



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Observations on Trump Acquisition Plans

MLAANZ member Dr Damien Cremean, a barrister and Adjunct Professor in Law, has provided *Semaphore* with informed observations in response to apparent international acquisition plans of United States President Donald Trump.

Notable such comments from President Trump have included:

- “We need Greenland for national security and even international security. I think we’re going to get it. One way or the other, we’re going to get it.”
- “To further enhance our national security, my administration will be reclaiming the Panama Canal, and we’ve already started doing it.”
- “The United States will take over the Gaza Strip and we will do a job with it, too. We’ll own it ... we’re going to develop it”

Turning attention first to Greenland, Dr Cremean notes it is not a nation state as such but an autonomous territory of the Kingdom of Denmark.

“As well, Greenland has the distinction of being on the acquisition horizon for President Trump,” says Dr Cremean.

“He has said that the United States strongly supports Greenland’s right to determine its own future and should it choose, it would be welcomed into the United States of America. This seems a very generous idea – leaving aside questions of oil reserves – and who would not want to be part of the United States today when you consider the conditions in many of the major United States cities such as Detroit and Philadelphia?”

“There is talk even of Canada being invited into the United States. With the Gulf of Mexico now renamed the Gulf of America – what next? Could Australia or New Zealand be given an offer that can’t be refused? Would the United States interfere in Chinese affairs and invite Taiwan to become a new State of the Union?”

Dr Cremean notes that, being a territory, Greenland is in a different position to nation states.

“If it was a nation there are strong international imperatives which apply. But to seek to take Denmark so as to access Greenland would be completely contrary to international law.

“A nation state it might be said – taking this from the Advisory Opinion in the *Austro-German Customs Union Case* (P CI J, Series A/B No 41 (1931)) – within its frontiers exists as a separate entity with sole right of decision in all matters economic, political, financial or other which although different aspects of sovereignty are in practice one and indivisible. By art 2(4) of the United Nations (UN) Charter, following on from this, all members must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the UN.

“At the same time, it is recognised internationally that nation states – which are also coastal states – do not have sovereignty only over their land masses. Thus, by art 2 of the UN Convention on the Law of the Sea the sovereignty of a coastal state extends beyond its land territory and internal waters to an

adjacent belt of sea called the territorial sea. By art 17 the ships of all states, whether coastal or landlocked, enjoy the right of innocent passage through the waters of the territorial sea of a state. This is in accordance with the notion of freedom of navigation and that notion goes back at least to [Hugo] Grotius.”

Consequently, Dr Cremean observes that “all in all”, the United States would be in “clear breach of well-established international law” to ignore the sovereignty of Denmark and to try to seize Greenland.

“It is mischievous to plant the idea that Greenland might *want* to become part of the United States. It makes no difference that Greenland is not itself a nation state: it is a territory of the nation state of Denmark. By the UN Charter, the United States is bound to refrain from the threat or the use of force against Denmark and thus against Greenland. The sovereignty of Denmark – including Greenland – extends beyond the land masses involved to the adjacent territorial sea. At that point the United States has a clear right only of innocent passage of its vessels unless invited in to do more.

“There is no strong hint that the United States will be invited in to do more – except to do what might be expected in the usual course of trade. But to do more – apart from trade – unless invited in, would be an act of invasion and thus an act of war, by the United States.”



Michiel Jansz van Mierevelt portrait of Hugo Grotius (Wiki)

Bio

Dr Damien Cremean holds an LLB (Hons) 1st Class Hons from Melbourne University, PhD in Admiralty Law from Monash University and MA from Staffordshire University in Continental Philosophy.

A barrister and Adjunct Professor in Law in the Shipping and Marine Unit at the University of Queensland, Dr Cremean is also the author of books and numerous articles on maritime and admiralty law, including international law.

His upcoming book on maritime liens – due to be published by Informa in London in June 2025 – deals with the law on that subject across much of the world including Australia, New Zealand, the United Kingdom, United States and China.

The same premise applies to protect Australia and New Zealand, notes Dr Cremean.

“We can breathe a sigh of relief if that was ever in President Trump’s contemplation. But it could now or in the future be within his contemplation because of the locations of both countries and their proximities to China. For the same reason Taiwan cannot be invaded by the United States to protect it from China.

“But Taiwan raises special issues as far as China is concerned including cultural, historical and ethnographic. It is not possible to say that what is said of Greenland as regards the United States applies with equal force to Taiwan as regards China. Time will tell what happens there but China is firm on the return of Taiwan to its mainland nation.

“Denmark, however, has never mentioned a preference to give over Greenland to the United States. It is hard to see that changing.”

Dr Cremean says the Panama Canal also raises “special issues”.

“It is an important avenue for maritime trade to take place. But it is not a nation state in itself. To threaten to seize it, however, is very unsettling on a world scale and does nothing to make nearby nation states comfortable about the intentions of the United States Presidency.”

March 2025

