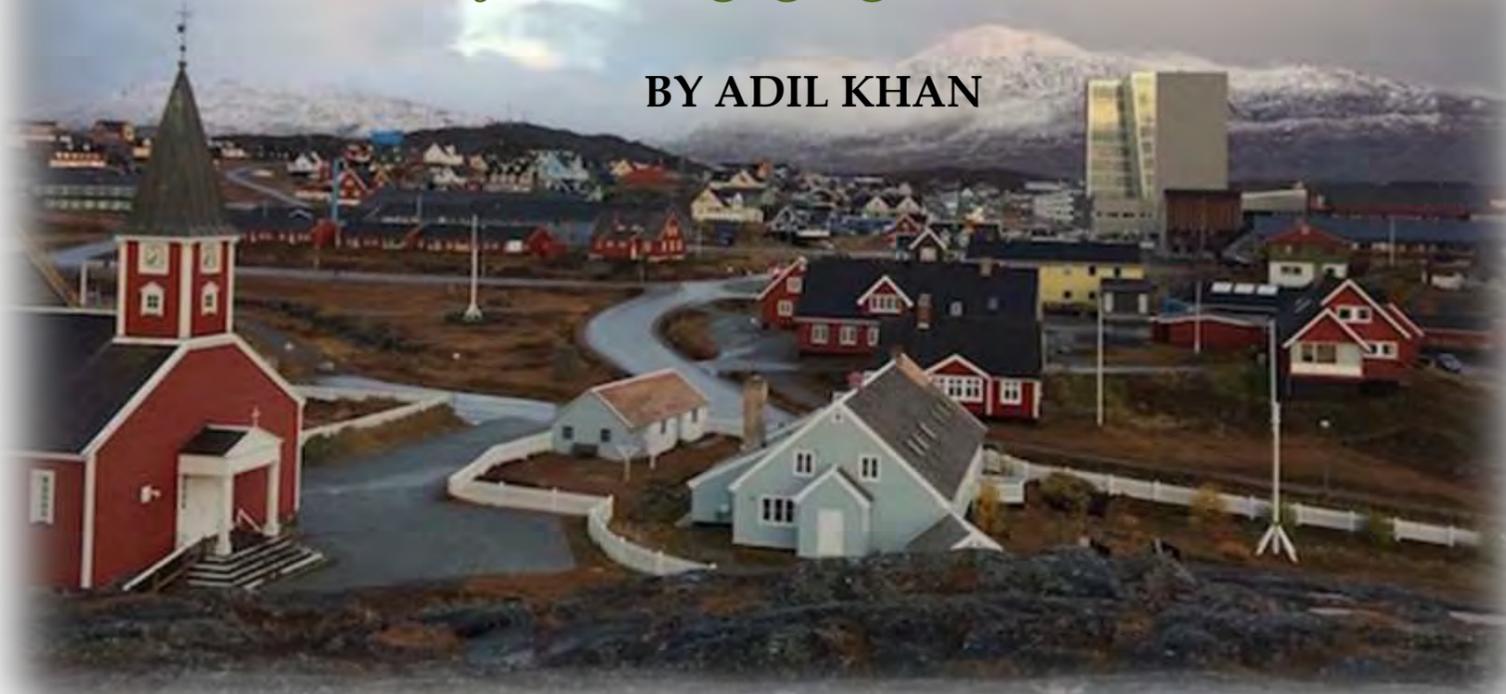


Access to Greenland

The Case for Reengaging the Giant Next Door

BY ADIL KHAN



Nunavut has a unique story, but just four hundred miles east of Iqaluit is another place where northern aboriginal people have clawed back political power from a distant southern capital. The similarities between the Greenland and Nunavut are wide-ranging, each having spent the last three decades reasserting authority over their land, culture and government. Greenland's fifty-seven thousand people are 88% Greenlandic Inuit, predominantly bilingual – speaking both Danish and Greenlandic – and are spread sparsely around the southern and western coast, with a concentration of seventeen thousand in the capital of Nuuk. This article will explore Greenland's history and development, highlighting the lessons for Nunavummiut as they shape their own path forward.

I visited the cosmopolitan capital of Greenland in early October and had the chance to meet with Rebekka Bisgaard, an attorney at Greenland's largest private practice - Nuna Law Firm. The offices of Nuna Law occupied the sixth floor of one of the handful of office towers in the city and with its shiny boardrooms and glossy artwork could have been mistaken for any Seven Sisters office in Canada. The firm has a staff of seven lawyers and deals with a broad range of corporate and civil matters. The fact that a firm of this size and nature can prosper in Nuuk indicates the volume of commercial activity underway in Greenland and the breadth of the economic gap between the island and Nunavut. While much more in-depth comparative research is needed on how the varying process of devolution led to these outcomes, professionals in Nunavut should acknowledge the strategic value in partnering to strengthen economic linkages and advance the progress of the broader circumpolar region.

For almost three hundred years the enormous glacier covered island was a colony of Denmark, but Greenlanders began disentangling themselves from Copenhagen in 1972 by rejecting Denmark's referendum to join the European Community. While rising nationalism and natural resources were important factors, it was the fishing restrictions and the sealskin ban that galvanized opposition. In 1979 the *Greenland Home Rule Act* (GHRA) was passed, and Greenland officially became a politically autonomous country within the Kingdom of Denmark. The GHRA did not pass on title to property in the same sense as the *Nunavut Land Claims Agreement* (NLCA), but the end result was the same.



Left:

Rebekka Bisgaard and Kista Høegh of the Nuna Law Firm stand beside the entrance of IKIU, a pro-bono legal aid organization, in Nuuk, Greenland

Greenlanders were to control the use of their land and set about building up an autonomous government and political apparatus. In 2008, Greenlanders voted to further repatriate authority from Denmark. Greenland's official language was changed from Danish to Greenlandic. The new arrangement also envisioned the sharing of revenues from future oil and gas development, so that the Danish subsidies could be phased out. Greenland is now firmly on the path to full and complete independence.

The GHRA and the NLCA have obvious similarities. Politically they portend a fundamental shift of power from central to aboriginal governments. Economically, they signify the abolishment of a culture of paternalism and welfare in favor of engaging aboriginal people in the modern global economy. Greenland, much like Nunavut, is facing significant changes in the composition of its economy, and is moving rapidly in the direction of becoming a commodities economy. While market factors have limited the mining sector's growth thus far, there is an evident public campaign to revive economic optimism in Greenland. An example is organizations like *Vækstfonden*, a Danish state investment fund that provides capital and strategic support to new growth companies. Focus has also shifted to the growing tourism sector. In 2008, there were nearly four hundred cruise ship arrivals in Greenland and, in 2014, close to eighty thousand overnight visitors. A vast majority of these were Danish. We can be inspired by Greenland's pathway leading to a world-class adventure tourist destination. Nuuk has for instance, a modern museum and art gallery to showcase local history and artists and offers a range of food, hotel and shopping experiences that mix tradition with modernity. Most visitors, the author included, are left surprised by the city's natural beauty and its vibrancy. Nunavut most certainly has the scenery and cultural dynamism to raise its profile amongst domestic tourists seeking original experiences. Accordingly, Canada can tap into the growing public interest in the Arctic and build on, and further develop attractions to increase interest in travelling to Nunavut.

Regardless of its ambitions, Greenland's economy today relies on the fisheries sector. However, there is growing interest in Greenland's gemstone, rare earth and uranium deposits from Europe, North America and as far away as China. But before any extraction project can go into production, companies need to garner broad support and ensure the project will benefit not exploit the local population in an Impact and Benefit Agreement with the Greenlandic government and the relevant municipality. Development is complicated by the small local labor pool, skepticism about Greenlandic regulations meeting international standards and the logistical challenges of a nation with no roads outside of its cities and towns. Further, there is a prevalent fear that mining could destroy the environment and traditional ways of life, but it may also offer the best solution to social problems by creating jobs and funding public services. Many in Nunavut will recognize the dilemma and sympathize with the difficulty of putting in place the legal frameworks that ensure the process results in broad and sustainable social gains.

The court system of Greenland is composed of four district courts, the Court of Greenland, the High Court of Greenland and, at its apex, the Danish Supreme Court. There is a district or magistrate court to hear criminal matters in each local district of the country and proceedings are conducted in Greenlandic. These remote forums are presided over by judges without any legal background aside from a district court judge course. In a contrast to the Canadian justice system in the north, Denmark has incorporated traditional practices into the justice system rather than imposing European norms and committed to establishing the physical infrastructure for communities to address their own legal concerns rather than rely on periodic court visits.

Further, suggestive of the Gladue principles not adopted into Canadian jurisprudence till that the late 1990s, the sanctions of the Greenland Criminal Code of 1954 are inspired, not by the severity of the offense itself, but by a desire to rehabilitate the offender and to protect society. All this, however, does not change the fact that there is a substantial barrier in understanding legal matters for a majority of the Greenlanders and this places a heavy burden on a small bar. The *Nunatsinni Advokatit* is the union of lawyers working in Nuuk and they number a partly twenty. Attracting and retaining talent in Greenland, as in much of Arctic, is challenging. Perhaps as a result,



the conduct of district courts in Greenlandic makes burdensome translation services necessary as many lawyers are non-native speakers. However, Greenland's bar is highly active in serving its community needs. Rebekka and her colleague, Kista Høegh, allowed me to attend on their pro-bono outreach work with an organization called *IKIU* (Greenlandic for "help"). The legal aid service for non-criminal concerns arranges calls between clients and lawyers and also coordinates field visits to communities.

While Greenland's economy may be more prosperous than Nunavut, the demands on the bar are comparable to our local Bar. However, the Greenlandic bar does not benefit from the convenience of a vast pool of non-resident practitioners to call on, but must address a similar burden of legal complaints; as such, the Greenlandic bar, much like the nation as a whole, faces many challenges ahead.

Greenland has done much to transform its image from that of an empty fortress to a region of business opportunity. With the end of the periodic Air Greenland connection between Iqaluit and Nuuk in 2015, both regions lost a critical pathway to continued economic interaction and cultural exchange. One would hope that in the future renewed access to Greenland would lead to a new commitment to enhanced connectivity amongst the two emerging political entities and developing economies.

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