

**Observations on the State of Indigenous Human Rights in Denmark in Light of the
UN Declaration on the Rights of Indigenous Peoples
Denmark**

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Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*; and on its website: www.cs.org

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I. Summary

Greenland is home to Denmark's only recognized Indigenous group, the Inuit, who continue in the twenty-first century to uphold the importance of Indigenous cultural acknowledgement. In Greenland, there is currently excitement surrounding extractive industry. Extractive industry holds promises of independence for Greenland, thus the Government of Greenland is placing pressure on its increase in order to economically stabilize the Island. However, extractive industry damages the environment, which the Indigenous Inuit depend upon for their physical and cultural survival.

II. Background on Denmark's Relationship with Human Rights and its Indigenous Population

The Kingdom of Denmark has long been a champion of human rights, leading the way for critical policy implementation in the international arena. Its recommendations have yielded some of the most influential conferences and declarations in the realm of human rights. Empowering both domestic and international populations, Denmark has aided in the improvement of lives across the globe. Especially in the case of Indigenous Peoples, Denmark has galvanized the creation of monumental policy that has allowed Indigenous Peoples to engage actively with mechanisms to protect and to control their land, resources, and culture.

Denmark has one officially recognized Indigenous group, the Greenlandic Inuit. The Inuit still maintain traditional Indigenous practices, such as hunting and fishing. The Inuit were subjugated under Danish colonial rule from 1721 up through the twentieth century. In 1953, Denmark implemented a severe policy of modernization through urbanization, relocating the Inuit from their small, subsistence-based communities to major cities. In 1979, Greenland successfully lobbied for autonomy from Denmark and achieved a Home Rule Government, which was expanded to Self-Government in 2009. Although Denmark's initial relationship with its Indigenous Population reflected typical Western European imperialism, its more recent promotion of governmental sovereignty for Greenland illustrates its sincere investment in and respect for Indigenous Peoples.

III. Past UPR Recommendations and Denmark's Responses

Despite Denmark's positive role in the advancement of Indigenous human rights, it still has the capacity to improve. In the Universal Periodic Review of Denmark in 2011, the nation received and accepted two recommendations specifically targeting its treatment of Indigenous Peoples.

A. Iran suggested in recommendation 106.47, "Implement effectively the United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP]."[i]

In its 2014 midterm progress report, Denmark noted that it had effectively implemented UNDRIP by granting self-determination to the Government of Greenland and that, through ILO Convention no. 169, the Inuit have been recognized as Denmark's sole Indigenous Population and have appropriate access to the text of UNDRIP in order to secure their rights.

B. South Korea similarly stated, "Adopt stronger measures to protect minorities and Indigenous peoples from discrimination and to ensure their access to public facilities" in recommendation 106.113.[ii]

In response to Korea's statement, Denmark stated that it "already has adequate and robust safeguards" in place to protect Indigenous Peoples.[iii] It emphasized the role of the Council for Ethnic Minorities, which was strengthened in 2014 to ensure more thorough representation. The nation also referred to its response to recommendation 106.54, which was concerned with cultural tolerance. In its reply, Denmark underscored its commitment to eradicating prejudice and highlighted the creation of an anti-

discrimination unit along with the criminalization of expressions of intolerance towards minority groups.[iv]

IV. Extractive Industry

In Greenland, which still remains part of the Kingdom of Denmark, there is currently great importance placed on the expansion of extractive industry. With the 2009 Act of Self-Government in Greenland, Greenland gained control of natural resources. The Government of Greenland promotes extractive industry as the key to gaining economic freedom from Denmark, which will potentially lead to complete independence. Extractive industry presents an attractive future for Greenland, including increases in national wealth, employment, and infrastructure. Despite these positive elements, extractive industry also has detrimental features. It severely impacts the landscape, changing the ecosystem upon which Greenlanders depend for their subsistence and careers.

Greenland holds a variety of precious natural resources, all of which are in high demand on the global market. These resources, including gas, oil, gold, coal, uranium, and rare earth elements, are particularly valuable in such great, untouched quantities.

Economic crisis currently grips Greenland, as its population ages, its major industries are yielding little profit, and its economic dependence on Danish grants constricts its sovereignty. Many towns find themselves lacking adequate infrastructural resources. They instead depend on outdated, poorly maintained facilities. Unemployment ravages the Inuit population; many are jobless due to an international stigma on subsistence hunting. Promoting themselves as the most lucrative option, extractive industries present Greenland with an alternative to unemployment and poverty.

However, despite the financial benefits of large-scale resource exploitation, the practice also carries significant consequences. Environmentally, it devastates the land and the air. Flora and fauna lose their natural habitats, which places them at risk of extinction. Inuit culture is in part defined by the profound connection between the people and the land. Since the first arrival of the Thule people, subsistence hunting of large terrestrial and marine game has been the Greenlandic way. However, these animals cannot thrive in polluted, corrupted land. And with the disappearance of these creatures, neither can their hunters. Similarly, with exposure to uranium, both humans and animals stand at risk of severe health problems from radiation. Activities such as mining depend on the exploitation of not only land, but also water, which is imperative to human survival. So when mining is introduced in a populated area, the risk of water shortages arises. Relatedly, the size and location of resource caches can cause displacement depending on the proximity of individuals to the site of the potential mine.

Uranium mining is heavily contested in Greenland, as the ban on it was lifted by a 15-14 governmental vote in 2013 under the later-scandalized Aleqa Hammond administration. In the spring of 2015, the feasibility report of the major South Greenlandic uranium deposit at Kvanefjeld was completed, preparing for the realization of a highly profitable mine. The Australian developer of the mine, Greenland Minerals & Energy Ltd, intends to be licensed by early 2016.

V. Free, Prior, and Informed Consent

Free, Prior, and Informed Consent (FPIC) is a guaranteed right to Indigenous Peoples in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In Article 28 of the Declaration, it is stated that “Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and

resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.”[v]

In order to execute extractive industry legally, local communities must be fully informed of what is occurring on their ancestral land that they continue to utilize. Greenland must remain especially cognizant of this as almost 90% of its population identifies as Indigenous.

According to the 2011 National Report provided by Denmark to the Human Rights Council Working Group on the Universal Periodic Review, the Government of Greenland stated its “willingness to develop public hearing mechanisms” in order to engage with Indigenous Peoples on the topic of extractive industry.[vi] In the 2009 Mineral Resource Act, point 57 proclaims:

If an activity or a facility that is subject to this Greenland Parliament Act must be presumed to have a significant negative impact on the climate, a licence or an approval may be granted only on the basis of an assessment of the impact of the activity or facility on the climate and after the public and authorities and organisations affected have had an opportunity to express their opinion on it.[vii]

In 2012, the Inuit Circumpolar Council (ICC) questioned whether FPIC was being fully employed, as it appeared that industrial promotion was being favored over Indigenous rights. As a result, the ICC pressured local debates centered on the impact of extraction on culture to occur prior to company biddings for resource-rich zones.

VI. Transparency

In order to reconcile the advantages and disadvantages of extractive industries, all members of society must participate in candid dialogues and understand every element and outcome of the process: there must be transparency. In 2011, Greenland’s Minister of Industry and Mineral Resources Ove Karl Berthelsen stated Greenland’s support of the Extractive Industry Transparency Initiative (EITI).[viii] Denmark, and by extension Greenland, is considered a supporting nation of the EITI.

The 2009 Greenland Mineral Resource Act requires that extractive industries file Social Impact Assessments (SIA) in order to inform the affected community of any potential impacts. Aiming to allay the negative effects of extraction, Social Impact Assessments provide insight into how resource exploitation will influence local social development. The Government of Greenland underscores the inclusion of Greenlandic labor, the engagement of Greenlandic enterprises, the education of locals in the mining industry, and the preservation of culture as important elements in an effective relationship between a community and an extractive industry.

Similarly, the Government of Greenland requires an Impact Benefit Agreement (IBA). An IBA ties the company and community together legally, defining the obligations and roles of involved parties and highlighting the advantages of the project for the area. However, there is a question as to the effectiveness of IBAs. Although they present the positive returns of the introduction of extraction in an area, they do not grant the local community equality in the exchange. The contract does not necessarily enable locals to engage truly with the development of their territory.

A primary instance that illustrates a need of increased transparency in Greenland is the 2014 political scandal that occurred within the Aleqa Hammond administration. Hammond ultimately had to resign after the corrupt misallocation of funds in relation to mining.[ix] This situation proves the necessity of transparency in order to guarantee that the Government of Greenland is free of corruption and that

citizens at all levels are fully aware of the state of economic and environmental affairs. The intentions of every involved body must be clearly evident in order for extractive industry to function effectively and for Indigenous culture to retain its identity.

According to a 2012 comment from the chair of Nuuk Fjord Friends, consultations designed to encourage public participation on the topic of resource exploitation are ill-managed, and individuals feel little incentive to participate.[x] Due to the cultural and linguistic variance that exists across Greenland, the standardization of public participation measures is impossible, and every region must be accommodated appropriately.

VII. Indigenous & Minority Status

Denmark recognizes only the Inuit as Indigenous. “Inuit” encompasses all the native peoples in Greenland. However, under this umbrella term, there exists multiple subcultures that vary by community. These communities differ culturally and linguistically, maintaining distinct, autochthonous practices unique to their specific identities. Inuit is a nationalized concept, utilized for the purposes of drawing divergent populations into one homogenized people. However, this has been done at the cost of culture as communities lose the ability to continue their personal practices and their traditions are relegated as mere romanticisms.

Although Denmark recognizes Inuit as Indigenous, it legally views them as Danish citizens. This means that there is no official census data on exclusively Greenland; as a result, limited information on the independent Greenlandic population exists. Labeled as a Danish citizen, a Greenlander who elects to immigrate to mainland Denmark receives no immigrant or minority benefits and thus is deprived of assisted assimilation. Stereotypes regarding Greenlanders and their behavior run rampant through Denmark, romanticizing and marginalizing the modern Inuit.

VIII. Colonial Legacy

In the 1950s, Greenland became the center of Denmark’s colonial enterprises. Rather than ignoring Greenland as it had for the previous two centuries, Denmark took great interest in the modernization of the Island, forcing the Inuit population to urbanize. The practices employed during this period had little concern for the well-being of the Indigenous Greenlanders and the conservation of Indigenous identity.

At the end of the twentieth century, many of Denmark’s inappropriate colonial tactics were exposed, including the removal of Inuit children from their homes. In a governmental experiment, young Inuits were taken to Denmark and placed in foster homes in order to westernize them, and then were returned to a private home for children in Greenland. The children unknowingly subjected to this experiment suffered both physically and mentally. They were ultimately unwelcome in both Danish and Greenlandic society.

Many involved Danish organizations have offered apologies to the Greenlandic population for such appalling treatment. However, the Danish government has yet to issue a statement or an investigation into Denmark’s disturbing manipulation of Inuit children, despite assurance from the Danish Social Democratic party prior to its ascent to power in 2011.

IX. Recommendations

We respectfully request that the UPR Working Group and the Human Rights Council pressure the Government of Denmark to comply with the following actions:

1. Adopt a stronger relationship with the Extractive Industry Transparency Initiative by becoming a candidate or compliant country.
2. Establish a stronger system of communication and partnership by which to involve all concerned parties and to guarantee full public participation in order to secure extractive industry transparency in Greenland.
3. Ensure that Free, Prior, and Informed Consent is employed in Greenland in relation to the introduction of extractive industries.
4. Continue to uphold the principles of the Global Compact in relation to the introduction of extractive industries in Greenland.
5. More actively recognize subgroups of the Inuit in order to ensure the continuation of their distinct cultures.
6. Grant national minority status concurrent to Indigenous status to the Inuit to ensure proper reception and protection in Denmark following the Framework Convention of National Minority guidelines.
7. Domestically uphold number 10 of the World Conference on Indigenous Peoples Outcome document, which states, “We commit ourselves to working with Indigenous peoples to disaggregate data, as appropriate, or conduct surveys and to utilizing holistic indicators of Indigenous peoples’ well-being to address the situation and needs of Indigenous peoples and individuals, in particular older persons, women, youth, children and persons with disabilities.”
8. Investigate Danish colonial practices in Greenland and issue appropriate apologies and reparations to impacted individuals.
9. Adopt a national action plan on its implementation to ensure Indigenous peoples' effective and politically meaningful participation in the decision-making process and equal representation in the governance of the country as provided under UNDRIP and ILO Convention 169.
10. Implement the World Conference on Indigenous Peoples Outcome Document, beginning with drafting a National Plan of Action to achieve the ends of the Declaration.

Notes

[i] http://www.upr-info.org/sites/default/files/document/denmark/session_11_-_may_2011/recommendations_to_denmark_2011.pdf

[ii] http://www.upr-info.org/sites/default/files/document/denmark/session_11_-_may_2011/recommendations_to_denmark_2011.pdf

[iii] <http://um.dk/da/udenrigspolitik/folkeretten/menneskerettigheder/danmark-til-eksamen-i-menneskerettigheder/den-universelle-periodiske-bedoemmelse-upr/~media/52F56463DC0A438C8634CED303470919.pdf>

[iv] <http://um.dk/da/udenrigspolitik/folkeretten/menneskerettigheder/danmark-til-eksamen-i-menneskerettigheder/den-universelle-periodiske-bedoemmelse-upr/~media/52F56463DC0A438C8634CED303470919.pdf>

[v] p 10 http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

[vi] p 17 http://www.upr-info.org/sites/default/files/document/denmark/session_11_-_may_2011/ahrcwg.611dnk1e-2.pdf

[vii] p 19 http://www.govmin.gl/images/stories/faelles/mineral_resources_act_unofficial_translation.pdf

[viii] <http://www.govmin.gl/component/acymailing/archive/view/listid-1-mailinglist/mailid-44-bmp-newsletter-the-government-of-greenland-supports-the-extractive-industries-transparency-initiative-eiti>

[ix] Mentioned in IWGIA, <http://www.brookings.edu/blogs/planetpolicy/posts/2015/01/16-greenland-mining-boersma-foley>

[x] p16 http://nyheder.ku.dk/groenlands-naturressourcer/rapportogbaggrundspapir/Community_Impacts.pdf

