**Response from Denmark and Greenland to the questionnaire on the Right to Land under the United Nations Declaration on the Rights of Indigenous Peoples**

General framework

On 21 June 2009, the Act on Greenland Self-Government came into force replacing the former Greenland Home Rule Act of 29 November 1978, and on 7 October 2009 the Kingdom of Denmark submitted a notification on the Act to the Secretary-General of The United Nations, followed by a report to the General Assembly Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/64/676) during its sixty-fourth session.

A principal objective of introducing self-government has been to facilitate the transfer of additional authority and thus responsibility to Greenlandic authorities in accordance with the Danish constitution.

In the preamble to the Self-Government Act, it is recognised that the people of Greenland is a people pursuant to international law with the right to self-determination. Accordingly, the Act is based on an agreement between Naalakkersuisut (Government of Greenland) and the Danish Government as equal partners.

Pursuant to the Self-Government Act, the Greenlandic authorities can decide to assume authority over certain new fields of responsibility. With the assumption of a field, the Greenlandic authorities assume legislative and executive power within the field as well as take over responsibility for the financing of the expenditure related to the attendance of the field.

The Government of Greenland has assumed authority regarding a wide range of areas such as social issues, health, taxes, labor market, industry, climate, environment, nature, natural resources (fisheries, mineral resources etc.), research, trade, national planning, public schools, competition law and churches in Greenland.

In respect of the Unity of the Realm and special provisions in the Danish Constitution, responsibility for the following fields may not be transferred: the Constitution; citizenship; the Supreme Court; foreign, defence and security policy and monetary and currency matters. In those fields, and when matters are of importance to Greenland the central authorities of the Realm (Danish Government and Parliament (“Folketing”)) continues to exercise competence in close cooperation with the Government of Greenland.

The laws of the Kingdom of Denmark, adjusted to take into account the special circumstances of Greenland, cover the areas not assumed by the Greenlandic authorities. Accordingly, some Danish legislation applies to the entire Kingdom of Denmark and some Danish legislation applies specifically to Greenland.

On the right to land

The right to land constitutes a range of aspects of which the following are in particular worth mentioning:

According to tradition in Greenland, there is no private ownership of land. The land is communal, thus meaning it cannot be bought nor sold. In order to obtain land use rights, one must apply for an area allotment. It is the municipalities’ task to administer the land use rights, which means that one must apply for an area allotment in the given municipality. For all practical purposes the decision concerning use of land in Greenland lies with the municipalities, which have the competence to decide on the allocation of rights to use of land. However, the municipal planning must not be in conflict with the national planning, which determines land use at a national level, which also contains coordination with the Government of Greenland’s sector planning as well as the main principles of financial planning.

People, who have been allotted the right to the use of land in Greenland, have the right to construct buildings in the allotted area. Such buildings may be subject to mortgage and may – with the consent of the municipality – be bought and transferred together with the right to the land use rights on which they are based. This framework builds on tradition, according to which it is not possible for individuals to obtain complete right of ownership of land in Greenland. This has historical roots in the Inuit culture, which is reflected into the modern Greenlandic society.

Should there be any doubt as to the right of ownership, the right to distribute or the right of use of land in Greenland, the courts in Greenland have jurisdiction to deal with these cases.

In addition, it should be noted that on 1 January 2010 Greenland took over the mineral resources area, which includes the exploration and use of mineral resources in Greenland.

The Mineral resource area is also a field, where the right to land plays a key role. As land in Greenland is not owned, the Government of Greenland has made it possible for companies and individuals to obtain an exclusive right to explore or exploit specific mineral(s) in an area. With the consent of the Government of Greenland it is possible to delineate certain parts of such an area for safety and security reasons.