

**Kári á Rógvi, editor-in-chief**

## Now it follows that this is best for our land

With words to this effect the provisions of the Sheep Letter of 1298 commence. The Sheep Letter appears to be an amended regulation issued by the Norwegian heir to the throne, the Duke Hakon. Likely, however, a different reality lies hidden beneath. The Norse lands out at sea in the West had long been subject to pressure from their neighbours. Already in 1035 a Norwegian king first pretended to reign in the Faroes and consider the Faroes a fief. But not until late 13<sup>th</sup> century do the western lands themselves recognise foreign rule. The Hebrides and Man recognised Scots overlords, whilst the northern lands one by one acknowledged the Norwegian kings.

The Faroes were probably the last land to reach an agreement in 1271. We recognised the supremacy of the king, but reserved in the same manner as the Icelandic in their 'old treaty' the right to internal autonomy.

To please the king his code replaced the Norwegian codifications that had been used in the Faroes. But the Sheep Letter was anticipated in 1271, as amendments to the old codes 'that your own law-book already proves'.

With the Home Rule Act of 1948 the situation is remarkably like that of 1298. Seemingly the larger realm concedes power to the land. However, the underlying political negotiations and the enactment of the document first by the Faroese Løgting (parliament) then by the Danish bear witness of a treaty-based relationship. The constitutional democracy of Denmark has succeeded the Danish king, who in turn succeeded the Norwegian monarch.

For the Faroese, the question still is what the best solution is. Should we maintain the arrangements whereby we shrug our shoulders at the foreigners

who in exchange for supremacy on paper are prepared to pay much Dane geld whilst we continue to rule ourselves? Or should we throw off the regime that spoils our land and mind?

It is for each and everyone to decide for themselves, which position to take.

For the lawyer, it remains that this is best for our land that the Faroes shall have their own law review to describe and analyse the law that applies here.

The need for a law review cannot be underestimated. The Faroes have always formed their own jurisdiction with their own laws and cases. The number of laws, judgements and decisions that apply only in the Faroes is huge. Following the new Faroese Constitution of 1994 there are now many statutes written in Faroese only.

The FLR will contain several kinds of material. Legal theory, comments on cases and administrative and tribunal decisions, in addition to other subject. The Faroese Law Review will probably be printed in winter, spring and fall.

The first issue, however, is centered on the theme of people and sovereignty. Many unanswered questions remain. Did the Faroes ever become part of Norway, or Denmark? Are the Faroes a land, the Faroese a people or nation? Are already exercising the right to self-determination, or the right to obtain self-determination, or have we lost it somehow? Is it possible to be a land or state or people and still remain within a larger realm?

We hereby open that discussion with these three articles. Our compatriot, Halgir Winther Poulsen, asks whether the Faroese are a nation. The author examines which criteria at international law determine which groupings can be considered nations. By these criteria the Faroese do constitute a nation and only the Faroese themselves can extinguish our rights as such. The Icelandic, Guðmundur Alfreðsson, considers what it means to be a nation at international law. He points out the importance of understanding our own position in any negotiations regarding our right to self-determination. The two Scotsmen, Alasdair Geater and Scott Crosby, analyse the right of self-determination both in present and historical context. It is especially interesting when nations and states form such ever closer relationships as the EU what importance such inter-dependant realms have for the right and the ability of small lands and small nations to decide for themselves.