



Copenhagen, 21 December 2022

Position Paper by NOAH Friends of the Earth Denmark on Draft Bill for: Greenland Parliament Act No. xx of xx xxxx 2023 on mineral activities (the Mining Act), and Draft Bill for: Greenland Parliament Act No. xx of xx xxx 2023 amending Greenland Parliament Act on mineral resources and mineral resource activities (the Mineral Resources Act)

NOAH is grateful for the opportunity to comment on the draft bills¹ and supports the idea of splitting the existing Mineral Resources Act into several special acts in order to make the current legislation more efficient and clear.

Generally, we support the strengthening of the government's statutory powers, especially in regard to environmental issues. We are also in favour of the idea that the government should be able to request tax information directly from licensees' contracting parties performing activities under a mineral licence and its proposed statutory authority to issue administrative fines.

In particular, we support statutory authority of the government to protect areas of special geological interest and call on the government to protect Kuannersuit/Kvanefjeld in Southern Greenland. In our opinion, this should be the first step in a process which would result in an enlargement of the UNESCO Kujataa World Heritage to include Kuannersuit/Kvanefjeld.

Especially in Southern Greenland, there has long existed a notion that the Kujataa World Heritage Site in its present form has been delineated to accommodate the Kuannersuit/Kvanefjeld mining project and that the potential impacts of the other mining projects surrounding the site have not been considered. In March 2018, responding to call for submissions by Greenland's Ministry of Education, Culture, Research and Church and the Danish Ministry of Culture's Agency for Culture and Palaces, The URANI NAAMIK/NO TO URANIUM Society in Narsaq proposed that Kujataa should be extended to include large parts of the Erik Aappalaartup Nunaa Peninsula (or the Narsaq

¹ Link to the consultation portal: [Udkast til forslag til: Inatsisartutlov nr. xx af xx. xxxx 2023 om mineralaktiviteter \(mineloven\), og Udkast til forslag til: Inatsisartutlov nr. xx af xx. xxx 2023 om ændring af Inatsisartutlov om mineralske råstoffer og aktiviteter af betydning herfor. \(råstofloven\) \(naalakkersuisut.gl\)](#)

Peninsula), which should be entered into Greenland's World Heritage Tentative List. Subsequently, Narsaq Museum's curator recommended that Landnamsgaarden and Dyrnæs Church near Narsaq should be recognised as world heritage and in a letter to URANI NAAMIK, Greenland National Museum and Archive mentioned the big Northener Farm in Narsaq as a possible world heritage prospect². Generally, the proposed sites meet a wide range of selection criteria for nomination to the World Heritage Tentative List³. NOAH fully supports these initiatives and calls on the government to protect Kuannersuit/Kvanefjeld and initiate proceedings to provide the mountain and its surroundings with UNESCO world heritage site status⁴.

We support the implementation of criteria for vetting of license applicants⁵ before and during the license period that amongst others takes into consideration possible prior criminal convictions and ties to criminal organisations by key people in the companies in question, and not only the economic capacity to pay the license fees, which is currently the only requirement to be able to apply for a license.

Finally, we applaud that a fund for citizen involvement will continue, albeit on a new legal basis.

However, any comment on the draft bills is insufficient if it does not take place in the perspective of mining issues in general. Thus, we would like to add the following general comments:

Together with almost 140 other green NGOs from all over the world, including from Greenland, we have called for a moratorium on large-scale mining in Greenland, and argued that the Greenlandic government should be compensated for the possible loss of revenue from such a measure⁶.

Until that happens, Greenland's mining legislation could benefit from the following amendments:

(i) Greenland is not party to the Aarhus Convention and Greenland's environmental legislation does not mandate strategic environmental impact assessments for mineral exploration areas. This means that few areas in principle are excluded from being licensed and also that the public is not informed

² NGO press release, Kvanefjeld Mining Project Endangers UNESCO World Heritage Site (August 8, 2018), <https://noah.dk/node/1109>

³ With respect to Kvanefjeld and the Ilimmaasaq Complex with their more than 200 different minerals, mainly criteria 7 and 8 are relevant. See UNESCO World Heritage Convention homepage: <https://whc.unesco.org/en/criteria/>

⁴ For more on this subject, see: Kujataa – A Property Surrounded by Mining Projects, in World Heritage Watch Report 2020, p. 80-84: [WHW-Report-2020.pdf \(world-heritage-watch.org\)](https://www.world-heritage-watch.org/WHW-Report-2020.pdf)

⁵ Cf. the Draft Bill for the Mineral Resources Act, article 67.

⁶ NGO declaration, Appeal to the Greenlandic and Danish Governments and the European Union to Help Protect the Greenlandic and Arctic Environment, 10 February 2021: [Declaration on large-scale mining and oil and gas extraction in Greenland 1.pdf \(noah.dk\)](https://www.noah.dk/declaration-on-large-scale-mining-and-oil-and-gas-extraction-in-greenland-1.pdf)

in advance on what areas could be designated⁷. The government should adopt this convention, so that not only environmental impact assessments, but also strategic environmental assessments of the plans and programs that set the frame for all large- and small-scale mining projects become mandatory⁸.

(ii) The government should sign and adopt the standards, measures and rules in UN's Convention Against Corruption⁹ in both the public and private sector and assure that licensing procedures are not manipulated or interfered with. There should be firm boundaries between the licensing authority and the mining companies. Conflicts of interest should be prevented by imposing appropriate restrictions for a reasonable period of time on the professional activities of former public officials and on their employment by the private sector after their resignation or retirement in situations, where their activities relate directly to the functions held or supervised by them during their tenure.

Also, it should be possible to annul prospecting, exploration and exploitation licenses if a license holder violates Greenland's penal code, tries to manipulate the licensing process, unduly influence the decision-making, or undermine local and general elections in order to facilitate mining projects.

The government should also take measures to ensure that entities or persons who have suffered damage as a result of an act of corruption, including the government itself, municipalities and local communities, have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.

(iii) Whistle-blower protection must be seen as a necessary precondition for fighting corruption as well as for transparency and access to relevant information by the public: The government should incorporate measures into the legal system to give protection against any unjustified treatment for anybody who in good faith and on reasonable grounds reports facts about serious offences to the competent authorities.

(iv) In regard to large-scale mining projects, local communities should have the right to free prior and informed consent, including a right to say no to mining¹⁰.

⁷ For more information on Greenland's legislation in this field, see Ellen Margrethe Basse, Juridisk responsum om den gældende grønlandske lovgivning vurderet i lyset af Århuskonventionen, Juridisk Institut, Business and Social Sciences, Aarhus Universitet, June 2014.

⁸ The rights guaranteed by the Aarhus Convention relate to three areas: (a) The public's right of access to environmental information vis-à-vis administrative authorities and private parties with public responsibilities for environmental protection. (b) The public's right to participate in certain environmental decision-making processes. (c) The public's right of access to courts or tribunals in environmental matters. Transparency includes informing all persons and stakeholders in a way that they can assess the risk of a certain activity. Information has to be provided complete and early enough for this to happen. Link to the convention website: [Introduction | UNECE](#)

⁹ United Nation, United Nations Convention Against Corruption, New York, 2004: [UNITED NATIONS CONVENTION AGAINST CORRUPTION \(unodc.org\)](#)

¹⁰ For more on this and related subjects, see: Friends of the Earth Europe and others, Driving destructive mining, June 2021: [YLNM EU Page 1.jpg \(friendsoftheearth.eu\)](#)

(v) Granting of exploration licenses should not automatically lead to exploitation licenses. Every exploration license should have a disclaimer, ensuring that the government is not liable to pay damages if an exploitation license is not granted, irrespective of the reason, and also if the exploitation license is revoked at a later stage due to health and environmental concerns that have arisen during the operation of the mine.

(vi) Mining should be prohibited in conservation areas and under the sea and Heritage Impact Assessments (HIA) of all large-scale mining projects near Greenland's 3 UNESCO world heritage sites should be mandatory. A decision on granting any such project an exploitation license should not be made, before it has been presented to UNESCO for an evaluation in accordance with §172 of the operational guidelines for the World Heritage Convention¹¹. The HIA should take into consideration the cumulative effect of all other mining projects in the area.

For more information, please contact:

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¹¹ World Heritage Centre, The Operational Guidelines for the Implementation of the World Heritage Convention, Paris, July 2019: [UNESCO World Heritage Centre - The Operational Guidelines for the Implementation of the World Heritage Convention](#)