Greenland is a self-governing territory belonging to Denmark. According to the Self-Government Act from 2009, Greenlanders are stated as a people in relation to international law with the right to self-determination in the preamble. Furthermore, the Self-Government Act states that Greenlanders decide if Greenland is heading for independence. This issue would be decided through a referendum and if there is a majority behind such an event. Denmark as the core state recognizes Inuit as indigenous peoples and therefore Greenland is seen as an indigenous nation according to the Danish perspective. The ratification of the ILO 169 from 1996 is in place from a Danish perspective. However, what will happen if Greenland is going for independence, which is a topical issue today? Are Greenlanders considering themselves as indigenous or merely as a people? What are the divisions between the central state approach and the regional/local approach in relation to the concept of being indigenous or not? Is Greenland losing its indigenous rights if it is heading towards independence?

Introduction

Greenland has a population of around 56,000 inhabitants, where 48,000 people live in 17 towns and about 7,500 live in 57 settlements around the country. There are only 3,500 people living in the Eastern part of Greenland (with two towns and five settlements). The official language is West-Greenlandic, but there are two other dialects in the North (avanersuaq) and East (tunu) (Greenland in Figures 2017). Danish is, however, widely used. The population is consisting of a majority of Inuit people up to 89.7 per cent and 10.3 per cent are born outside Greenland.

Greenland is a self-governing territory belonging to Denmark. According to the Self-Government Act from 2009, Greenlanders are stated as a people in relation to international law with the right to self-determination in the preamble. In the Self-Government Act it is further stated in §21 that the people of Greenland decides if Greenland is heading for independence (Lovtidende A 2009). This issue would be decided through a referendum and if there is a majority behind such an event, negotiations would start between the governments of Denmark and Greenland for the
implementation of independence. There need to be consent between the parliaments of Denmark and Greenland in order to establish a referendum on this matter. Denmark has accepted that if the population of Greenland would be in favor of a referendum of this sort, Denmark will not give any hindrance to it. Independence would in the end mean that Greenland would take over the jurisdiction of its own territory. Recently, there has been a debate going on around the independence issue and an establishment of a Department of Independence and a constitutional commission are in place. The new political coalition since November 2014 (between Siumut, IA and Partii Naleraq) is in favor of independence. The discussion around what the constitutional commission should do in practice has been debated on in the media (e.g. Sermitsiaq, fredag 5 maj 2017). The discussion has been around if the constitutional commission should go for two alternatives of constitutions for the Greenlandic case. One alternative would be a constitution lying within the framework of the Danish constitution and the other one as a state constitution for a new Greenlandic state. There are some disputes between politicians around which way to go. The Minister for the Department of Independence, Foreign Affairs and Agriculture, Suka K. Frederiksen, has stated that the constitution will be made in two steps, where the first constitution will be within the framework of the Danish jurisdiction and when Greenland is ready for independent the next step will be made with a state constitution. The chair for the constitutional commission, Vivian Motzfeldt, states that Greenland should go for the state constitution as the only alternative. It is still too early to tell which alternative Greenland is going for.

Denmark recognizes Inuit as indigenous. Inuit encompasses all the native peoples in Greenland. Although Denmark recognizes Inuit as indigenous, it legally views them as Danish citizens. Labelled as Danish citizens, Greenlanders who move to Denmark receives no immigrant or minority benefits or protection and is thus deprived of assisted assimilation (https://www.culturalsurvival.org/sites/default/files/media/uprdenmarkfinal.pdf).

With the 2009 Self-Government Act, Greenland also gained control over natural resources. The Government of Greenland promotes extractive industries as a key area to gain economic freedom from Denmark in the future to come. Extractive industries present an attractive future for Greenland, while it would lead to increase in national wealth, employment and infrastructure. There has been some discussions around the lack of participation and information around large-scale projects amongst the population (see e.g. Ackrén, 2016). The principle of Free, Prior, and Informed Consent (FPIC) is a guaranteed right to indigenous peoples through 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 free, prior and informed consent" (UNDRIP, Article 28). 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. This is especially important in Greenland, where almost 90 per cent of the population is Greenlanders or Inuit. Greenlanders are entitled to certain fundamental rights under UNDRIP and enforceable under the International Labor
Organization Convention 169 on the Rights of Indigenous Peoples (ILO 169), to which Greenland acceded, when Denmark ratified this Convention in 1996. These fundamental rights may require that extractive industry projects in indigenous lands obtain FPIC from the affected communities. However, in practice this has not been the case. In ILO 169 the role of consultation is emphasized as a bedrock principle, particularly in regards to the exploitation of natural resources on lands traditionally associated with indigenous peoples.

The Greenland Mineral Resources Act from 2009 requires that extractive industries file Social Impact Assessments (SIAs) in order to inform the affected community of any potential impacts. Aiming to allay the negative effects of extraction, SIAs provide insights 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 community and extractive industry. The Government of Greenland also 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 (Hubbard, 2014).

The former Prime Minister, Aleqa Hammond, fulfilled her promise in October 2013, pushing through a referendum that repealed the ban on uranium mining by a narrow vote - fifteen to fourteen. Greenland has one of the world's largest deposits of rare earth elements that are used in modern technology from mobile phones to hybrid cars to solar panels; uranium is a trace element in these deposits and is thus a potential by-product of rare earth element mining. It is estimated that there are nearly 600 million pounds of uranium remain in Kvanefjeld in South Greenland (Gunter, 2015).

There is a Reconciliation Commission in Greenland, which was established by the National Budget Proposal back in 2014 and approved by the Parliament of Greenland, Inatsisartut. The desire of reconciliation was made by the population in Greenland. The Reconciliation Commission has initiated various activities to uncover cultural and societal challenges resulting from the colonial past that still generate tensions in the society. One of the most recent reports includes an investigation of the "birth-place-criterion", which was in use during the 1950s-1970s. The "birth-place-criterion" was a discriminatory principle used to put people into hierarchies, where the Danes was the favorable group with higher salaries, better housing opportunities and so on, while Greenlanders were seen upon as second class citizens (see e.g. Janussen, 1995). The reconciliation is thus only internal, since the former Danish Prime Minister, Helle Thorning-Schmidt, did not partake or any other Danish politicians for that matter were interested to take part in such a commission.

**Background Regarding Indigenous Rights in Greenland**
Greenland has been very active in the work regarding indigenous affairs since the 1970s. Greenland contributed through the drafting and negotiation of the Declaration on the Rights of Indigenous Peoples within the UN system (UNDRIP), starting with the independent expert Working Group on Indigenous Populations (WGIP). WGIP was established under the Sub-Commission on Human Rights in 1982. The process for UNDRIP has been long and going on for decades until the adoption in 2007 (Thomsen, 2013). The establishment of WGIP was made in 1981 and it included participation by indigenous peoples and their representatives. They were given full access to attend, take the floor, present documentation and make recommendations (Eide, 2015). The most significant result of the WGIP was the draft of the UNDRIP which was finalized in 1993, but it took a long time before the draft was accepted with some amendments by the UN General Assembly in 2007 (Eide, 2015). The UNDRIP is not a binding treaty, but it has a large support of 143 states in the world (Barten & Mortensen, 2016).

Greenland has also been involved in the work leading to the establishment of the UN Permanent Forum on Indigenous Issues (UNPFII) under ECOSOC in 2001. Greenland together with Denmark has helped to promote the appointment of a Special Rapporteur on Indigenous Rights, also in 2001 (Thomsen, 2013). UNPFII's mandate is to discuss indigenous issues related to culture, economic and social development, education, the environment, health and human rights. In the beginning UNPFII had a Danish member from 2002-2007 and a Greenlandic member from 2004-2007 (Thomsen, 2013).

With the new Self-Government Act from 2009, the powers were expanded and more responsibilities were transferred to the Greenlandic Government. Shortly after the implementation of the new status, the Premier at the time Kuupik Kleist, addressed the UN EMRIP (Expert Mechanism on the Rights of Indigenous Peoples) in Geneva to share information on the new arrangement and to reassure indigenous peoples in the world that Greenland still supported their efforts (Thomsen, 2013). In both the Greenland-Danish Commission on Home Rule and the joint Commission on Self-Government, Greenland has opted for a public governance model as opposed to an indigenous one. The government is therefore defined according to territory and not ethnicity (Thomsen, 2013; Kleist, 2010). However, in practice the Intatsisartut (parliament) and a large part of Naalakkersuisut (government) both resemble Inuit governance. The internal Greenland Self-Government Commission had the opinion that the Greenlandic people constitute "a people" according to international law with the right to self-determination, which the current preamble of the Self-Government Act from 2009 shows (Kleist, 2010). The Act is furthermore based to foster equality and mutual respect between the Greenlandic Government and the Danish Government as equal partners (Lovtidende A 2009).

The Inuit Circumpolar Council (ICC) plays an important role in terms of educating and informing the people about indigenous rights' issues and the background of indigenous peoples in the Arctic. The ICC functions as an NGO and has a consultative status within ECOSOC and is a permanent participant in the Arctic Council. The ICC uses various channels for dialogue and advocate for the incorporation of resolutions, actions and legislation on local, national, regional and international
levels (ICC Greenland). The political movement leading to the creation of Inuit Circumpolar Conference (later renamed to Inuit Circumpolar Council) was based on exchanges between Inuit in Greenland and Canada. In 1977 at the initiative of Inupiat in Northern Alaska ICC was formed. The Inupiat was struggling for recognition of their land and resource rights based on the Alaska Settlement Act of 1971 (Thomsen, 2013).

Since the establishment of the WGIP, indigenous peoples have been gradually given more space to participate in the meetings of the five WGIP experts, and in 1985 indigenous peoples were involved in the drafting of what later became the UNDRIP. In 1986, the International Labor Organization (ILO) began a parallel process of revising and updating ILO Convention No. 107 on Indigenous and Tribal Populations (1957). This revision took three years and a new ILO Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries saw its light (Thomsen, 2013).

In 1996 at the request of Greenland, Denmark ratified the ILO Convention No. 169. With the ratification Denmark and Greenland submitted a joint declaration stating that: "There are only one indigenous people in Denmark in the sense of the Convention 169, vis-à-vis the original population of Greenland, the Inuit" (Danmarks erklæring til bekendtgørelse nr. 97 af 9. oktober 1997 af ILO-konvention nr. 169 af 28. juni 1989 vedrørende oprindelige folk og stammefolk i selvstændige stater). The term 'indigenous people' is commonly applied to ethno-cultural groups which have sustained a close relationship with a particular territory over a long time (time immemorial) (Kovler, 2012). Furthermore, the Government of Greenland strongly endorses the UNDRIP. The establishment of the Self-Government arrangement is seen as an illustration of Denmark’s de facto implementation of UNDRIP vis-à-vis Greenland. The Government of Greenland is striving to implement important provisions of the UNDRIP in its daily work, even though the Government is categorized as a public rather than an indigenous government (UN Universal Periodic Review 11th Session 2011).


Who Is Indigenous?

The definitions regarding who to be indigenous are based on both objective and subjective elements. In the UN system Special Rapporteur J.R. Martinez Cobo has come up with a definition in 1986, where he focuses on the historical heritage and that the peoples consider themselves as distinct from other groups in the community where they live and have a wish to maintain their own culture. Another prerequisite is that the indigenous group should be a non-dominating group in the society at large (Barten & Mortensen, 2016). The World Bank has also come up with a description
of indigenous people in its Operational Policy OP 4.10 from 2005 and there is also an updated version since 2013. Here there are four criteria which are crucial when considering an indigenous people: 1) the members of the group and others acknowledge that the group has a special indigenous identity in relation to other groups within the society; 2) the group has an indigenous language; 3) the group has traditional, cultural, economic, social or political institutions; and 4) the group has a relation to the territory through a long history and the territory's natural resources as such (Barten & Mortensen, 2016). The ILO Convention 169 is one of the few binding conventions in relation to indigenous peoples and here we have the following definition:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

3. The use of the term peoples in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law. (ILO 169, Article 1).

Denmark has acknowledged Greenlanders as indigenous according to ILO's definition. According to the Danish state Greenlanders are thus constituting indigenous peoples and is also the only group in the Danish realm with this title. The Greenlanders are also considered as a collective group with no other tribes within it. Even though, Denmark also defines Greenlanders as Danish citizens, they do have their cultural exemptions according to ILO Convention 169 in place also in Denmark in relation to import of whale meat and its blubber. Also friends and relatives in Greenland enjoy this exemption. There is a restriction of 5 kg limit on each shipment, but no annual or personal limits have been enacted (Fitzmaurice, 2012).

Who Is a Greenlander?

In a legal sense the individuals who constitute the Greenlandic people are those who have been recognized as a people in its own right. They are the residents of Greenland who has reached universal suffrage of 18 years of age and can partake in elections, to vote or run for office. To be able to vote in parliamentarian elections, however, one has to be a Danish citizen and have lived in

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1 See the Case of the Inughuit (The Thule Tribe), Hingitaq 53 against Denmark, application no. 18584/04, European Court of Human Rights, cited in Kovler (2012).
Greenland for at least six months prior to the election or referendum. Greenlandic students who study in Denmark also have the right to vote in Greenland (Kleist, 2010). This means that also Danes and Faroese persons living in Greenland as Danish citizens have the right to vote and are de facto part of the Greenlandic population. Inatsisartut can change the legislation regarding the right to vote, since this is part of internal Greenlandic matter and not part of the Self-Government Act (Kleist, 2010).

The Greenlanders hold jurisdiction over their land, but the ownership is still held collectively in its original form by the people of Greenland. Since the Greenlandic population is the only indigenous group in the world, who has the right to secede and form their own state, this is quite a unique situation (Göcke, 2012). The Danish Foreign Ministry has in a notification from 2004 acknowledged that the Greenlandic population is a people as it is stated in international law. This means that the people of Greenland according to Danish eyes is not only indigenous, but also constitute a people with its own rights (Barten & Mortensen, 2016).

If Greenland becomes independent, the population cannot call themselves indigenous anymore. This means that Greenland will lose the indigenous label, since the Inuit then will become a people of its own. A people are all individuals living in a particular territory with self-determination (Barten & Mortensen, 2016). At the moment as long as Greenland belongs to Denmark, Denmark is obliged to follow international law. Denmark is a member of ICCPR, ICESCR and ILO Convention 169, which means that Denmark is protecting the Inuit population in one way or the other (Barten & Mortensen, 2016). With independence Greenland will be obliged to follow international law of its own and take part in international relations on its own account.

In Greenland, the population identifies itself according to its own language. The identity is therefore linked to the Greenlandic language (see e.g. Gad, 2004). In a survey done in the fall of 2015 about 989 Greenlandic citizens participated, who had been chosen randomly through telephone interviews. They were asked questions about identity and language. The results show that 90 per cent of the population consider themselves as Greenlanders, while only 2 per cent see themselves as Danes and the rest group constitutes other nationalities. Amongst the individuals who are born outside Greenland and have lived under five years in Greenland, 42 per cent consider themselves as Danes. 30 per cent of the participants in the investigation state that the important criterion to be a Greenlander is that you are born in Greenland. Only 11 per cent consider that the language is the most important criterion (HS Analyse, 2015). This is, of course, based on subjective attitudes, but shows that the language issue might not be as important as indicated by researchers. It is more important that one is born in the country to be considered as a Greenlander.

Concluding Remarks

To answer the questions posted in the abstract, we can say that it is not easy to answer how the Greenlanders perceive themselves. This would need another type of investigation. Out of the literature and this overview we can say that Greenlanders seem to see themselves more as a people
than as an indigenous people, but on another note it might also be contextual. In some contexts, it
might be better to use the 'indigenous card', such as, in situations where hunting and fishing take
place and where questions about ownership over land are on the agenda. Also in relations to large-
scale projects the FPIC-principle might become handy. It seems that there is a division or paradox
that plays a major role in the discussion around who can be considered a Greenlander and who can
be considered indigenous. From a state perspective or from a Danish point of view it seems clear
that Greenlanders constitute an indigenous group and at the same time 'a people' according to
international law, while at the same time on the regional level in Greenland, Greenlanders perceive
themselves only as 'a people'. If Greenland becomes independent this issue must be solved in one
way or another. Then the context will become a question of who can be considered Greenlander and
who can be seen as a minority in Greenland. How will a Greenlandic state treat their own minorities
(Danes, East-Greenlanders and Inughuit) for instance? The issue of citizenship will then have to be
defined.

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