

Greenland Self-Government Act on the Preservation and Other Cultural Heritage Protection of Cultural Monuments

19 May 2010

Unofficial translation (CoPilot)

Chapter 1

Purpose, Considerations, and Definitions

Section 1

This Inatsisartut Act shall protect cultural monuments, with their distinctive characteristics and diversity, as part of Greenland's cultural heritage and as a contribution to the understanding of Greenland's cultural history. These cultural monuments are evidence of human activity over millennia. They help create a connection between past and present and make visible the societies that created them.

Subsection 2. The Act forms part of the national responsibility to safeguard cultural monuments as a cultural resource, as scientific source material, and as a lasting foundation for the experience, self-understanding, well-being, and activities of present and future generations.

Subsection 3. The Act recognizes that Greenland's cultural heritage is an important part of the history of the world and of humankind, and that through active cultural heritage protection measures in the form of preservation and other heritage protection, Greenland fulfills its share of the responsibility for safeguarding the global cultural heritage.

Subsection 4. The Act recognizes that, in exceptional cases, the protection of cultural monuments may take place with due regard to overriding considerations relating to societal development.

Subsection 5. The Act seeks to ensure the best possible documentation of a cultural monument and the knowledge and information it contains in cases where Naalakkersuisut, with reference to overriding considerations relating to societal development (cf. Section 3), decides not to proceed with a proposed preservation measure or other heritage protection, or decides to amend or revoke an existing preservation designation or other heritage protection.

Section 2

For the purposes of this Act, *cultural monuments* include fixed ancient monuments, buildings, and cultural-historical areas.

Subsection 2. *Fixed ancient monuments* means physical traces of human activity left from earlier times and the context in which they are situated.

Subsection 3. *Buildings* means the entire building, its exterior, individual building elements, and a building's immediate surroundings insofar as these form part of the preservation-worthy or protected whole.

Subsection 4. *Cultural-historical areas* means areas that possess cultural-historical value.

Section 3

In exceptional cases, and with a justified reference to overriding considerations relating to societal development (cf. subsection 2), Naalakkersuisut may decide not to proceed with a proposed preservation designation or other heritage protection, or may amend or revoke an existing preservation designation or other heritage protection. In making such a decision, Naalakkersuisut shall balance:

- the cultural-historical significance of the cultural monument,
- the monument's tourism potential,
- the consequences of failing to preserve or otherwise protect the monument,

against the societal benefit of the activity claimed to represent an overriding consideration relating to societal development.

Subsection 2. *Overriding considerations relating to societal development* means considerations based on:

1. the desire to ensure a stable energy supply for society;
2. the desire to protect society from the consequences of natural disasters; or
3. the desire to establish or expand existing commercial activities that: a. generate a significant societal benefit; and
b. cannot be carried out elsewhere without significant additional costs in locations that do not affect cultural monuments.

Subsection 3. If Naalakkersuisut makes a decision based on overriding considerations relating to societal development, it shall simultaneously decide how to ensure adequate documentation of the cultural monument and the knowledge and information it contains, cf. Section 1(5). In making this decision, Naalakkersuisut shall attach importance to the cultural-historical significance of the monument and the nature and extent of the measures deemed necessary to ensure proper documentation. The costs of the documentation measures determined by Naalakkersuisut shall be borne by the developer or the person responsible for establishing the activity justified by overriding societal-development considerations. Naalakkersuisut may also impose additional conditions in connection with its decision.

Chapter 2 – Fixed Ancient Monuments

Section 4

The provisions of this chapter apply to fixed ancient monuments located on land and within territorial waters.

Section 5

All fixed ancient monuments dating from before the year 1900, including ruins, settlements, graves, and burial grounds, are protected. Isolated graves dating from 1900 and later are also protected.

Subsection 2. Subject to Section 8, and following prior consultation pursuant to Section 7(3), Greenland National Museum and Archives shall decide on the protection of structures dating from 1900 or later, abandoned cemeteries, cairns, field systems, and associated stone dikes, where their preservation is of substantial importance due to their historical value.

Subsection 3. Naalakkersuisut may, upon recommendation from Greenland National Museum and Archives, establish rules concerning the protection of fixed ancient monuments, including criteria for protection.

Section 6

Protection entails that the protected object may not be damaged, altered, or moved, either wholly or partially.

Subsection 2. No activities may be carried out within a distance of 2 meters from fixed ancient monuments.

Subsection 3. Within a distance of 2 to 20 meters from fixed ancient monuments, no activities may be undertaken except agricultural activities and the establishment of paths providing access to the monuments. Agricultural activities include surface cultivation by harrowing to a depth of no more than 15 cm, fertilization, planting, and the use of the area for grazing. Greenland National Museum and Archives may grant permission for other agricultural activities, including stone removal, and for the installation of information boards, waste bins, and other facilities appropriate for public access to fixed ancient monuments.

Subsection 4. Greenland National Museum and Archives may grant exemptions from subsections 1–3 where special reasons justify doing so.

Section 7

Persons holding a land allocation or other rights to use an area, municipal councils, public authorities, local museums, and associations pursuing general or specific preservation or conservation purposes may initiate proceedings for the protection of fixed ancient monuments and for the amendment or repeal of such protection. Greenland National Museum and Archives may also initiate such proceedings on its own initiative.

Subsection 2. Greenland National Museum and Archives shall decide on the protection of fixed ancient monuments and on any amendment or repeal thereof. Greenland National Museum and Archives may impose conditions in connection with its decision.

Subsection 3. Before a decision is made regarding protection or the amendment or repeal thereof, notice shall be given and consultation undertaken with the public, holders of land allocations or other rights to use the area, the municipal council of the municipality in which the monument is located, Naalakkersuisut, and other relevant parties. The consultation period shall be three months, during which the parties mentioned may submit comments. In addition, the Cultural Heritage Council shall provide its recommendation pursuant to Section 29(2).

Subsection 4. From the time the notification referred to in subsection 3 has been issued, no action may be taken that could prevent or hinder the proposed protection. This does not apply to permits already granted for preliminary investigations, exploration, or exploitation of mineral resources, ice and water resources, or for the construction of hydropower facilities and related preliminary investigations.

Section 8

If, during the consultation referred to in Section 7(3), it is reasonably argued that a proposed protection measure, or the proposed continuation or amendment of an existing protection measure, would conflict with overriding considerations relating to societal development as defined in Section 3, Greenland National Museum and Archives shall refer the case to Naalakkersuisut for decision.

Before the case is referred to Naalakkersuisut, Greenland National Museum and Archives shall submit it to the Cultural Heritage Council for its opinion. When submitting the matter to the Cultural Heritage Council and subsequently to Naalakkersuisut, Greenland National Museum and Archives shall provide its recommendation both regarding the protection decision itself and regarding the measures considered necessary to ensure adequate documentation of the ancient monument if Naalakkersuisut decides not to proceed with the proposed protection or decides to amend or revoke an existing protection measure.

Subsection 2. If Naalakkersuisut decides to grant protection, maintain existing protection, or amend existing protection, Naalakkersuisut may grant exemptions from the provisions of Section 6(1)–(3).

Section 9

Greenland National Museum and Archives shall publish decisions concerning protection and any amendment or repeal thereof within 14 days after the decision has been made. The owner, holders of land allocations or other rights to use the area, the municipality in which the monument is located, and other relevant parties shall be notified directly.

Subsection 2. Protection shall be respected by all holders of rights in the area where the monument is located, regardless of when such rights were established.

Section 10

Greenland National Museum and Archives shall maintain a register of all known protected fixed ancient monuments, including any conditions attached to their protection.

Subsection 2. Greenland National Museum and Archives shall supervise fixed ancient monuments protected under this Inatsisartut Act.

Subsection 3. Greenland National Museum and Archives shall be responsible, within the appropriations provided by the Finance Act, for the maintenance of significant protected fixed ancient monuments.

Protection of Fixed Ancient Monuments in Connection with Physical Planning and Preparation for Groundworks

Section 11

Greenland National Museum and Archives shall, through cooperation with planning authorities, mineral resource authorities, and others engaged in the utilization of the country's resources, work to ensure that fixed ancient monuments and the knowledge and information they provide are preserved for future generations.

Subsection 2. Planning authorities, mineral resource authorities, and others engaged in the utilization of the country's resources shall involve Greenland National Museum and Archives when preparing planning materials and processing permits that may affect fixed ancient monuments.

Subsection 3. In connection with processing permits that may affect fixed ancient monuments, planning authorities, mineral resource authorities, and others engaged in the utilization of the country's resources shall inform applicants of the contents of subsection 4, Sections 12–16, and Section 32 of this Act.

Subsection 4. Developers shall involve Greenland National Museum and Archives in the planning of major earthworks.

Subsection 5. Greenland National Museum and Archives shall carry out archival checks for the presence of fixed ancient monuments within the relevant area when involved pursuant to subsections 2 and 4.

Section 12

A developer, or the person at whose expense a preliminary study or earthwork is to be carried out, may request an archaeological inspection of an area before work begins.

Subsection 2. Greenland National Museum and Archives may decide that an archaeological inspection shall be carried out if the area is archaeologically unexplored or if there is reasonable cause to believe fixed ancient monuments may be present.

Subsection 3. An archaeological inspection shall be undertaken as soon as possible and completed within nine months unless special circumstances apply. The period shall be calculated from the date the request is made under subsection 1, or from the date the decision referred to in subsection 2 is communicated to the developer or the person financing the earthwork.

Section 13

A developer, or the person at whose expense a preliminary study or earthwork is to be carried out, may request an archaeological investigation of an area before work begins.

Subsection 2. Greenland National Museum and Archives may decide that an archaeological investigation shall be undertaken if it determines that fixed ancient monuments are present in the area.

Subsection 3. An archaeological investigation shall be undertaken as soon as possible and completed within eighteen months unless special circumstances apply. The period shall be calculated from the date of the request under subsection 1 or from the date the decision referred to in subsection 2 is communicated to the developer or the person financing the earthwork.

Subsection 4. If an archaeological inspection under Section 12 has been carried out before the archaeological investigation, both the inspection and the investigation shall be completed within eighteen months unless special circumstances apply. The period shall be calculated from the date of the request for the archaeological inspection under Section 12(1) or from the date the decision under Section 12(2) is communicated to the developer or the person financing the earthwork.

Section 14

The developer, or the person at whose expense an earthwork is to be carried out, shall bear the costs of an archaeological inspection or investigation. Greenland National Museum and Archives shall prepare a budget for carrying out the inspection or investigation. The budget shall be submitted to the developer, or the person financing the earthwork, for approval as soon as possible before the inspection or investigation begins.

Subsection 2. For minor private earthworks and small-scale exploration and exploitation licenses under the Inatsisartut Act on Mineral Resources and Activities of Importance Thereto (the Mineral Resources Act), Naalakkersuisut may wholly or partly cover the costs of an archaeological inspection or investigation if the costs would otherwise impose an unreasonable burden on the private developer or license holder. Where Naalakkersuisut covers only part of the costs, a budget shall still be submitted for approval in accordance with subsection 1.

Section 15

Greenland National Museum and Archives shall decide whether earthworks may commence insofar as they do not affect fixed ancient monuments, an archaeological inspection, or an archaeological investigation. In making its decision, weight shall be given to the protection of fixed ancient monuments, ensuring completion of the archaeological inspection or investigation, and enabling commencement of the earthworks.

Fixed Ancient Monuments Discovered During Earthworks

Section 16

If a fixed ancient monument is discovered during earthworks, the developer shall immediately report the find to Greenland National Museum and Archives, and work shall be halted insofar as it affects the monument. Greenland National Museum and Archives shall decide whether an archaeological investigation is required pursuant to Section 13(2) or whether proceedings for protection shall be initiated pursuant to Section 5(2).

Section 17

Greenland National Museum and Archives may grant permission for the excavation of fixed ancient monuments and associated finds by other institutions or scientific organizations and may impose conditions on such permits.

Chapter 3 – Buildings

Section 18

Greenland National Museum and Archives, subject to Section 20 and following prior consultation pursuant to Section 19(2), shall decide on the protection of buildings whose preservation or protection is of substantial importance due to their historical or architectural value.

Subsection 2. Protection of buildings entails special obligations concerning the maintenance of the building and restrictions on the right to carry out building works relating to the building, cf. Section 22.

Subsection 3. Naalakkersuisut may, upon recommendation from Greenland National Museum and Archives, establish regulations concerning the protection of buildings, including criteria for protection.

Section 19

Owners, holders of land allocations or other rights to use the land or building, the State, municipalities, local museums, and associations pursuing general or specific preservation or conservation purposes may initiate proceedings concerning protection and the amendment or repeal thereof, including the relocation of a protected building. Greenland National Museum and Archives may also initiate such proceedings on its own initiative.

Subsection 2. Before a decision is made regarding protection or the amendment or repeal thereof, notice shall be given to and consultations conducted with the public, the owner, holders of land allocations or other rights to use the land or building, the municipality in which the building is located, Naalakkersuisut, and other relevant parties. The consultation period shall be three months, during which the parties mentioned may submit comments. In addition, the Cultural Heritage Council shall provide its recommendation pursuant to Section 29(2).

Subsection 3. From the time the notice referred to in subsection 2 has been issued, no action may be taken that may prevent or hinder the proposed protection. This does not apply to permits already granted for preliminary studies, exploration, or exploitation of mineral resources, ice resources, water resources, or for the establishment of hydropower plants and associated preliminary investigations.

Subsection 4. Greenland National Museum and Archives shall decide on cases concerning protection and the amendment or repeal thereof. Greenland National Museum and Archives may impose conditions in connection with its decision.

Section 20

If, during the consultation referred to in Section 19, it is reasonably argued that a proposed protection measure or a proposed continuation or amendment of an existing protection measure would conflict with overriding considerations relating to societal development as referred to in Section 3, Greenland National Museum and Archives shall refer the matter to Naalakkersuisut for decision.

Before Naalakkersuisut makes its decision, the matter shall be submitted to the Cultural Heritage Council for its opinion. When submitting the matter to the Cultural Heritage Council and subsequently to Naalakkersuisut, Greenland National Museum and Archives shall provide its recommendation both concerning the outcome of the protection case and concerning the measures considered necessary to ensure adequate documentation of the building if

Naalakkersuisut decides not to proceed with the proposed protection or decides to amend or revoke an existing protection measure.

Subsection 2. If Naalakkersuisut decides to grant protection, maintain existing protection, or amend such protection, Naalakkersuisut may grant exemptions from the provisions of Section 22(1).

Section 21

Greenland National Museum and Archives shall publish decisions concerning protection and the amendment or repeal thereof within 14 days after the decision has been made. The owner, holders of land allocations or other rights to use the building, the municipality in which the building is located, and other relevant parties shall be notified directly.

Subsection 2. Decisions on protection shall be registered by the Court of Greenland upon request from Greenland National Museum and Archives. The Court of Greenland shall notify Greenland National Museum and Archives of any change in ownership.

Subsection 3. Protection shall be respected by all holders of rights relating to the building, regardless of when those rights were established.

Section 22

Owners shall keep a protected building in proper condition, taking the protection status into account. Ordinary maintenance shall be carried out using the same materials, methods, and colours as previously used and in a manner consistent with preserving the condition and appearance of the protected building as they existed at the time the protection designation was made. Greenland National Museum and Archives may, where special circumstances justify it, grant an exemption from the requirement to use the same materials, methods, and colours as previously used.

Subsection 2. All construction work relating to a protected building requires permission from Greenland National Museum and Archives if the work concerns building elements covered by the protection designation and exceeds ordinary maintenance. Greenland National Museum and Archives may attach conditions to such permission.

Subsection 3. Upon application, Greenland National Museum and Archives may determine that the costs of maintenance work or construction work on a protected building shall be met wholly or partly from appropriations provided in the Finance Act.

Section 23

Greenland National Museum and Archives shall maintain a register of protected buildings, including any conditions attached to their protection.

Subsection 2. Greenland National Museum and Archives shall supervise buildings protected under this Act.

Chapter 4 – Cultural-Historical Areas

Section 24

Subject to Section 26 and following prior consultation pursuant to Section 25(2), Greenland National Museum and Archives shall decide on the designation of cultural-historical areas for protection or other cultural heritage protection where their preservation or protection is of substantial importance.

Subsection 2. Protection or other cultural heritage protection of cultural-historical areas shall encompass the relationship that exists between a number of cultural monuments or an area associated with particular events.

Subsection 3. Protection of cultural-historical areas entails that no activities of any kind may take place within the area, except for public access. Greenland National Museum and Archives may grant an exemption where particularly exceptional reasons justify doing so.

Subsection 4. Other forms of cultural heritage protection of cultural-historical areas entail that no activities may take place within the area that could be detrimental to, disfiguring of, or destructive to parts of the area or to the area as a whole. Greenland National Museum and Archives may grant an exemption where particularly exceptional reasons justify doing so.

Subsection 5. Naalakkersuisut may, upon recommendation from Greenland National Museum and Archives, establish regulations concerning the protection and other cultural heritage protection of cultural-historical areas, including provisions regarding:

- the delimitation of the area,
- use of the area,
- management of the area, and
- access to the area, including access subject to a fee.

Section 25

Owners, holders of land allocations or other rights to use an area, the State, municipalities, local museums, and associations pursuing general or specific preservation or conservation purposes may initiate proceedings for protection or other cultural heritage protection and for

the amendment or repeal thereof. Greenland National Museum and Archives may also initiate such proceedings on its own initiative.

Subsection 2. Before a decision is made concerning protection or other cultural heritage protection, or concerning amendment or repeal thereof, notice shall be given to and consultations conducted with the public, the owner, holders of land allocations or other rights to use the area, the municipality in which the cultural-historical area is located, Naalakkersuisut, and other relevant parties. The consultation period shall be three months, during which the parties mentioned may submit comments. In addition, the Cultural Heritage Council shall provide its recommendation pursuant to Section 29(2).

Subsection 3. From the time the notification referred to in subsection 2 has been issued, no action may be taken that could prevent or hinder the proposed protection or other cultural heritage protection. This does not apply to permits already granted for preliminary investigations, exploration, or exploitation of mineral resources, ice and water resources, or for the establishment of hydropower facilities and related preliminary investigations.

Subsection 4. Greenland National Museum and Archives shall decide on cases concerning protection or other cultural heritage protection and concerning amendment or repeal thereof.

Section 26

If, during the consultation referred to in Section 25(2), it is reasonably argued that a proposed protection measure or other cultural heritage protection, or the proposed continuation or amendment of an existing protection measure or other cultural heritage protection, would conflict with overriding considerations relating to societal development as referred to in Section 3, Greenland National Museum and Archives shall refer the matter to Naalakkersuisut for decision.

Before Naalakkersuisut makes its decision, the matter shall be submitted to the Cultural Heritage Council for its opinion. When submitting the matter to the Cultural Heritage Council and subsequently to Naalakkersuisut, Greenland National Museum and Archives shall provide its recommendation both concerning the decision on protection or other cultural heritage protection and concerning the measures considered necessary to ensure adequate documentation of the cultural-historical area should Naalakkersuisut decide not to proceed with the proposed protection or other cultural heritage protection, or decide to revoke an existing protection measure or other cultural heritage protection.

Subsection 2. If Naalakkersuisut decides to grant protection or other cultural heritage protection, maintain existing protection, or amend such protection, Naalakkersuisut may grant exemptions from the provisions of Section 24(3)–(4).

Section 27

Greenland National Museum and Archives shall publish decisions concerning protection, other cultural heritage protection, and any amendment or repeal thereof within 14 days after the decision has been made.

The owner, holders of land allocations or other rights to use the area, the municipality in which the cultural-historical area is located, and other relevant parties shall be notified directly.

Subsection 2. Protection and other cultural heritage protection shall be respected by all holders of rights relating to the cultural-historical area, regardless of when those rights were established.

Section 28

Greenland National Museum and Archives shall maintain a register of cultural-historical areas that are protected or subject to other cultural heritage protection, including any conditions attached to the protection or other cultural heritage protection.

Subsection 2. Greenland National Museum and Archives shall supervise cultural-historical areas that are protected or subject to other cultural heritage protection.

Subsection 3. Within the appropriations provided in the Finance Act, Greenland National Museum and Archives shall be responsible for maintaining cultural-historical areas that are protected or subject to other cultural heritage protection.

Chapter 5 – The Cultural Heritage Council

Section 29

The member of Naalakkersuisut responsible for Culture shall appoint a Cultural Heritage Council consisting of three persons who, collectively, shall represent expertise in architecture, archaeology, and cultural history. The Cultural Heritage Council shall be appointed every four years.

Subsection 2. The Cultural Heritage Council shall provide recommendations concerning cases involving preservation and other cultural heritage protection and shall be consulted regarding permits issued pursuant to Section 22(2). In addition, the Cultural Heritage Council shall serve in an advisory capacity regarding:

- the preservation of fixed ancient monuments and buildings,
- the preservation and other cultural heritage protection of cultural-historical areas, and
- related matters.

Subsection 3. Greenland National Museum and Archives shall provide secretarial assistance to the Cultural Heritage Council.

Chapter 6 – Expropriation and Right of Appeal

Section 30

Naalakkersuisut is authorized, by means of expropriation, to acquire property necessary for the implementation of preservation measures or other cultural heritage protection under this Inatsisartut Act.

Expropriation shall take place in accordance with the rules on expropriation in force at the relevant time.

Section 31

Decisions made by Greenland National Museum and Archives pursuant to this Inatsisartut Act may be appealed in writing to Naalakkersuisut.

Subsection 2. The following persons shall have standing to appeal:

1. The person to whom the decision is addressed.
2. Any person who may be assumed to have an individual or significant interest in the outcome of the case.

Subsection 3. The time limit for lodging an appeal is four weeks from the day on which the decision is communicated to the person to whom it is addressed. A timely appeal shall have suspensive effect with respect to the challenged decision unless the appellate authority decides otherwise.

Subsection 4. Naalakkersuisut may disregard a failure to comply with the appeal deadline if exceptional circumstances so warrant.

Subsection 5. Decisions made by Naalakkersuisut may not be appealed to any other administrative authority.

Chapter 7 – Sanctions

Section 32

Violation of the following provisions may result in a fine:

- Section 6(1)–(3),
- Section 7(4),
- Section 9(2),
- Section 11(2)–(4),
- Section 16, first sentence,

- Section 19(3),
- Section 21(3),
- Section 22(1) and (2),
- Section 24(3) and (4),
- Section 25(3),
- Section 27(2),

as well as rules and conditions established pursuant to:

- Section 3(3),
- Section 5(3),
- Section 18(3),
- Section 19(4), and
- Section 24(5).

Subsection 2. Where this Inatsisartut Act or regulations issued pursuant to it provide for the imposition of a fine, the fine may be imposed on a legal person in accordance with the provisions of the Greenland Criminal Code.

Subsection 3. Where gains derived from the violation are not confiscated, special consideration shall be given, when determining the amount of the fine, to the size of any economic advantage obtained.

Subsection 4. Fines and confiscated proceeds shall accrue to the Treasury of Greenland.

Chapter 8 – Entry into Force, Repeal, and Transitional Provisions

Section 33

This Inatsisartut Act shall enter into force on **1 July 2010**.

At the same time, **Landsting Act No. 18 of 19 November 2007 on the Preservation of Cultural Monuments** is repealed.

Section 34

Preservation designations that are not replaced by preservation measures or other cultural heritage protection under this Inatsisartut Act shall remain in force until repealed.

Preservation designations concerning buildings that are more than 100 years old and no longer in use, established pursuant to Section 5(2) in conjunction with Section 3 of **Landsting Act No. 18 of 19 November 2007 on the Preservation of Cultural Monuments**, shall be repealed upon the entry into force of this Inatsisartut Act.

Self-Government of Greenland (Naalakkersuisut)
19 May 2010

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