

The Base and the Building

A short while ago the Faroese Parliament resolved to resume the constitutional work of the Faroes Constitutional Committee. The entire Parliament had before that attended the Constitutional Conference where the Faroese and several important scholars from a number of other countries debated many important questions. Alas, it was not a united Løgting – Faroese Parliament – that sanctioned the enabling statute. Only the 17 votes of the Governing Coalition voted in favour against the 15 opposition votes. This can appear disheartening that only a small majority wants a new constitutional arrangement. Foreign observers, especially, may be puzzled since amongst others the Speaker of Parliament, who is an opposition Unionist, attended the Constitutional Conference and held up Parliamentary proceedings for its duration.

Actually, the lawmakers overwhelmingly agree that new constitutional law shall be drafted. The present Constitutional Act – the internal Faroese constitution in Faroese called Stýrisskipanarlógin – can be both improved and extended in scope. External relations, most importantly the relationship with the Danish Realm, and possible changes to those relations are too poorly described. The Rights of the People of the Faroes, both the privileges of being part the political structure and the immunities from the super structure, are missing at present. Also conspicuous by absence from the Basic Law of the Faroes are a number of fundamental principle from popular referenda to freedom of speech to administrative rights, so important in a country with relatively weak courts.

There can be little dispute on the point that much needs to be done. At the Constitutional Conference we heard from the perspicua-

cious Dr. Chimène Keitner, who urged us to view the current position within the Danish Realm as a delegation of power *from* the Faroes *to* the Danish Realm, based on the imperishable and continuous nature of the right to self-determination. A Faroese Constitution is advantageous for the Unionists intent on continuing the Union of the Realm as well as those Nationalists who favour full independence at some point or other. In short, we are today a land with the potential of becoming a recognised sovereign state at such time as we decide ourselves. Such a land must have a constituting basic law with or without a wider constitutional union.

Why, then, was the score 17 to 15? Because politics all too often is discord. The Unionist Party and the Social Democratic Party are to some degree courting the same voters. To them the Faroese word „grundlóg“ is connected to the Union of the Danish Realm. The English word „constitution“ is a term of art meaning ‘the superior law in a given political structure that defines the political bodies and other important principles of government’ -and is used to describe a plethora of documents. Unfortunately, the Faroese word „grundlóg“ is in the minds of the Faroese foremost connected to the Basic Law of the Danish Realm. Therefore, a Faroese „grundlóg“ is associated with the break-up of the Realm. This is regrettable, as the name is of little consequence for the content and importance of a law. It, nonetheless, meant that the Unionist side of Parliament voted against drafting a „grundlóg“, but would have favoured the same statute if the Committee were instead charged with drafting a „Governing Act“. The majority was equally astute in their insistence on a word that tastes more of sovereignty than another. The curious thing is that linguistic connotation from an alien tongue arise such feelings in Faroese Nationalists.

Anyway, politics in Parliamentary Systems almost inevitably lead to ‘us against them’. It remains, however, that the Faroese Parliament is in unusual agreement on the substance of this matter. Only one word now divides the Faroese and the opposition has achieves considerable substantial concessions and much praise for its constructive role in the Constitutional Committee word so far. Indeed, the former Social Democratic MP Mr. Hans Pauli Strøm, currently Secretary General of his party, was the one who formulated the National Accord that a Faroese Constitutional Document needs in the current constitutional-union context.

The work on the Framework of Governing of the Constitutional Committee can be expected to progress better than ever – if their is a will. The Faroese Law Review will in any event start the publication of the material from the Faroese Constitutional Conference. Also, we have now at long last undertaken to provide short notes of comment on recent Faroese statutes.