

## RESPONSE FROM DENMARK AND GREENLAND

UNPFII 16<sup>th</sup> session 24 April-5 May 2017

### Questionnaire to Governments

The UN Permanent Forum on Indigenous Issues was established by the Economic and Social Council by resolution 2000/22. It is mandated to provide expert advice and recommendations on indigenous issues to the Economic and Social Council, and through the Council to the UN agencies, funds and programmes; raise awareness and promotes the integration and coordination of activities related to indigenous issues within the UN system; and prepare and disseminate information on indigenous issues.

The report of the 2016 session of the Permanent Forum includes a number of recommendations within its mandated areas, some of which are addressed to Member States (attached). Please see report at: <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/unpfii-fifteenth-session.html>

The secretariat of the Permanent Forum on Indigenous Issues invites Governments to complete the attached questionnaire on any action taken or planned in response to the Permanent Forum's recommendations and other relevant issues. The responses will be compiled into one report for the sixteenth session of the Permanent Forum which will take place from 24 April to 5 May 2017. The full report will be shared on the UN's website at <https://www.un.org/development/desa/indigenouspeoples>

Please submit your completed questionnaire by **2 December 2016** to:

Secretariat of the Permanent Forum on Indigenous Issues  
Division for Social Policy and Development  
Department of Economic and Social Affairs  
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United Nations Headquarters  
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- 1. Briefly state what recommendations from the Fifteenth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)<sup>1</sup> or recommendations from previous sessions (not included in your previous reports) have been addressed by your Government.**

### Response

Denmark and Greenland have studied the recommendations from the 15<sup>th</sup> session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) of which only a limited number are directly applicable to the context of Denmark/Greenland. Denmark and Greenland participated very actively in the UNPFII's 15<sup>th</sup> session, presenting two national statements and participating in four joint Nordic statements in support of the rights of Indigenous Peoples.

### Recommendation 9:

The Act on Greenland Self-Government from 2009 recognizes the Greenlandic people's right to self-determination under international law, with the Greenlandic language as the official language of Greenland. One of the first actions of the Government of Greenland following the inauguration of the Self Government was to introduce new legislation on language policy. The Act on Language Policy was passed in the Parliament of Greenland in 2010. The purpose of the act is among other things to ensure the Greenlandic language as a complete and community-building language that seeks to strengthen the Greenlandic language as the mother tongue and as a second language for some inhabitants in Greenland. Private companies, public authorities and institutions are required to adopt language policies.

### Recommendation 44:

On 3 June 2016, the Greenland Parliament adopted Act no. 3 on the use of genetic resources and activities related thereto. The Act seeks to regulate and promote the use of genetic resources and activities related thereto including:

- 1) Conservation of Biological Diversity.
- 2) Sustainable use of genetic resources.
- 3) Fair and equitable sharing of benefits arising from utilization of genetic resources.
- 4) Fair and equitable sharing of benefits arising from the utilization of traditional knowledge associated with genetic resources held by indigenous and local communities.

The Government of Greenland has the sovereign right to possess and utilize Greenland genetic resources and to permit others to collect and utilize Greenland genetic resources and establish and contractual terms therefore.

The Greenland Parliament Act provisions on genetic resources and their utilization likewise applies to traditional knowledge associated with genetic resources held by indigenous and local communities, and utilization thereof.

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<sup>1</sup> The following paragraphs of the Report on the Fifteenth Session of the Permanent Forum (E/2016/43) contain recommendations addressed to Member States: 9,10,16,18,19, 20, 21, 22, 26, 28, 29, 32, 33, 34, 35, 38, 39, 40, 44, 45, 47, 51, 52, 55, 57, 60, 63, 64, 67, 71, and 74.

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A license holder who performs activities related to the utilization of genetic resources, will need to review whether there are relevant traditional knowledge, and whether and how any traditional knowledge can be used in conjunction with the utilization of genetic resources.

In terms of follow-up to the World Conference on Indigenous Peoples, Denmark and Greenland remain actively committed to ensuring implementation of the outcome document. Denmark and Greenland focus primarily on the issue of Indigenous Peoples' participation at the UN, where we take an active part in the discussions on how to enhance participation of Indigenous Peoples in all matters and meetings relevant to them.

Denmark and Greenland have also been very active in the reform of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), which was approved at the 33rd session of the Human Rights Council (HRC) in Geneva in September 2016. Various activities have been carried out by Denmark and Greenland to ensure that the revised mandate of EMRIP remains focussed on the protection of indigenous peoples' rights with an explicit reference to the UN Declaration on Indigenous Peoples' Rights (UNDRIP). Furthermore, the revised mandate has made EMRIP more independent as EMRIP is now e.g. able to decide on which articles of UNDRIP their report shall focus. With the revised mandate the EMRIP will become more representative as the number of experts will increase from five to seven, ensuring representation of the seven socio-cultural regions of indigenous peoples. Hereunder the future appointment of an Arctic member, which Denmark and Greenland welcome. Finally, with its enhanced mandate, EMRIP will be able to engage more actively with member states in terms of facilitating dialogues and providing technical assistance with the purpose of improving the respect of indigenous peoples' rights.

### **2. What are the main challenges your country faces in implementing the recommendations of the Permanent Forum? Describe any measures taken or contemplated to address these challenges?**

#### Response

Reference is made to the information provided in the report by Denmark and Greenland to the 14th session of the UNPFII. As underlined in a joint Nordic statement at the 15th session of the PFII delivered by Denmark, ways to ensure implementation of all the valuable and still very relevant recommendations made by the Permanent Forum over the years should be explored. Recommendations have little or no value, if they do not become a reality on the ground and in fact change the lives of Indigenous Peoples. Ensuring appropriate follow-up to its recommendations is the role of the Permanent Forum, and we therefore encourage the Forum and its Secretariat to initiate this work, beginning with a compilation of recommendations and their implementation status. This will provide an overview that can serve as the basis for analysis of the more complex recommendations and provide a point of departure for discussions on a future strategic focus. We suggest that the 16th Session of the Permanent Forum includes space for reflection on past achievements and for discussion on how to ensure concrete actions are taken to follow up on recommendations.

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### **3. What are the main factors that facilitate your Government's implementation of the recommendations of the Permanent Forum?**

#### Response

Reference is made to our answer of Question no. 2.

### **4. What are the main achievements of your country in strengthening the rights of indigenous peoples? Please provide details to support this assessment.**

#### Response

The establishment of the Self-Government system for Greenland in 2009 is in itself an illustration of the Kingdom of Denmark's efforts to strengthen the rights of indigenous peoples. The Self-Government system came into force on 21 June 2009, with the Act on Greenland Self-Government 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 the preamble to the Self-Government Act, it is recognised that the Greenlandic people 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. The Act provides for Greenland to assume a number of new fields of responsibility and thus opens for expansion of further competences and responsibilities to Greenland. It introduces arrangements regarding respectively mineral resource activities in Greenland and the economic relations between Denmark and Greenland. The Act affirms that the Greenland Self-Government authorities exercise legislative and executive power in the fields of responsibility taken over. The Greenland Self-Government authorities comprise a democratically elected assembly – Inatsisartut (Greenland Parliament) – as well as an administration led by Naalakkersuisut (Government of 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; nationality; the Supreme Court; foreign, defence and security policy as well as exchange rate and monetary policy.

The Act describes the cooperation between Denmark and Greenland regarding foreign policy and incorporates the authorisation arrangement from 2005 - establishing that Greenland may, on behalf of the Kingdom of Denmark, negotiate and conclude agreements, under international law with foreign states and international organisations, which exclusively concern Greenland and entirely relate to fields of responsibility taken over. The Act furthermore recognises the Greenlandic language as the official

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language in Greenland; and describes Greenland's access to independence, stipulating that if the people of Greenland take a decision in favor of independence, negotiations are to commence between the Danish Government and Naalakkersuisut regarding the introduction of independence for Greenland.

For a general description of the Greenland Self-Government arrangement, reference is made to the report from Denmark and Greenland to the United Nations Permanent Forum on Indigenous Issues, Eighth Session (E/C.19/2009/4/Add.4) and to the General Assembly (A/64/676).

**5. Describe any measures taken or planned in terms of policies and mechanisms to maintain and build on these gains.**

Response

Reference is made to the answer to question 4.

**6. The UN Declaration on the Rights of Indigenous Peoples was adopted in 2007. To mark the ten year anniversary, and assess gains and achievements, the theme of the Permanent Forum's annual session in 2017 will be: Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration.**

Response

Reference is made to the answer to question 4.

Furthermore, at the international level, Denmark and Greenland work closely together to promote indigenous peoples' rights. The Kingdom of Denmark's international human rights policy maintains as one of its priorities the promotion of the rights of indigenous peoples. In some cases, the situation of indigenous peoples is therefore raised in the Universal Periodic Review of other states or in bilateral dialogues. The situation in Greenland is described in the Kingdom of Denmark's periodic reports to UN human rights treaty bodies. Denmark and Greenland also participate in a number of UN fora where indigenous peoples' rights are discussed and work actively to ensure references to UNDRIP and the rights it contains in relevant soft-law instruments such as resolutions adopted by the HRC and the UN General Assembly.

Indigenous peoples are also a general focus area in Denmark's development cooperation that follows a human rights-based approach to development, and the Kingdom of Denmark continues to provide financial support to a number of organisations and funds that promote Indigenous Peoples' rights.

Finally, Denmark, as an EU member state, contributes actively to bringing EU cooperation policies in line with the UNDRIP. For instance, Denmark has provided the EU's External Action Service with a senior national advisor on indigenous issues to support an update of the EU's policy and guidelines on indigenous peoples.

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The Inuit Circumpolar Council (ICC), Greenland, is the principal organization in Greenland focusing on the rights of the Inuit peoples. The mission of ICC Greenland is the following:

- Promote cooperation between Inuit in the circumpolar region.
- Support the rights and interests of Inuit peoples nationally, regionally and internationally.
- Support the development of concerted effort to protect the Arctic environment.
- Ensure that all Inuit peoples have an equal and active participation in the political, economic and social development in their home countries.
- Enhance the effort to ensure the rights of indigenous peoples.

The Government of Greenland has provided annual financial support to the Inuit Circumpolar Council (ICC) Greenland through the national budget amounting to app. USD 428,000 since 2007. The funding assures ICC Greenland's participation and representation in international fora including the Arctic Council and the UN Permanent Forum on the Rights of Indigenous Peoples. The Government of Denmark does also provide financial support to the ICC.

**7. At its 2017 session, the Permanent Forum will review its recommendations on:**

**(a) empowerment of indigenous women; and (b) indigenous youth.**

**Please provide information on actions taken to address the situation of indigenous women (recommendation 39 of the PFII report) and indigenous youth (recommendations 32 and 34).**

Response:

Reference is made to the information provided in the report by Denmark and Greenland to the 14th session of the UNPFII. With regards to indigenous youth, reference is also made to the information provided in the report by Denmark and Greenland to the Fifth Periodic Report to the Committee on the Rights of the Child submitted on 1 March 2016.

**8. Regarding indicators of progress and data collection:**

Denmark and Greenland have not developed national indicators for monitoring progress on indigenous peoples' issues. The Greenlandic people is recognized as an indigenous people. In Greenland, disaggregated data on indigenous peoples is thus not collected. Data is only provided on who is born in Greenland and outside of Greenland.

In Denmark, Statistics Denmark is responsible for the national census and data collection. In Greenland, it is Statistics Greenland which is the responsible entity.

**9. The outcome document of the 2014 World Conference on Indigenous Peoples (A/RES/69/2) invites the UN system to support the implementation, upon request, of national action plans, strategies or other measures to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples (paragraph 32).**

Response:

Reference is made to response 2.

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**10. The Permanent Forum on Indigenous Issues will continue to address indigenous issues in the follow up and review of the 2030 Agenda for Sustainable Development. Please provide information on the following:**

Response

Denmark did not submit a voluntary national review to the UN High Level Political Forum in 2016, but plans to submit a review in 2017. It is under consideration how to include indigenous peoples in this review. Greenland will provide a separate section on Greenland's follow-up on the 2030 agenda to the review. It is therefore premature to complete the table below. We hope to be able to provide the data at a later stage.

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<b>2030 Agenda SDG/ Target</b>	<b>Indicator</b>	<b>(a) Total population</b>	<b>(b) Indigenous peoples</b>	<b>Increase or decrease in gaps between (a) and (b) in the last year</b>	<b>Measures to close any gaps (please mention key policies and/or programs)?</b>
Goal 1 Target 1.2	<i>1.2.1 Proportion of population living below the national poverty line, by sex and age</i>				
Goal 1 Target 1.4	<i>1.4.2 Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure</i>				
Goal 2 Target 2.3	<i>2.3.2 Average income of small-scale food producers, by sex and indigenous status</i>				
Goal 3 Target 3.1	<i>3.1.1 Maternal mortality ratio</i>				
Goal 4 Target 4.1/4.5	<i>4.1.1.c/4.5.1 Percentage of children and young people at the end of lower secondary achieving at least a minimum proficiency level in i) reading and ii) mathematics, by sex</i>				
Goal 8 Target 8.6	<i>8.6.1 Proportion of youth (aged 15-24 years) not in education, employment or Training</i>				
Goal 10 Target 10.3/ Goal 16 Target 16.b	<i>10.3.1/16.b.1 Percentage of the population reporting having personally felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international human rights</i>				