

Draft

Act on Greenland Self-Government

Recognising that the people of Greenland is a people pursuant to international law with the right of self-determination, the Act is based on a wish to foster equality and mutual respect in the partnership between Denmark and Greenland. Accordingly, the Act is based on an agreement between Naalakkersuisut [Greenland Government] and the Danish Government as equal partners.

Chapter 1

THE SELF-GOVERNMENT AUTHORITIES AND THE COURTS

1. The Greenland Self-Government authorities shall exercise legislative and executive power in the fields of responsibility taken over. Courts of law that are established by the Self-Government authorities shall exercise judicial power in Greenland in all fields of responsibility. Accordingly, the legislative power shall lie with Inatsisartut, the executive power with Naalakkersuisut, and the judicial power with the courts of law.

CHAPTER 2

THE SELF-GOVERNMENT AUTHORITIES' ASSUMPTION OF FIELDS OF RESPONSIBILITY

2. (1) The Greenland Self-Government authorities may determine that the fields of responsibility that appear from the Schedule to this Act shall be transferred to the Self-Government authorities.

(2) To the extent that several fields of responsibility are listed under the same paragraph or number in the Schedule to this Act, the fields of responsibility concerned shall be transferred to the Greenland Self-Government authorities at the same time, but see subsection (3).

(3) The Greenland Self-Government authorities may determine that part of the fields of responsibility that are listed in List I, para b and List II, Nos. 15, 25 and 27 in the Schedule to this Act shall be transferred to the Self-Government authorities.

3. (1) Fields of responsibility that appear from List I of the Schedule shall be transferred to the Greenland Self-Government authorities at points of time fixed by the Self-Government authorities.

(2) Fields of responsibility that appear from List II of the Schedule shall be transferred to the Greenland Self-Government authorities at points of time fixed by the Self-Government authorities after negotiation with the central authorities of the Realm.

4. Naalakkersuisut and the Government may agree that fields of responsibility which exclusively concern Greenland affairs, and which are not referred to in the Schedule, may be assumed by the Greenland Self-Government authorities.

CHAPTER 3

ECONOMIC RELATIONS BETWEEN THE GREENLAND SELF-GOVERNMENT AUTHORITIES AND THE DANISH GOVERNMENT

5. (1) The Government shall grant the Greenland Self-Government authorities an annual subsidy of DKK 3,202.1 million, but see section 8 (1). The amount is indicated in 2007 price and wage levels.

(2) The subsidy shall be adjusted annually in accordance with the increase in the general price and wage index of the Finance and Appropriation Act for the year concerned.

(3) The subsidy shall be paid in advance in the form of a monthly payment of 1/12.

(4) Subject to agreement with Naalakkersuisut, the Minister for Finance may lay down rules on changed dates for disbursement.

6. (1) Fields of responsibility that are assumed by the Greenland Self-Government authorities pursuant to sections 2-4 shall be financed by the Self-Government authorities from the date of assumption.

(2) The Greenland Self-Government authorities shall assume the real assets that are directly related to a field of responsibility that is taken over.

7. (1) Revenue from mineral resource activities in Greenland shall accrue to the Greenland Self-Government authorities.

(2) The revenue referred to in subsection (1) shall include the following revenue:

1) Revenue in accordance with specific licenses for prospecting for, exploration for, or the exploitation of mineral resources. This shall not, however, include amounts paid to cover expenditure under the auspices of the Bureau of Minerals and Petroleum.

2) Revenue from any taxation in Denmark and Greenland of licence holders with respect to the part of the business that relates to mineral resources in Greenland.

3) Revenue from Greenland and Danish public authorities' stakes in companies, etc. that operate in the mineral resource area in Greenland.

4) Revenue from withholding tax, etc. in Denmark and Greenland concerning shareholders in companies that are licence holders, or in companies that entirely own such companies directly or indirectly and can receive tax-free dividend from these.

8. (1) If revenue from mineral resource activities in Greenland accrues to the Greenland Self-Government authorities, cf. section 7, the Government's subsidy to the Self-Government authorities

shall be reduced by an amount corresponding to half the revenue which, in the year concerned, exceeds DKK 75 million.

(2) With effect from 1 January the year after the commencement of the Act, the amount of DKK 75 million referred to in subsection (1) shall be adjusted annually in accordance with the increase in the general price and wage index of the Finance and Appropriation Act for the year concerned.

(3) Calculation pursuant to subsection (1) shall take place the subsequent year with a view to payment the following year.

9. (1) With the assumption of the mineral resource area by the Greenland Self-Government authorities, the Government shall, against payment, ensure the provision of consultancy and other attendance to tasks for the purpose of the Self-Government authorities' attendance to the mineral resource area.

(2) With effect from the Greenland Self-Government authorities' assumption of the mineral resource area, Naalakkersuisut and the Government shall conclude an agreement on the services referred to in subsection (1).

(3) Naalakkersuisut may decide to renew the agreement referred to in subsection (2) in the form of multi-year agreements.

(4) Where agreements are concluded pursuant to subsection (2) and subsection (3), the Government shall, free of charge, provide Naalakkersuisut with research of special relevance to mineral resource exploration in Greenland.

10. If the Government's subsidy to the Greenland Self-Government authorities is reduced to zero kroner, cf. section 8, negotiations shall be initiated between Naalakkersuisut and the Government regarding the future economic relations between the Greenland Self-Government authorities and the Government. The negotiations shall include the distribution of revenue from mineral resource activities in Greenland, resumption of the Government's subsidy to the Greenland Self-Government authorities, and continuation of an agreement regarding the services referred to in section 9.

CHAPTER 4 FOREIGN AFFAIRS

11. (1) Naalakkersuisut may act in international affairs as laid down in this Chapter and in agreements with the Government.

(2) The Government and Naalakkersuisut shall cooperate in international affairs as laid down in this Chapter with a view to safeguarding the interests of Greenland as well as the general interests of the Kingdom of Denmark.

(3) The powers granted to Naalakkersuisut in this Chapter shall not limit the Danish authorities' constitutional responsibility and powers in international affairs, as foreign and security policy matters are affairs of the Realm.

12. (1) Naalakkersuisut may, on behalf of the Realm, negotiate and conclude agreements under international law with foreign states and international organisations, including administrative agreements which exclusively concern Greenland and entirely relate to fields of responsibility taken over.

(2) Agreements under international law which exclusively concern Greenland and the Faroe Islands and entirely relate to fields of responsibility taken over may, subject to decision by Naalakkersuisut as well as the Faroe Islands Landsstyre [Government of the Faroes], be negotiated and concluded jointly on behalf of the Realm by Naalakkersuisut and the Faroe Islands Landsstyre.

(3) Agreements under international law concluded pursuant to subsection (1) or subsection (2) may be terminated according to the same provisions.

(4) Agreements under international law affecting the defence and security policy as well as agreements under international law which are to apply to Denmark, or which are negotiated within an international organisation of which the Kingdom of Denmark is a member shall be negotiated and concluded according to the rules laid down in section 13.

(5) Naalakkersuisut shall inform the Government of negotiations under consideration before these are initiated and of the development of the negotiations before agreements under international law are concluded or terminated. A more detailed framework for the cooperation in accordance with this provision shall be determined after negotiation between Naalakkersuisut and the Government.

(6) Agreements under international law pursuant to subsection (1) shall be concluded on behalf of the Realm by Naalakkersuisut under the designation of:

- a) The Kingdom of Denmark in respect of Greenland where the agreement appears as concluded between states.
- b) Naalakkersuisut where the agreement appears as concluded between governments or between administrative authorities. In that case, reference shall be made in the preamble of the agreement to the present Act as specified pursuant to subsection (8).

(7) Agreements under international law pursuant to subsection (2) shall be concluded jointly on behalf of the Realm by Naalakkersuisut and the Faroe Islands Landsstyre under the designation of the Kingdom of Denmark in respect of the Faroe Islands and Greenland.

(8) More detailed rules for the use of designations referred to in subsections (6) and (7) as well as other similar designations may be determined in accordance with subsection (5).

13. (1) The Government shall inform Naalakkersuisut before negotiations are initiated regarding agreements under international law which are of particular importance to Greenland. Subject to request by Naalakkersuisut, an agreement may be concluded with the Minister concerned who shall lay down detailed cooperation rules within the framework of this provision, including a detailed

determination of criteria for when agreements shall be deemed to be of particular importance to Greenland.

(2) In matters which exclusively concern Greenland, the Government may authorise Naalakkersuisut to conduct the negotiations, with the cooperation of the Foreign Service.

(3) Agreements where Denmark and Greenland have been jointly involved in the negotiations shall be signed by the Government, to the widest extent possible, together with Naalakkersuisut.

(4) Agreements under international law which are of particular importance to Greenland must, before they are concluded or terminated, be submitted to Naalakkersuisut for comments. If the Government deems it necessary to conclude the agreement without the consent of Naalakkersuisut, this shall, to the widest extent possible, have no effect for Greenland.

14. Where international organisations allow entities other than states and associations of states to attain membership in their own name, the Government may, subject to request by Naalakkersuisut, decide to submit or support such an application from Greenland where this is consistent with the constitutional status of Greenland.

15. As requested by Naalakkersuisut, representatives of Naalakkersuisut shall be appointed to the diplomatic missions of the Kingdom of Denmark to attend to Greenland interests within fields of responsibility that have been entirely assumed by the Self-Government authorities. The Government may determine that expenditure to this end shall be borne by Naalakkersuisut.

16. (1) Greenland Self-Government authorities shall be subject to the obligations that arise out of agreements under international law and other international rules which are at any time binding on the Realm.

(2) Measures under consideration by the Self-Government authorities which would be of substantial importance for the foreign relations of the Realm, including participation by the Realm in international cooperation, shall be negotiated with the Government before any decision is taken.

CHAPTER 5

COOPERATION BETWEEN THE GREENLAND SELF-GOVERNMENT AUTHORITIES AND THE CENTRAL AUTHORITIES OF THE REALM REGARDING STATUTES AND ADMINISTRATIVE ORDERS

17. (1) The Government's Bills which comprise or may be brought into force for Greenland must, before they are presented to the Folketing, be submitted to the Greenland Self-Government authorities for comments.

(2) The Government shall await the Self-Government authorities' comments before presenting Government Bills to the Folketing which contain provisions that exclusively apply to Greenland or are of particular importance to Greenland.

(3) A time limit may be fixed for the submission of comments comprised by subsection (2).

18. (1) Draft administrative orders which comprise or may be brought into force for Greenland must, before they are issued, be submitted to the Greenland Self-Government authorities for comments.

(2) The issue of administrative orders which contain provisions that exclusively apply to Greenland or are of particular importance to Greenland shall await the Self-Government authorities' comments.

(3) A time limit may be fixed for the submission of comments comprised by subsection (2).

CHAPTER 6 DISPUTE RESOLUTION

19. (1) Should any question of doubt arise between the Greenland Self-Government authorities and the central authorities of the Realm concerning the Self-Government authorities' responsibility in relation to the central authorities, the Government or Naalakkersuisut may decide to lay the question before a board consisting of two members nominated by the Danish Government, two members nominated by Naalakkersuisut, and three judges of the Supreme Court nominated by its President, one of whom shall be nominated as chairman.

(2) If the four members nominated by the Government and Naalakkersuisut reach agreement, the question shall be considered settled. If these four fail to reach agreement, the question shall be decided by the three Supreme Court judges.

(3) The board may decide to suspend the enactment or decision which has been placed before the board until such time as the board's decision is taken.

CHAPTER 7 LANGUAGE

20. Greenlandic shall be the official language in Greenland.

CHAPTER 8 GREENLAND'S ACCESS TO INDEPENDENCE

21. (1) Decision regarding Greenland's independence shall be taken by the people of Greenland.

(2) If decision is taken pursuant to subsection (1), negotiations shall commence between the Government and Naalakkersuisut with a view to the introduction of independence for Greenland.

(3) An agreement between Naalakkersuisut and the Government regarding the introduction of independence for Greenland shall be concluded with the consent of Inatsisartut and shall be endorsed by a referendum in Greenland. The agreement shall, furthermore, be concluded with the consent of the Folketing.

(4) Independence for Greenland shall imply that Greenland assumes sovereignty over the Greenland territory.

CHAPTER 9

ENTRY INTO FORCE AND TRANSITIONAL PROVISIONS

22. The Act shall enter into force on 21 June 2009.

23. (1) Act No. 577 of 29 November 1978 on Greenland Home Rule shall be repealed, but see subsection (2).

(2) Section 8 of the Greenland Home Rule Act shall remain in force until the mineral resource area is taken over by the Greenland Self-Government authorities.

(3) The Greenland Self-Government authorities shall continue to exercise legislative and executive power in fields of responsibility that have been assumed pursuant to section 4 of the Greenland Home Rule Act.

(4) The Greenland Self-Government authorities shall exercise legislative and executive power in fields of responsibility that have been assumed pursuant to section 5 of the Greenland Home Rule Act.

24. (1) Act No. 577 of 24 June 2005 on the conclusion of agreements under international law by the Government of Greenland shall be repealed.

(2) Orders issued in pursuance of the Act shall remain in force with the amendments that arise out of this Act until they are amended or repealed by the proper authority.

25. Section 22 of the Act on Mineral Resources in Greenland, cf. Consolidation Act No. 368 of 18 June 1998 shall be repealed.

26. Act on the establishment of a company to attend to hydrocarbon activities in Greenland, etc., cf. Consolidation Act No. 87 of 9 February 1999 shall be repealed.

27. Provisions that apply to Greenland shall remain in force with the amendments that arise out of this Act until they are amended or repealed by the proper authority.

28. (1) Matters which at the time of transfer of a field of jurisdiction to the Greenland Self-Government authorities are under consideration by a Danish authority shall be finalised by the Greenland authority concerned, but see subsection (2)

(2) The Danish authority concerned may in special cases and subject to agreement with the Greenland authority concerned decide that certain specific matters shall be finalised by the Danish authorities.

SCHEDULE

List I

- a) Industrial injury compensation
- b) The remaining areas under the health care area
- c) The road traffic area
- d) The law of property and obligations
- e) The commercial diving area

List II

- 1) Prison and probation service
- 2) Passports
- 3) Police and prosecution service as well as related parts of the administration of criminal justice
- 4) Administration of justice, including the establishment of courts of law
- 5) Criminal law
- 6) The aliens area and border controls
- 7) Law of capacity
- 8) Family law
- 9) Succession law
- 10) Law practice
- 11) The weapons area
- 12) Radio-based maritime emergency and security services
- 13) The radio communications area
- 14) The company, accounting and auditing area
- 15) The food and veterinary area
- 16) Aviation
- 17) Intellectual property
- 18) Copyright
- 19) Upper secondary education
- 20) Security at sea
- 21) Ship registration and maritime matters
- 22) Charting
- 23) The buoyage, lighthouse and pilotage area
- 24) Marine environment
- 25) Financial regulation and supervision

- 26) The mineral resource area
- 27) The working environment