**Response from Denmark and Greenland to the questionnaire in relation to indigenous justice systems**

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 fields where this is constitutionally possible.

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.

According to the Self-Government Act, the Self-Government authorities can decide to assume a number of new fields of responsibility, such as administration of justice, including the establishment of courts of law; the prison and probation service; the police; the field relating to company law, accounting and auditing; mineral resource activities; aviation; law of legal capacity, family law and succession law; aliens and border controls; the working environment; as well as financial regulation and supervision.

With the assumption of a field of responsibility, the Self-Government authorities assume legislative and executive power in the field as well as take over responsibility for the financing of the expenditure related to the attendance of the field.

The Self-Government authorities has assumed responsibility regarding a wide range of areas such as 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; nationality; the Supreme Court; foreign, defence and security policy as well as exchange rate and monetary policy.

The fields of responsibility not taken over by the Self-Government authorities fall within the jurisdiction of the central authorities of the Realm (Danish Government and Folketing).

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

Administration of justice is an area which has not yet been taken over by Greenland. This area is thus covered by Danish law with certain adjustments made for Greenland. Greenland’s judicial system has two courts of first instance: the District Courts and the Court of Greenland depending on the type of case, whereas the High Court of Greenland hears cases as the second instance. Decisions made by the High Court of Greenland may be brought before the Supreme Court subject to the permission of the Appeals Permission Board.

In this connection it should be noted that a particular Administration of Justice Act as well as Criminal Code applies specifically to Greenland. Thus, in 1994, a Judicial Commission (“Den Grønlandske Retsvæsenskommission”) was established by the Danish Government. It was tasked with going through the legal system in Greenland and making a report containing recommendations for how the legal system could be adapted to the Greenlandic conditions. The report was published in 2004. As part of the work of the Judicial Commission, an Administration of Justice Act and a Criminal Code were drawn up. Both were adapted to the Greenlandic culture and attitude to measures where emphasis is placed on offender-focused policing (“gerningsmandsprincippet”). It is based on the traditional Greenlandic focus on resocialization rather than punishment.

The Greenlandic administration of justice is unique in the sense that the courts of the first instance - the district courts - are pure layman's courts, whose competence covers the majority of all cases. This system is characterized by a principle of subsidiarity, which implies that the citizen can be serviced locally, even though the population is characterized by many small communities that are spread over a very large geographical area.

Another example to be noted is that there is no private ownership of land in Greenland. As noted by the Kingdom of Denmark in its declaration when ratifying the ILO Convention No. 169 on indigenous peoples and tribal peoples in independent states, the ownership is set up in a special way determined by tradition.

In conclusion, Greenland, compared to other indigenous peoples elsewhere in the world, occupies a special position within the state because of the Self-Government regime. Not least because of legislation passed by Greenland after the introduction of Home Rule in 1979, where extensive written regulation - largely depending on customary considerations – has been adopted.