repair and storage facilities, and housing for personnel, and generally, the right to do any and all things necessary to insure the efficient operation, maintenance and protection of such defense facilities as may be established.

ARTICLE IV

The landing fields, seaplane, harbor and other defense facilities that may be constructed and operated by the Government of the United States of America under Articles II and III will be made available to the airplanes and vessels of all the American Nations for purposes connected with the common defense of the Western Hemisphere.

² EAS 199, *ante*, vol. 3, p. 619.

ARTICLE V

It is agreed that the Government of the United States of America shall have the right to lease for such period of time as this Agreement may be in force such areas of land and water as may be necessary for the construction, operation and protection of the defense facilities specified in Articles II and III. In locating the aforesaid defense areas, the fullest consideration consistent with military necessity shall be given to the welfare, health and economic needs of the native population of Greenland. It is agreed, however, that since the paramount objective sought is the early attainment of an adequate defense establishment in Greenland, the utilization of any area deemed by the Government of the United States of America to be needed for this purpose shall not be delayed pending the reaching of an agreement upon the precise terms of a formal lease. A description of such areas, by metes and bounds, and a statement of the purpose for which they are needed shall in each case be communicated to the Danish authorities in Greenland as soon as practicable, and the negotiation of a formal lease shall be undertaken within a reasonable period of time thereafter.

ARTICLE VI

The Kingdom of Denmark retains sovereignty over the defense areas mentioned in the preceding articles. So long as this Agreement shall remain in force, the Government of the United States of America shall have exclusive jurisdiction over any such defense area in Greenland and over military and civilian personnel of the United States, and their families, as well as over all other persons within such areas except Danish citizens and native Greenlanders, it being understood, however, that the Government of the United States may turn over to the Danish authorities in Greenland for trial and punishment any person committing an offense within a defense area, if the Government of the United States shall decide not to exercise jurisdiction in such case. The Danish authorities in Greenland will take adequate measures to insure the prosecution and punishment in case of conviction of all Danish citizens, native Greenlanders, and other persons who may be turned over to them by the authorities of the United States, for offenses committed within the said defense areas.

ARTICLE VII

It is agreed that the Government of the United States of America shall have the right to establish and maintain postal facilities and commissary stores to be used solely by military and civilian personnel of the United States, and their families, maintained in Greenland in connection with the Greenland defense establishment. If requested by the Danish authorities in Greenland, arrangements will be made to enable persons other than those mentioned to purchase necessary supplies at such commissary stores as may be established.

ARTICLE VIII

All materials, supplies and equipment for the construction, use and operation of the defense establishment and for the personal needs of military and civilian personnel of the United States, and their families, shall be permitted entry into Greenland free of customs duties, excise taxes, or other charges, and the said personnel, and their families, shall also be exempt from all forms of taxation, assessments or other levies by the Danish authorities in Greenland.

ARTICLE IX

The Government of the United States of America will respect all legitimate interests in Greenland as well as all the laws, regulations and customs pertaining to the native population and the internal administration of Greenland. In exercising the rights derived from this Agreement the Government of the United States will give sympathetic consideration to all representations made by the Danish authorities in Greenland with respect to the welfare of the inhabitants of Greenland.

ARTICLE X

This Agreement shall remain in force until it is agreed that the present dangers to the peace and security of the American Continent have passed. At that time the modification or termination of the Agreement will be the subject of consultation between the Government of the United States of America and the Government of Denmark. After due consultation has taken place, each party shall have the right to give the other party notice of its intention to terminate the Agreement, and it is hereby agreed, that at the expiration of twelve months after such notice shall have been received by either party from the other this Agreement shall cease to be in force.

Signed at Washington in duplicate, in the English and Danish languages, both texts having equal force, this ninth day of April, nineteen hundred and forty-one.

CORDELL HULL [SEAL]
*Secretary of State
of the United States of America*

HENRIK KAUFFMANN [SEAL]
*Envoy Extraordinary and Minister
Plenipotentiary of His Majesty
the King of Denmark at Washington*

EXCHANGE OF NOTES

The Secretary of State to the Danish Minister

DEPARTMENT OF STATE
WASHINGTON
April 7, 1941

SIR:

I have the honor to refer to the informal conversations which you have had with officers of the Department of State during which the concern of the Government of the United States was expressed over the effect of recent military developments, particularly affecting Greenland, upon the maintenance of the peace and security of the United States and the rest of the American Continent.

You are also aware of the interest of the Government of the United States in maintaining unimpaired the safety of Greenland and the sovereignty of Denmark over that island. My Government has continuously had in mind the desire expressed by the United Greenland Councils at their meeting at Godhavn on May 3, 1940 that the Government of the United States of America would continue to hold in mind the exposed position of the Danish flag in Greenland and of the native Greenland and Danish population of the island.

My Government has taken note of the unusual situation in which Greenland now finds itself. The Kingdom of Denmark is at present under occupation by a foreign army. The Government of the United States has condemned that invasion as a violation of Danish sovereign rights, and has repeatedly expressed its friendly concern and its most earnest hope for the complete and speedy liberation of Denmark. Although the Government of the United States fully recognizes the sovereignty of the Kingdom of Denmark over Greenland, it is unhappily clear that the Government in Denmark is not in a position to exercise sovereign power over Greenland so long as the present military occupation continues.

Greenland is within the area embraced by the Monroe Doctrine and by the Act of Havana, with which you are familiar, and its defense against attack by a non-American power is plainly essential to the preservation of the peace and security of the American continent, and of the traditional policies of this Government respecting the Western Hemisphere.

My Government has consequently proposed measures for the adequate defense of Greenland consistent with the obligations of the United States under the Act of Havana signed on July 30, 1940. In doing so it is animated by sentiments of the completest friendliness for Denmark, and believes that by

taking these steps it is safeguarding the eventual re-establishment of the normal relationship between Greenland and the Kingdom of Denmark.

I have the honor to enclose a draft of the proposed agreement relating to the defense of Greenland, which I believe embodies the ideas agreed upon in the course of our various conversations.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

Enclosure:

Draft of Agreement

The Honorable

HENRIK DE KAUFFMANN,
Minister of Denmark.

The Danish Minister to the Secretary of State

ROYAL DANISH LEGATION

WASHINGTON, D. C.

April 9, 1941

SIR:

I have received your note of the seventh instant concerning the defense of Greenland together with a draft of a proposed agreement regarding the same subject.

It is with appreciation that I note your renewed assurance that, although the present circumstances prevent the Government in Denmark for the time being from exercising its powers in respect of Greenland, your Government fully recognizes the Sovereignty of the Kingdom of Denmark over the island. At the same time I wish to convey to you my feelings of gratitude for the expression of friendly concern of your Government and its earnest hope for the complete and speedy liberation of Denmark.

I share your view that the proposed agreement, arrived at after an open and friendly exchange of views, is, under the singularly unusual circumstances, the best measure to assure both Greenland's present safety and the future of the island under Danish Sovereignty.

Furthermore, I am of the opinion that the terms of the agreement protect, as far as possible, the interests of the native population of Greenland whose welfare traditionally has been the paramount aim of Denmark's policy in Greenland.

I, therefore, shall accept and sign the agreement as proposed, acting on behalf of His Majesty, the King of Denmark, in His capacity of Sovereign over Greenland, whose authorities in Greenland have concurred herein.

I avail myself of this opportunity to renew to you, Mr. Secretary of State, the assurances of my highest consideration.

HENRIK KAUFFMANN

The Honorable
CORDELL HULL,
Secretary of State,
Department of State, Washington, D. C.