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Greenland's Legal Landscape: Law, Rights, and Indigenous Governance

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Introduction

Greenland's legal order is distinctive in the Arctic and in the broader Nordic world. It is shaped by a complex constitutional relationship with Denmark, a strong commitment to Indigenous self-rule, and a challenging geography that ties law to sea ice, communities, and subsistence lifeways. This book offers a clear and practical introduction to that landscape. It explains the core institutions of governance, the allocation of powers between the Self-Government and the Kingdom of Denmark, and the ways in which customary norms and community practices interact with statutes, regulations, and courts.

Our approach is grounded in the understanding that law in Greenland is lived as much as it is legislated. Rights to land and resources are exercised through local knowledge, cooperative management, and everyday decision-making, even as they are framed by formal instruments such as planning rules, licensing systems, and environmental assessments. By placing Indigenous governance and customary rights alongside the formal architecture of public law, we aim to show how legal pluralism operates in practice—how state and community systems meet, complement, and sometimes challenge each other.

A central focus of this book is resource governance: fisheries, hunting, and the development of minerals and energy. These sectors illuminate the tensions and synergies between subsistence and commercial uses, between local benefit and external investment, and between development aspirations and environmental stewardship. They also demonstrate how Greenland participates in regional and international regimes—from maritime law and polar shipping standards to human rights and Indigenous rights frameworks—that shape domestic choices.

The chapters also attend to institutions that sustain everyday justice: policing and courts, social welfare, family law, and municipal administration. Access to justice in remote communities, language rights in a bilingual system, and the use of restorative and community-based measures are examined to highlight both achievements and ongoing challenges. Throughout, we analyze legislative reforms and landmark cases that have clarified competencies, defined rights, or reset regulatory baselines, providing readers with concrete reference points and doctrinal anchors.

This is a book for legal scholars, students, and practitioners working on Indigenous law and Arctic governance, including those entering the field for the first time. Each chapter begins with foundational concepts and then moves to applied analysis, emphasizing how rules operate in real settings—licensing decisions, consultation processes, compliance and enforcement, and dispute resolution. Case studies are

used to illustrate variation across sectors and municipalities, and to show how legal principles travel from the courtroom and the statute book to the ice edge and the fishing grounds.

Methodologically, the book combines doctrinal analysis with interdisciplinary insights from political science, anthropology, and environmental studies. We foreground the perspectives of Greenlandic institutions and communities, and we emphasize ethical research and practice: meaningful participation, respect for local authority, and careful handling of knowledge that is shared in trust. Readers will find guidance on working with communities, on interpreting sources in multiple languages, and on navigating the different registers of authority that characterize Greenlandic law.

Finally, the book is designed as both a map and a toolkit. The map charts the constitutional, statutory, and customary terrain; the toolkit equips the reader with frameworks for interpreting powers, rights, and responsibilities in a dynamic Arctic context. By the end, we hope readers will be able to identify the relevant institutions and sources of law, understand how Indigenous governance shapes and is shaped by formal legal systems, and engage critically and constructively with the reforms and disputes that will define Greenland's legal future.

CHAPTER ONE: Historical Trajectories: From Colonial Administration to Home Rule (1979)

Greenland's legal order did not emerge fully formed from a modern constitution; it grew from the long encounter between Inuit lifeways and external rule. For centuries, local norms about hunting grounds, kinship responsibilities, and dispute settlement shaped everyday life, while authority rested first with the Norse, then with the Danish crown. The transition from informal, community-based practices to codified administration was gradual, uneven, and deeply influenced by the rhythms of the Arctic environment. Understanding this history is not an academic luxury; it is the baseline for reading Greenlandic law today, because the echoes of colonial governance still resonate in institutions, land-use patterns, and the way rights are defined and enforced.

Before any written legal codes were applied in Greenland, there existed a sophisticated system of customary rules governing resource access and social order. Inuit hunters followed seasonal patterns and shared knowledge of ice conditions, and these practices were underpinned by expectations of reciprocity and mutual aid. Disputes were often resolved through community discussion, with elders mediating matters of property, injury, or insult. Danish colonial authorities, arriving in the eighteenth century, initially relied on these local structures, using them to facilitate trade and mission work. Law in this period was less about statutes and more about maintaining stable relationships that allowed commerce and subsistence to coexist.

The formalization of Danish control began with trade monopolies and missionary activity, and it accelerated with the establishment of colonial settlements. The Royal Greenlandic Trading Company (KGH) became the primary conduit for economic life, controlling imports, exports, and the movement of people. Legal authority was concentrated in colonial officials, who were tasked with enforcing Danish regulations and maintaining order. While local customs were not erased, they were subordinated to the colonial framework, which prioritized predictable trade flows and hierarchical governance. The result was a dual system: community practices persisted, but the official legal record increasingly reflected Danish norms and administrative priorities.

During the nineteenth century, Denmark's legal reforms reached Greenland in a limited but significant way. The adoption of a national constitution in 1849 extended certain rights to Danish subjects, and the application of these rights to Greenland gradually expanded, though in a carefully managed form. Criminal and civil law began to take shape through regulations that applied to colonial officials and, eventually, to Greenlandic residents. However, the colonial administration retained exceptional

powers, particularly over land use and economic activity. The legal relationship was paternalistic: Greenlanders were subjects of the crown, but their participation in law-making remained minimal, and their customary norms were treated as cultural context rather than formal sources of law.

The twentieth century brought modernization and social engineering. In the 1950s and 1960s, Danish authorities pursued a policy aimed at “rationalizing” the economy and relocating small settlements to larger towns. The rationale was partly economic efficiency and partly social welfare; the effect was a profound restructuring of community life. Land and housing were formalized under municipal plans, and individual property rights gained prominence, though collective access to hunting and fishing grounds remained essential. These changes were not simply administrative; they reoriented legal relationships between people, land, and the state, embedding Danish planning concepts and property regimes into Greenlandic everyday life.

A pivotal moment came in 1953, when Greenland’s status changed from a colony to a county (amt) within the Danish realm. This change was constitutional and symbolic: Greenlanders became full Danish citizens, and representation in the Danish Parliament was established. Practically, it meant that Danish law—civil, criminal, administrative—applied more comprehensively, and local administration was integrated into the Danish municipal system. Yet the transformation was incomplete: despite formal equality, economic disparities persisted, and the legal system did not fully account for Greenland’s distinctive geographic and cultural context. The tension between universal Danish norms and Greenlandic particularities became a defining feature of the legal landscape.

With the shift to county status, Greenland saw the expansion of public institutions: schools, healthcare, and social services were standardized, and a Danish court system was established. Policing and judicial processes were adapted from the mainland model, but the remoteness of communities meant that enforcement and access to justice often relied on local informality. The legal culture that emerged was pragmatic; formal rules existed on paper, but practice frequently involved negotiation and accommodation. This period laid the administrative foundations for later self-rule, but it also created a legacy of centralization and top-down decision-making that would later be challenged by calls for autonomy and recognition of Indigenous governance.

Economic development in the mid-twentieth century accelerated legal change. Fishing expanded from local subsistence to industrial scale, and licensing regimes were introduced to manage quotas, vessels, and export markets. The legal framework shifted from customary access to regulated permits, reflecting Denmark’s and Greenland’s integration into international trade systems. Mineral exploration also began, prompting the adoption of environmental regulations and procedural safeguards. While these measures were modern in form, they often sat uneasily with local hunting and fishing traditions, which relied on flexible, seasonal use of resources.

The law became more technical and centralized, mirroring trends in Denmark and Europe.

Political consciousness and organization grew in the 1970s, catalyzed by concerns over cultural preservation, economic inequality, and limited local control. Greenlandic activists and intellectuals articulated a vision of self-determination that respected Indigenous identity while engaging with modern governance. The push for reform was not merely symbolic; it was grounded in practical demands for participation in decision-making, recognition of customary rights, and a legal framework that reflected Greenland's social reality. The Danish government, responding to these pressures, began negotiations that would culminate in the Home Rule Act of 1979, a foundational legal instrument that redefined the relationship between Greenland and the Kingdom.

The Home Rule Act introduced a new constitutional architecture within the Danish realm. It established the Greenlandic parliament (Landsting) and government (Landsstyre), granting legislative and executive authority in defined areas, including education, culture, social affairs, and certain aspects of resource management. Criminal law and overall constitutional oversight remained with Denmark, but the Act created a platform for local law-making and administration. Importantly, it recognized Greenland's right to pursue policies that reflect its cultural and linguistic identity, and it provided mechanisms for gradually expanding autonomy. The Act was a compromise, balancing self-government with continued integration in the Kingdom.

One of the most consequential features of the Home Rule Act was its approach to resource rights. While the state retained ownership of subsurface minerals, Greenland gained significant authority over fisheries and hunting regulations. This division reflected both practical governance needs and the symbolic recognition of Indigenous subsistence practices. The Act also allowed Greenland to establish its own planning and environmental rules, enabling local authorities to shape land use in ways that aligned with community priorities. However, the framework did not fully resolve questions of land tenure, a complex issue rooted in historical patterns of communal use and Danish property law. These unresolved questions would become central to later legal debates.

The Act's adoption was not a purely domestic affair; it was influenced by international developments. Indigenous rights movements in the Arctic and beyond were gaining visibility, and Denmark sought to align its policies with emerging norms of self-determination. While Greenland's legal relationship with Denmark remained unique, the Home Rule Act reflected a broader trend of recognizing the rights of Indigenous peoples to govern their own affairs. It was a pragmatic response to political realities, but it also signaled a shift in legal philosophy: from colonial administration toward a model that, while still nested within the Danish constitutional order, accommodated local autonomy and cultural specificity.

Implementation of Home Rule required building institutions capable of translating legal authority into practical governance. Greenland created ministries, agencies, and local councils, and it began to recruit and train a Greenlandic civil service. Legal professionals, judges, and administrators had to navigate a bilingual system where Kalaallisut and Danish coexisted, and where legal concepts from both traditions intersected. This period was characterized by experimentation and learning; laws and regulations were drafted, debated, and refined, often with input from communities accustomed to informal decision-making. The result was a hybrid legal culture, blending formal statutory processes with respect for local knowledge and practices.

The Home Rule era also reshaped the relationship between local communities and the state. Municipalities, which had been structured according to Danish models, became key arenas for implementing Greenlandic policy priorities. Planning decisions, social services, and resource management increasingly reflected local input, though central oversight remained. The courts continued to apply Danish-derived law, but the legislative agenda increasingly included measures tailored to Greenlandic conditions. Over time, the scope of Home Rule expanded through agreements, reforms, and practice, demonstrating that autonomy is not a static legal status but an evolving capacity to exercise authority in concrete domains.

A crucial element of the post-1979 period was the ongoing dialogue about language and legal culture. Kalaallisut became the language of instruction and public administration, and laws were increasingly published in both Greenlandic and Danish. This bilingualism had practical implications: legal interpretation, statutory drafting, and judicial reasoning all had to navigate linguistic nuance. The shift toward Greenlandic language use symbolized a broader move toward cultural self-determination, but it also created challenges for legal certainty and cross-border cooperation. The courts and public agencies adapted, developing practices that balanced respect for local language with the need for precise legal expression.

The Home Rule Act did not eliminate the Danish legal framework; it layered it with Greenlandic authority. Criminal justice, constitutional matters, and some aspects of foreign affairs remained under Danish control, creating a dual system of governance. This arrangement required careful coordination, particularly in areas like fisheries and environmental protection, where domestic rules intersected with international obligations. Greenlandic institutions learned to operate within this layered system, using the tools of Home Rule to shape policy while recognizing the limits of autonomy. The experience laid the groundwork for further constitutional refinement, which would later be embodied in the Self-Government Act of 2009.

By the end of the Home Rule period, Greenland's legal system had undergone a profound transformation. The shift from colony to county to self-governing entity involved more than institutional changes; it redefined the relationship between law

and community. Customary practices, once marginalized by colonial administration, found new expression within formal legal structures, particularly in resource management and local governance. The legal landscape became more pluralistic, accommodating both state-derived rules and Indigenous norms. While many questions remained unresolved—especially around land ownership and subsurface resources—the Home Rule era established a platform for further development and demonstrated that legal change could be both incremental and transformative.

In retrospect, the trajectory from colonial administration to Home Rule illustrates the dynamic interplay of politics, culture, and law. Greenland's legal institutions were shaped by external pressures and internal aspirations, by economic realities and cultural identity. The historical path shows that law is not merely a set of abstract principles but a practical tool for organizing society, managing resources, and asserting autonomy. As Greenland continues to navigate its relationship with Denmark and the wider world, the legacy of this historical period remains visible in the structures, norms, and practices that define its legal landscape today. Understanding these roots is essential for interpreting current laws and anticipating future reforms.

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