



# Greenland as a UEFA/FIFA member?

# FIFA rules

- Article 11(1) of the FIFA Statutes: *"Any association which is responsible for organising and supervising football in all of its forms in its country may become a member association. [...] Subject to ... par. 6 below, only one association shall be recognised as a member association in each country"*
- Definition clause in the FIFA Statutes: *"Country: an independent state recognised by the international community"* → same definition as in Article 30(1) of the Olympic Charter
- Article 11(6) of the FIFA Statutes: *"An association in a region which has not yet gained independence may, with the authorisation of the member association in the country on which it is dependent, also apply for admission to FIFA"*
- Article 11(2) of the FIFA Statutes: *"Membership is only permitted if an association is currently a member of a confederation"*

# UEFA rules

- Article 5(1) of the UEFA Statutes: *"Membership of UEFA is open to national football associations situated in the continent of Europe, based in a country which is recognised by the United Nations as an independent state, and which are responsible for the organisation and implementation of football-related matters in the territory of their country"* (wording adopted in 2001)
- Article 69(1) of the UEFA Statutes: *"Art. 5 does not apply to the following member associations: England, Scotland, Northern Ireland, Wales, Faroe Islands and Gibraltar"*
- NB: So there are certain **historical exceptions** to Art 5(1), i.e. the associations (4 British associations and Faroe Islands) who were already UEFA members when Article 5(1) was adopted in its current wording (in 2001)

## UEFA rules (cont.)

- main UEFA requirement = *"country [...] recognised by the United Nations as an independent state"*
- on the **UN-website** (<http://www.un.org/en/sections/member-states/about-un-membership/index.html>), the question *"How does a new State [...] obtain recognition by the United Nations?"* is answered as follows: *"The recognition of a new State [...] is an act that only other States [...] may grant [...]. The United Nations [...] does not possess any authority to recognize [...] a State [...]."*
- conclusion → UEFA requirement set out in Article 5(1) of the *UEFA Statutes* is unclear/confusing

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## UEFA rules (*cont.*)

- no need for UEFA to interpret Article 5(1) in 2002 for Kazakhstan and in 2007 for Montenegro since both of them were already UN members at the time (since 1992 for Kazakhstan and since 2006 for Montenegro)
  - but UEFA had to interpret Article 5(1) in 2015 for Kosovo, i.e. for a country that is not presently a UN member but is recognised as an independent state by more than half of the UN members (109 out of 193)
  - UEFA EXCO decided that, based on its current status (i.e. country recognised as an independent state by a majority of UN members), Kosovo could be viewed as satisfying the eligibility criterion set out in Article 5(1) of the *UEFA Statutes*
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## UEFA rules (*cont.*)

- Therefore Kosovo's application for UEFA membership was put to the vote at the UEFA Congress in 2016, thus creating a **precedent**
  - Kosovo FA was admitted to UEFA membership at the UEFA Congress in 2016 by a vote of 28 for 24 against and 2 abstentions
  - This decision (to admit Kosovo FA as a member of UEFA) is presently subject to appeal in CAS (by the Serbian FA)
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# Greenland

- Greenland is part of the Kingdom of Denmark
  - Greenland voted in 2008 a referendum for increased independence from Denmark
  - with the Act on Greenland Self-Government no. 473 of 12 June 2009 (available on <http://naalakkersuisut.gl/en/About-government-of-greenland/About-Greenland/Politics-in-Greenland>), there is the possibility that Greenland will take over jurisdiction on a certain number of areas
  - However, many areas are currently still under Danish jurisdiction: justice affairs (including police, criminal procedures and the courts of law), defence and national security, financial sectors and monetary system (e.g. the currency used in Greenland is Danish Kroner DKK), civil right law (e.g. family and succession, citizenship matters, etc.) and foreign affairs
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## Greenland (*cont.*)

- therefore, Greenland is not yet a fully independent state
  - moreover, Greenland is not recognised as an independent state by other states (i.e. no external recognition)
  - Greenland is not comparable with Faroe Islands, because of the historical exception set out in Article 69(1) of the UEFA Statutes
  - given the **precedent** created by the UEFA EXCO with Kosovo, Greenland will only be considered as satisfying the eligibility criterion set out in Article 5(1) of the *UEFA Statutes* if and when recognised as an independent state by more than half of the UN members (same for Jersey, Guernsey or Isle of Man)
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Many thanks for your attention