Grabbing Greenland

Impact on NATO and the EU

Steven Blockmans

14.01.2026 doi: 10.59704/6688f92cb319e8a8

Since 2019, Donald Trump has been consistent in his messaging that he wants "to have" Greenland. Whether his personal instincts as a real estate mogul to acquire the territory coincide with the American national interest is doubtful. As some influential senators in his own Republican Party (GOP) have said, it just doesn't make strategic sense. After the spectacular "smash-n-grab" operation to lift Nicolas Maduro from the Venezuelan presidential *peluche*, which was followed by an announcement by President Trump that the US would "run" the country and sell its oil, five GOP senators voted with all Senate Democrats to advance a War Powers Act which would curtail the President's ability in launching future military operations without Congress' approval. The White House deems the draft act unconstitutional and will fight its adoption.

Meanwhile, it has doubled down on its threats to seize Greenland, oscillating between long-standing demands that Denmark sell the island to more recent allusions that force may be used if it doesn't. Trump's antics over Greenland have politically divided allies and left NATO and the EU *de facto* and *de jure* compromised. In this situation, willing, able and trusted states would be well advised to strengthen a European pillar which is complementary to NATO, i.e. one that can plug and play with the US in the Alliance where it can, and autonomously where it must.

Responses

The threats by the Trump administration to "take over" Greenland are inconsistent with NATO's core logic: respect for members' sovereignty. They contradict the principle that collective security is achieved through cooperation rather than coercion among allies and thus undermine trust in the Alliance. What's more, the security arguments used by the US President are based on conjecture rather than facts. Greenland is not encircled by Russian and Chinese warships. And Copenhagen has been willing to discuss Arctic security and increasing the US troop presence on the strategic island, while beefing up its own military investment – only to be ridiculed by Trump.

NATO has so far insisted that its task is one of collective security, i.e. including that of the US. The Secretary-General has insisted that the Alliance provides the ideal platform for the US, Denmark and other allies to discuss Arctic security more widely. If only Washington were to make *bona fide* use of it.

The European response has been slow and fragmented, partially because Denmark initially did not want to put the issue on the EU agenda. Besides the leaders of a handful of EU member states, a small grouping of Nordic allies and EU institutions speaking out in defence of respect for international law, Danish sovereignty and self-determination, a wider discussion among EU member states is only getting underway now.

There have been impassioned pleas from some commentators for European governments to drop their deference to Trump and show some steel, for example, by threatening to close US military bases in Europe, ban purchases of US treasuries, or impose curbs on the reach of the tech "broligarchs" in the EU and punitive tariffs on certain goods that America needs from Europe.

But internal divisions are likely to hold the EU back from signalling that it can raise the costs of an American adventure in Greenland, except perhaps in areas of supranational competence. Solidarity of some member states with Denmark's plight is weak. While lip-service has been paid by some, European govern-

ments have generally adopted a policy of "strategic supplication" towards Trump to protect a higher priority of keeping the US onside on Ukraine – with some success so far.

Showing EU steel?

In the current political circumstances, it is therefore highly unlikely that the EU would put boots on the ground as a deterrent against an American military intervention, as alluded to by the chairman of the EU Military Committee one year ago.

It is also improbable that the bellicose language by the American Commander-in-Chief provides sufficient legal grounds to trigger the EU's mutual assistance clause (Article 42.7 TEU): after all, Denmark has not yet been "the victim of armed aggression on its territory". *Jus ad bellum*requires the use of force against a state to trigger the self-defence provision of Article 51 of the UN Charter, in accordance with which Article 42.7 TEU is to be activated. While the means of aggression may include cyber and other covert operations, they need to be accompanied by traditional military action to meet the legal standard. Arguably, a combination of hybrid diplomacy with a small rotational force presence of 150 troops whose mandate under the bilateral and NATO's status of forces agreements has not been changed unilaterally, does not constitute "armed aggression" by the US against Denmark.

Greenland's autonomous status does not weaken Denmark's rights under Article 42.7 TEU. According to Article 52.1 TEU, the Treaties apply in principle to the entire territory of the Member States. Whereas Article 355 TFEU establishes exemptions to this rule by reducing the geographical scope of application of the Treaty on the Functioning of the EU, the subject matter of the Common Foreign and Security Policy (CFSP), still in the separate TEU, escapes a territorial exclusion. Even if, in practice, Greenland's involvement in external relations has increased after the island obtained "home rule" from Denmark in 1979 and all but "left" the European Communities in 1985, it retained the status of "overseas territory" under EU law, and Denmark maintained responsibility for the Realm's foreign affairs, defence and security policy under the terms of Chapter 4 of the 2009 Act on Self-Government, which was passed after 75% of Greenlanders voted for more "self-rule" in a referendum on autonomy.

A kinetic move by the US army against Greenland would cross the EU's legal threshold to activate Article 42.7 TEU, but it would also, like in the case of Iraq in 2003, deepen the existing divides between EU member states. While the implementation of Article 42.7 TEU does not require any formal decision or Council conclusions to be taken, the EU's mutual assistance clause – like Article 5 of the Washington Treaty – is purely intergovernmental in nature. This article binds member states without transferring any competences to the EU's institutions.

When France invoked the article over the terrorist attacks in 2015, it chose to keep EU institutional involvement to a minimum, both in the initiation of the mechanism and at the operational level. That is not to say that Denmark could not rely on EU facilitation and coordination of the aid and assistance given to it, whenever and however useful and necessary. But activating the mutual assistance clause does not in itself imply the launch of a civilian mission or military operation in the sense of Article 43.1 TEU, even if the legal landscape within which the clause is to operate, i.e. the part on Common Security and Defence Policy (CSDP) of the Treaty, provides for a more significant EU involvement.

However, given the political lay of the land in the EU, the invocation of Article 42.7 TEU would probably lead to mostly symbolic pledges of support. While Article 42.7 TEU implies that the neutrality of some member states will be respected, it is not unthinkable that some other member state governments whose political allegiance is more with the Union's adversaries than the EU itself, might cop out of the legally binding commitment. If the holdouts over the provision of security guarantees to Ukraine are anything to go by, then the cynic would be forgiven for saying that if the EU as a bloc needs to rely on a coalition of the willing, which includes a state that has left it (UK), another that has voted twice against joining it

(Norway), and a third that has been in a military stand-off with Greece and occupies part of Cyprus (Turkey), in providing military assurances to a *future member state*, then the promise of the EU's mutual assistance clause does, indeed, sound hollow.

End of NATO?

Even if Article 42.7 TEU enables a member state to request assistance from other member states when the armed aggression originates from a NATO ally, the fundamental choices about security and defence made by 23 member states are still made in relation to NATO.

Yet, if push comes to shove and the US annexes Greenland with a mix of military bravado and hybrid means, then this would gravely affect NATO. It would be left unable to respond, given that military action must be approved unanimously, and the US is the key member of the Alliance.

An American move against Greenland would probably not spell instant death for NATO, as the Danish Prime Minister Mette Frederiksen has suggested. As a preventive measure, she and others need to, of course, signal such a high cost to a Trump administration which appears bent on escalation. But the end of NATO would be unprecedented and dangerous – for Europe and the US itself. As long as there is a belief in European capitals that democracy will hold in the United States and that there remains near-term hope of a change in administration, and thus a shift in US policy towards Europe, it would not be in the European allies' interest to declare NATO finished.

An intra-Alliance war of conquest could later be portrayed as a horrific, unforgivable aberration. Let's not forget that the UK and Iceland have been at loggerheads during the "cod wars" that took place between the 1950s and 1970s, and that Turkey and Greece have long existed in a state of "near-war" since the invasion and subsequent occupation of Northern Cyprus in 1974.

European pillar

Pending a course correction on the part of the US, both NATO and the EU are de facto and de jure compromised. Trump is no stranger to flip-flopping on policy initiatives when the costs of adventure become too high, but until he dilutes his demands or abandons his quest altogether, the dangers to Greenland, Denmark, NATO and the EU remain.

In this situation, willing, able and trusted states would be well advised to strengthen a European pillar not within but outside and complementary to NATO, i.e. one that can plug and play with the US in the Alliance where it can, and autonomously where it must.

They might deploy a deterrent force to Greenland via groupings such as the UK-Scandinavian Joint Expeditionary Force (JEF) or the five-country Nordic Defence Cooperation format. EUROCORPS and the European Air Transport Command (EATC) are prominent examples of voluntary arrangements which supplement those of the national armed forces with multilateral headquarters and military command structures.

The EU states and Nordic allies that have come out in support of Denmark should waste no time in connecting and consolidating minilateral security arrangements that can fill the gap. Turning minilateralism into strategy is essential to move "from patchwork to phalanx".

ABOUT THE AUTHOR

Steven Blockmans

Dr. Steven Blockmans, is senior fellow at the Centre of European Policy Studies (CEPS, Brussels) and the International Centre for Defence and Security (ICDS, Tallinn), visiting professor at the College of Europe (Bruges, Natolin, Tirana) and editor-in-chief of the European Foreign Affairs Review.

SUGGESTED CITATION

Blockmans, Steven: Grabbing Greenland: Impact on NATO and the EU, Verfassungsblog, 14.01.2026, doi: 10.59704/6688f92cb319e8a8.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20260114-172156-0.