

N° 4792.

ÉTATS-UNIS D'AMÉRIQUE
ET DANEMARK

Accord relatif à la défense du Groenland, signé
à Washington, le 9 avril 1941, et échange
de notes y relatif. Washington, les 7 et 9
avril 1941.

*Textes officiels anglais et danois communiqués par l'envoyé extraordinaire et
ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistre-
ment a eu lieu le 4 août 1941.*

UNITED STATES OF AMERICA
AND DENMARK

Agreement relating to the Defence of Green-
land, signed at Washington, April 9th, 1941,
and Exchange of Notes relating thereto.
Washington, April 7th and 9th, 1941.

*English and Danish official texts communicated by the Envoy Extraordinary
and Minister Plenipotentiary of the United States of America at Berne.
The registration took place August 4th, 1941.*

TEXTE DANOIS. — DANISH TEXT.

No. 4792. — AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND DENMARK RELATING TO THE DEFENCE OF GREENLAND. SIGNED AT WASHINGTON, APRIL 9TH, 1941.

N^o 4792. — OVERENSKOMST MELLEM DE AMERIKANSKE FORENEDE STATER OG DANMARK OM GRØNLANDS FORSVAR. UNDERSKREVET I WASHINGTON DEN 9' APRIL 1941.

Whereas :

One. After the invasion and occupation of Denmark on April 9th, 1940, by foreign military forces, the United Greenland Councils at their meeting at Godhavn on May 3rd, 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.

Therefore,

The undersigned, to wit : Cordell HULL, Secretary of State of the United States of

Eftersom :

Et. Efter at fremmede militære Styrker var trængt ind i og havde besat Danmark den 9' April 1940, vedtog de samlede grønlandske Landsraad paa deres Møde ved Godhavn den 3' Maj 1940 paa det grønlandske Folks Vegne en Resolution, højtidelig gentagende deres Troskabsløfte til Kong Christian X af Danmark, og udtalte det Haab, at de Amerikanske Forenede Staters Regering, saalænge Grønland er afskaaret fra Moderlandet, vedvarende vil erindre den udsatte Stilling, hvori det danske Flag i Grønland, den grønlandske og den danske Befolkning i Grønland og den dér herskende Retsorden befinder sig ;

To. Alle amerikanske Republikers Regeringer har erklæret sig enige i, at de, europæiske Magter tilhørende, i den vestlige Hemisfære beliggende Omraaders Status er et Spørgsmaal af alvorlig Betydning for de amerikanske Nationer, og at Udviklingen af de militære Begivenheder i Europa og deraf følgende Forandringer vil kunne medføre den alvorlige Fare, at de europæiske territoriale Besiddelser i Amerika forvandles til strategiske Udgangspunkter for Angreb imod det amerikanske Kontinents Nationer ;

Tre. Grønlands Forsvar imod Angreb fra Ikke-amerikanske Magters Side er af afgørende Vigtighed for Bevarelsen af det amerikanske Kontinents Fred og Sikkerhed og er et Anliggende af vital Betydning saavel for Amerikas Forenede Stater som for Kongeriget Danmark ;

Fire. Uanset at Danmarks Suverænitet over Grønland er fuldtud anerkendt, forhindrer de nuværende Forhold for Tiden Regeringen i Danmark i at udøve sin Myndighed ;

Hvorfor :

De undertegnede, nemlig Cordell HULL, de Amerikanske Forenede Staters Statssekretær,

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 Habana¹ signed on July 30th, 1940, 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, harbors and other defense facilities that may be constructed and operated by the Government of the United

handlende paa de AMERIKANSKE FORENEDE STATERS REGERINGS VEGNE, og Henrik KAUFFMANN, Hans Majestæt Kongen af Danmarks overordentlige Gesandt og befuldmægtigede Minister i Washington, handlende paa HANS MAJESTÆT KONGEN AF DANMARKS VEGNE i Dennes Egenskab af Suveræn over Grønland, og med Indforstaaelse af Dennes Myndigheder i Grønland, er blevet enige om følgende :

Artikel I.

De Amerikanske Forenede Staters Regering bekræfter paany, at den anerkender og respekterer Kongeriget Danmarks Suverænitæt over Grønland. I Erkendelse af, at der som Følge af den nuværende europæiske Krig er Fare for, at Grønland kan forvandles til et Udgangspunkt for Angreb imod det amerikanske Kontinents Nationer, og under Hensyntagen til de Forpligtelser, som paahviler de Amerikanske Forenede Staters Regering ifølge « The Act of Habana¹ », underskrevet 30^e Juli 1940, paatager de Amerikanske Forenede Staters Regering sig Ansvaret for at yde Grønland Bistand til Opretholdelse af dets nuværende Status.

Artikel II.

Der er opnaaet Enighed om, at Amerikas Forenede Staters Regering skal have Ret til at anlægge, opretholde og operere saadanne Landingspladser, Anlæg for Hydroplaner, Radiostationer og metereologiske Installationer, som maatte være nødvendige for Opnaaelse af de i Artikel I angivne Formaal.

Artikel III.

De i Artikel II indrømmede Rettigheder skal ogsaa omfatte Ret til at forbedre og uddybe Havne og Ankerpladser og Anløb dertil, til at installere Navigations-Hjælpemidler for Sejlads og Luftfart og til at bygge Veje, Kommunikationsanlæg, Befæstninger, Værksteder og Depoter, Boliger for Personnel, og i al Almindelighed Ret til at træffe en hvilken som helst Foranstaltning, som er nødvendig til Sikring af en effektiv Drift, Opretholdelse og Beskyttelse af saadanne Forsvarsanlæg, som maatte blive etablerede.

Artikel IV.

De Landingspladser, Anlæg for Hydroplaner, Havne- og andre Forsvarsanlæg, som de Amerikanske Forenede Staters Regering maatte

¹ DE MARTENS, *Nouveau Recueil général de Traités*, troisième série, tome 39, page 4.

¹ DE MARTENS, *Nouveau Recueil général de Traités*, troisième série, tome 39, page 4.

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.

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

anlægge og operere i Henhold til Artiklerne II og III, vil, for Formaal, der staa i Forbindelse med det fælles Forsvar af den vestlige Hemisfære, blive stillet til Disposition for alle amerikanske Nationers Flyvemaskiner og Skibe.

Artikel V.

Der er opnaaet Enighed om, at de Amerikanske Forenede Staters Regering, for det Tidsrum nærværende Overenskomst maatte være i Kraft, skal have Ret til at leje saadanne Land- og Sø-Omraader, som maatte være nødvendige for Anlæg, Drift og Beskyttelse af de i Artiklerne II og III opregnede Forsvarsanlæg. Ved Valget af de ovennævnte Forsvarsomraaders Beliggenhed skal der tages det videst mulige Hensyn, forenelig med militær Nødvendighed, til Grønlands indfødte Befolknings Velfærd, Sundhed og økonomiske Erhvervsinteresser. Man er imidlertid blevet enige om, at eftersom det tilstræbte Hovedformaal er den snarlige Tilvejebringelse af fyldestgørende Forsvarsanlæg i Grønland, skal Benyttelsen af et hvilket som helst Omraade, som de Amerikanske Forenede Staters Regering maatte anse for nødvendigt til dette Formaal, ikke udsættes, indtil man er blevet enige om Lejemaalets nøjagtige Betingelser. En Beskrivelse af de paagældende Omraaders nøjagtige Afgrænsning og en Erklæring om det Formaal, for hvilket de er nødvendige, skal, saa snart som gørligt, i hvert enkelt Tilfælde meddeles de danske Myndigheder i Grønland, og Forhandlinger om et formelt Lejemaal skal finde Sted inden rimelig Tid derefter.

Artikel VI.

Kongeriget Danmark bevarer Suveræniteten over de i de foregaaende Artikler nævnte Forsvarsomraader. Saalænge denne Overenskomst forbliver i Kraft, skal de Amerikanske Forenede Staters Regering have udelukkende Jurisdiktion over et hvilket som helst saadant Forsvarsomraade i Grønland og over de Amerikanske Forenede Staters militære og civile Personnel og deres Familier, saavelsom over alle andre Personer indenfor saadanne Omraader, undtagen danske Statsborgere og indfødte Grønlændere, idet det dog er underforstået, at de Amerikanske Forenede Staters Regering kan overlevere en hvilken som helst Person, som begaar en Forseelse indenfor et Forsvarsomraade, til de danske Myndigheder i Grønland til Paadømmelse og Afstraffelse, saafremt de Amerikanske Forenede Staters Regering beslut-

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

ter sig til ikke at udøve Jurisdiktion i det paagældende Tilfælde. De danske Myndigheder i Grønland vil træffe passende Forholdsregler til at sikre Retsforfølgning, og Afstraffelse i Tilfælde af Domfældelse, af alle danske Statsborgere, indfødte Grønlændere og andre Personer, som maatte blive overleveret til dem af de Amerikanske Forenede Staters Myndigheder for Forseelser, begaaet indenfor de nævnte Forsvarsomraader.

Artikel VII.

Der er opnaaet Enighed om, at de Amerikanske Forenede Staters Regering, til udelukkende Anvendelse for de Amerikanske Forenede Staters militære og civile Personnel og deres Familier, som opholder sig i Grønland i Forbindelse med de grønlandske Forsvarsanlæg, skal have Ret til at oprette og opretholde Postbesørgelse og Intendantur-Udsalgssteder. Saafremt de danske Myndigheder i Grønland maatte anmode derom, skal der træffes Foranstaltninger til, at ogsaa andre end de foranævnte Personer kan købe nødvendige Forsyninger i de Intendantur-Udsalgssteder, som maatte blive oprettede.

Artikel VIII.

Alt Materiel, Forraad og Udstyr til Anlæg, Benyttelse og Drift af Forsvarsanlæggene og til Amerikas Forenede Staters militære og civile Personnel og deres Familiers personlige Behov skal tillades indført i Grønland fri for Told, Akcise eller andre Afgifter, og nævnte Personnel og deres Familier skal ligeledes være fritaget for enhver Form for Beskatning, Paaligninger og andre Udskrivninger foretaget af de danske Myndigheder i Grønland.

Artikel IX.

De Amerikanske Forenede Staters Regering vil respektere alle legitime Interesser i Grønland, saavel som alle Love, Regulativer og Sædvaner med Hensyn til den indfødte Befolkning og til Administrationen i Grønland. Under Udøvelsen af Rettigheder, hidrørende fra nærværende Overenskomst, vil Amerikas Forenede Staters Regering velvilligt overveje enhver Forestilling, som de danske Myndigheder i Grønland maatte gøre med Hensyn til Grønlands Beboeres Velfærd.

Artikel X.

Nærværende Overenskomst skal forblive i Kraft, indtil der er Enighed om, at de nuvæ-

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.

rende Farer for det amerikanske Kontinents Fred og Sikkerhed er ophørt. Til den Tid vil Overenskomstens Ændring eller Ophør blive Genstand for Konference mellem de Amerikanske Forenede Staters Regering og Danmarks Regering. Enhver af Parterne skal have Ret til, efter at passende Konference har fundet Sted, at tilkendegive den anden Part sin Hensigt om at bringe Overenskomsten til Ophør, og det er herved aftalt, at den skal ophøre at være i Kraft ved Udløbet af 12 Maaneder efter, at den paagældende Tilkendegivelse er blevet modtaget af en af Parterne fra den anden.

Underskrevet i Washington i to Eksemplarer i det engelske og danske Sprog, saaledes at begge Tekster har samme Gyldighed, den niende Dag af April, Nitten Hundrede og En og Fyire.

(Seal) Cordell HULL,
Secretary of State of the United States of America.

(Seal) Henrik KAUFFMANN,
*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.

SIR :

WASHINGTON, April 7th, 1941.

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 3rd, 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 30th, 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.

SIR :

WASHINGTON, D. C., *April 9th, 1941.*

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.

Certified to be true and complete textual copies of the original agreement and of notes exchanged in connection therewith in all the languages in which they were signed.

For the Secretary of State of the United States of America :

Edward Yardley,
Director of Personnel.