

Mandate of the Independent expert on the promotion of a democratic and equitable international order

Ref.: AL USA 8/2025

(Please use this reference in your reply)

27 February 2025

Excellency,

I have the honour to address you in my capacity as Independent expert on the promotion of a democratic and equitable international order, pursuant to Human Rights Council resolution 54/4.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning recent statements by the President-elect of the United States of America related to Greenland and the Panama Canal and the use of force to put them under American rule.

According to the information received:

As President-elect and President of the United States of America, Mr. Donald J. Trump, has made public statements regarding Greenland and the Panama Canal, suggesting that both territories should be brought under U.S. control.

On 27 December 2024, through a statement on TruthSocial, Mr. Trump declared: "For purposes of National Security and Freedom throughout the World, the United States of America feels that the ownership and control of Greenland is an absolute necessity."¹

Subsequently, on 7 January 2025, during an interview at Mar-a-Lago, Mr. Trump was asked whether he could assure the public that military force would not be used against Panama or Greenland. In response, he stated: "No. (...) I can't assure you on either of those two, but I can say this: we need them for economic security."^{2 3 4} He further elaborated, saying: "We need Greenland for national security purposes. I've been told that for a long time, long before I even ran. I mean, people have been talking about it for a long time. (...) . People really don't even know if Denmark has any legal right to it, but if they do, they should give it up, because we need it for national security. That's for the free world. I am talking about protecting the free world."⁵

¹ Donald J. Trump, Truth Social, *post*, [February 17, 2025],

<https://truthsocial.com/@realDonaldTrump/posts/113698764270730405>

² "Trump Suggests Use of Military Force to Acquire Panama Canal, Greenland," *NBC News*, [January 7, 2025], <https://www.nbcnews.com/politics/donald-trump/trump-suggests-use-military-force-acquire-panama-canal-greenland-econo-rcna186610>.

³ "Trump Won't Rule Out Military, Economic Action as He Seeks Control of Panama Canal," *Reuters*, [January 7, 2025], <https://www.reuters.com/world/trump-wont-rule-out-military-economic-action-he-seeks-control-panama-canal-2025-01-07/>.

⁴ "Trump's Statement on Military Action," *YouTube video*, [timestamp: 22s], [January 7, 2025], <https://www.youtube.com/watch?v=pJLQ3VqvRh8>

⁵ Alys Davies and Mike Wendling, "Trump Ramps Up Threats to Gain Control of Greenland and Panama Canal," *BBC News*, January 8, 2025, <https://www.bbc.com/news/articles/c4gzn48jwz2o>

On 20 January 2025, during his inauguration speech, President Trump reiterated his stance on the Panama Canal, stating: “We have been treated very badly from this foolish gift that should have never been made. And Panama’s promise to us has been broken. The purpose of our deal and the spirit of our treaty have been totally violated. American ships are being severely overcharged and not treated fairly in any way, shape or form, and that includes the United States Navy. And above all, China is operating the Panama Canal. And we didn't give it to China, we gave it to Panama, and we're taking it back.”⁶

Furthermore, on 15 January, as Secretary of State-designate, Marco Rubio, in his opening remarks before the Senate Foreign Relations Committee, stated: “At the end of the Second World War, the United States was, in the words of the then Secretary of State, tasked with creating an order, a world order – a free half, as he quote – in his quote out of chaos without blowing to pieces – without blowing the whole of the world into pieces in the process. And in the decades that followed, that global order served us quite well. Americans’ incomes rose and communities flourished. (...) The post-war global order is not just obsolete, it is now a weapon being used against us.”⁷

I would like to express my deep concern regarding the statements made by the President-elect and senior U.S. officials, particularly those that suggest the possible use of force to contest the sovereignty of Greenland and the Panama Canal. The invocation of national security and economic interests to justify such claims raises significant concerns about the erosion of fundamental principles of international law, the respect for territorial integrity, and the maintenance of a stable and democratic international order. These principles are vital to maintaining international peace and security and safeguarding the rights of individuals and communities in affected territories.

The threat or use of force against the territorial integrity or political independence of another state constitutes a violation of *jus cogens*, a peremptory norm of international law, and is explicitly prohibited under article 2(4) of the United Nations Charter. This principle is further reinforced by article 1(2) of the Charter, which affirms that one of the core purposes of the United Nations is to foster international relations based on “respect for the principle of equal rights and self-determination of peoples.” The right to self-determination is also a fundamental principle of international human rights law, as enshrined in article 1(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America on 8 June 1992, which states that “all peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development.”

Furthermore, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which the United States of America has signed on 5 October 1977, but not yet ratified, also affirms the right of peoples to self-determination and control

⁶ Melissa Quinn and Caitlin Yilek, “Read the Full Transcript of Trump's Inauguration Speech,” *CBS News*, updated January 20, 2025, 3:34 PM EST, <https://www.cbsnews.com/news/transcript-trump-inauguration-speech-2025/>

⁷ Marco Rubio, "Opening Remarks by Secretary of State-designate Marco Rubio Before the Senate Foreign Relations Committee," U.S. Department of State, January 15, 2025, <https://www.state.gov/opening-remarks-by-secretary-of-state-designate-marco-rubio-before-the-senate-foreign-relations-committee>.

over their economic and social development. The statements made regarding the Panama Canal and Greenland threaten not only the sovereignty of the respective territories but also their ability to freely determine their economic and social futures.

The Montevideo Convention on the Rights and Duties of States (1933) outlines the criteria for statehood, including respect for territorial integrity and sovereignty. Any attempt to forcibly alter the territorial status of Greenland and Panama would violate these principles. Finally, the Universal Declaration of Human Rights (UDHR), while non-binding, remains a cornerstone of international human rights law. Articles 21(3) and 28 emphasize the importance of respecting the sovereignty of states and ensuring that human rights are universally protected. Actions that infringe on the sovereignty and political independence of other nations contradict these provisions.

Beyond the direct implications for Greenland and Panama, these statements raise broader concerns about the stability of the international legal order and the preservation of multilateralism. The explicit rejection of post-World War II norms governing international relations and the assertion that the global order has become a “weapon being used against us” undermine the foundations of international cooperation, peaceful dispute resolution, and adherence to treaty obligations. Such rhetoric, if translated into policy, would risk setting a dangerous precedent wherein unilateral assertions of power supersede internationally agreed-upon legal frameworks.

The Panama Canal Treaty, signed between the United States and Panama in 1977, specifically outlines the control and operation of the canal by Panama, with provisions that the United States’ interests be respected. The rhetoric surrounding the potential alteration of this treaty and the U.S. claim over the canal suggests a disregard for these binding international agreements. Any attempt to forcibly alter the control or operation of the Panama Canal would violate the spirit and letter of the treaty and could destabilize global trade, violating international economic law.

The reference to China’s role in the Panama Canal is particularly concerning, as it implies that geopolitical competition could justify interventionist actions that disregard the sovereign rights of states. The international system is built on principles that guarantee states’ right to determine their own economic and foreign policies free from external coercion. Any attempt to unilaterally alter the administration or control of the Panama Canal would not only violate existing treaties but would also threaten the security of global trade routes, potentially leading to wider economic and political destabilization.

Furthermore, these statements may contribute to an environment of increasing geopolitical tension, where the threat of force is normalized as a tool of statecraft, rather than an exception constrained by international law. In recent years, the international community has repeatedly reaffirmed that disputes over territory and sovereignty must be resolved through diplomacy, dialogue, and respect for established legal principles. Any deviation from this approach would risk eroding trust in the international system and weakening mechanisms designed to prevent conflicts.

The broader implications of these developments extend beyond the immediate concerns over Greenland and Panama. They would appear to challenge the principles enshrined in the UN Charter and international human rights treaties, particularly the

obligation of states to respect the sovereignty of other nations and to refrain from actions that could undermine global peace and stability. At a time when multilateral institutions are already under strain, statements that question the legitimacy of international agreements and threaten unilateral action undermine efforts to build a fair and democratic international order based on the rule of law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

In light of these international legal standards, I urge your Excellency's Government to uphold the principles of territorial integrity, sovereignty, and self-determination, and to refrain from any actions that could undermine these fundamental rights. I further request that any actions or statements that threaten the political independence of sovereign states be revisited in light of these obligations, and that appropriate measures be taken to ensure respect for the established norms of international law.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide additional information on the official position of the United States regarding the sovereignty of Greenland and the Panama Canal.
3. Please provide details on any measures in place to ensure compliance with international law, particularly the prohibition of the threat or use of force against sovereign states.
4. Please provide any information regarding commitments to upholding the UN Charter principles and respecting the right of peoples to self-determination.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of my highest consideration.

George Katrougalos

Independent expert on the promotion of a democratic and equitable international order

Annex: Reference to international human rights law

In connection with above alleged facts and concerns, I would like to refer your Excellency's Government to the following provisions of international human rights law.

The right to self-determination of peoples, which is central to the sovereignty and territorial integrity of nations, is enshrined in article 1(2) of the United Nations Charter. This right is further protected under the International Covenant on Civil and Political Rights (ICCPR), which the United States ratified 8 June 1992, specifically in article 1, which guarantees that all peoples have the right to freely determine their political status and pursue their economic, social, and cultural development. Additionally, article 2(4) of the United Nations Charter prohibits the threat or use of force against the territorial integrity or political independence of any state, establishing the principle of non-interference in the internal affairs of sovereign states.

I would also like to refer your Excellency's Government to the provisions of the Geneva Conventions, particularly the Fourth Geneva Convention, which safeguards the sovereignty and territorial integrity of states in times of armed conflict. The principles established in these conventions are critical in maintaining peace and order in international relations and are binding on all states, including those with significant global influence, such as the United States. The Hague Conventions further emphasize the protection of state sovereignty and the peaceful resolution of disputes.

The Montevideo Convention on the Rights and Duties of States, which sets out the criteria for statehood, including the requirement for respect for territorial integrity, is also relevant to the concerns raised. Any actions that seek to alter the status of territories like Greenland or Panama, without the consent of the people or the recognition of their right to self-determination, would directly contravene the principles laid out in this convention.

Moreover, the Universal Declaration of Human Rights (UDHR), which the United States have not signed nor ratified, though not legally binding, establishes foundational principles of international law that protect the sovereignty and political independence of states. Articles 21(3) and 28 of the UDHR emphasize the need for human rights to be universally protected, including the right of peoples to determine their political status without external interference. The UDHR underscores the importance of respecting the autonomy of nations and the self-determination of their peoples. The right to self-determination is a foundational principle of international law, enshrined not only in the ICCPR and ICESCR but also in various UN General Assembly resolutions, including the Declaration on the Granting of Independence to Colonial Countries and Peoples (UNGA Resolution 1514 (XV), 1960). This right includes the ability of peoples to determine their political status without external interference.

The right to control one's own economic and social development is also safeguarded by the International Covenant on Economic, Social, and Cultural Rights (ICESCR), signed by the United States 5 Oct. 1977, which further reinforces the obligations of states to respect the rights of peoples to freely determine their political, economic, and social systems. While the United States has not ratified the ICESCR, its provisions remain relevant in the broader context of international law and should inform the conduct of states in relation to their territories.