Land Relations and Indigenous Sovereignty in Kalaallit Nunaat's Constitutional Draft

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Abstract

The constitutional draft of Greenland, delivered to Inatsisartut on April 28, 2023, represents a significant step towards Greenlandic independence and the establishment of a sovereign state based on the Westphalian tradition. This paper examines how the draft reconciles Indigenous sovereignty over land with the goals of a Westphalian state, focusing on the contending interests around land relations. Through a close reading of selected sections in the preamble and paragraphs containing the words "nature," "Indigenous," "land," and "environment," the study reveals the draft's attempt to ground Inuit paradigms with colonial legacies. The preamble recognizes Inuit as the Indigenous people of Greenland and emphasizes the protection of nature, ecosystems, and biodiversity. However, the draft also grants the right to utilize resources and to hunt, potentially leading to conflicts between Inuit land relations and extractive activities. The paper argues that protecting Inuit sovereignty in the constitutional draft will benefit Inuit communities and culture, provided that thorough consultation is implemented and Westphalian sovereignty norms are challenged. The study draws on Indigenous resurgence and transformative praxis theory to propose solutions that will benefit the enforcement of a Greenlandic constitutional law for Inuit. The paper concludes by calling for a more inclusive and comprehensive involvement of the Greenlandic population in shaping the constitutional transformation, ensuring broad representation in decision-making processes and prioritizing community well-being.

Key words: Constitutional draft, Westphalian state, Indigenous sovereignty, Inuit, Land relations,

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Introduction

In the fall of 2011, Inatsisartut imposed Naalakkersuisut to present a statement issuing the beginnings of the constitutional commission. The work officially began in the spring of 2017, when the mandates were politically determined, followed by a modest secretariat, and experts were assigned to working groups. On the 28th of April 2023, the constitutional draft was delivered to Inatsisartut at a ceremony at the University of Greenland. The draft comprises seven chapters, an appendix that includes official documents, and expert contributions.

The constitutional draft forestalls a democratic state based on Westphalian tradition. The Westphalian system derives from the European peace treaty of 1648, which defined sovereign states, developing concepts of sovereignty, non-interference in internal matters, and international law (The Editors of Encyclopaedia Britannica, 1998).

In the self-government act of Greenland, paragraph 21 par 4 declares "Independence for Greenland shall imply that Greenland assumes sovereignty over the Greenland territory." In the preambular of the draft it does so by claiming sovereign rights for the Greenlandic people – It foresees the first free constitution in Greenland, anticipating a historical divide from Denmark.

> *"Helping others to think about and plan for their future is also part of being responsible, respectful and contributing to our culture and communities. We need to ask important questions about what our future will look like." (Karetak et al., 2017, p. 16-17)*

As Karetak et al. states in the foregoing citation, planning and asking questions about the future can improve communities and Inuit culture. The following question determines this research: *In what ways does the constitutional draft reconcile indigenous sovereignty over land with the goals of a Westphalian state?* Through a closer reading of the draft, I look at how it addresses the contending interests of the state around land utilization. Through a careful selection of sections in the constitutional draft, the empirical material is derived from the preamble and paragraphs with the following words: Nature, Indigenous, Land and Environment. I contend that protecting Inuit sovereignty in the Constitutional draft will benefit Inuit communities and culture, provided thorough consultation is implemented and Westphalian sovereignty norms are challenged.

> *"The principles foundational to Inuit culture are undermined when priority is given to technological change at the expense of other living things (and all of nature is regarded as alive). In an Inuit worldview, this means a loss of harmony and balance that affects all of us." (Karetak et al., 2017, p. 5)*

For millennia Inuit have lived on the land and holds immense knowledge of the life and ways, land relations are central to Inuit subsistence and sustenance – outside of the global realm. In the past 300 years, colonialism has affected Inuit land relations by, among other means, centralizing and settling Inuit, changing the seasonal and relational patterns of Inuit with the land. By framing land relations in the constitutional draft, this paper addresses the due attention of contending legal orders in Greenland, as exemplified by Karetak et al.. Harmony is at stake when technological change, for example, mining, is pursued at the expense of nature.

In the constitutional draft it is written that "*The Greenlandic people is part of nature. We shall protect nature, its ecosystems, biodiversity and all its life*" and "*Greenland is based on collective rights, the principle of common ownership of our land, sea and all recourses is invariable*, "advantaging Inuit paradigms but at the same time it declares that "*The people of Greenland are a people, who has the right to utilise recourses in the Greenlandic environment and nature and to hunt on these"* allowing interpretative flexibility in addressing what 'utilization' means risking dissension around hunting practices and commodification projects of the land (Naalakkersuisut, 2023).

According to Carr, the Constitution deals with "*How we relate to land and how we relate to each other'* (Ma Earth, 2023); thus, drafting a new Constitution offers an opportunity to make foundational changes. The following statement presents my position in this thesis.

In Greenland, the pursuit of sovereignty is intertwined with the dismantling of colonial frameworks, envisioning a future for Inuit. Indigenous resurgence has propelled political and social independence movements. However, Inuit sovereignty risks symbolic representation in the Westphalian tradition of governance, where commodifying land into recourses and people into labor is normative. To fully appreciate Inuit Sovereignty planning for our future must reflect the people and culture of the land.'

In the self-government act the principle of collective land ownership applies and in 2010 the property rights of the Greenlandic underground were transferred from Denmark to the people of Greenland. In both arrangements, ethnic considerations are not formalized, except in the preambular of the constitutional draft; here, Inuit is recognized as the indigenous peoples of the land.

Indigenous scholars have shown that Inuit paradigms in Greenland can coexist with Westphalian nation-building (see Koukkanen, Petersen). However, the governance and juridical frameworks in Greenland are based on colonial structures, policy making and institutionalism, so how does the Constitutional draft reconcile Inuit paradigms with the colonial legacies in Greenland? To understand how the draft addresses land relations, it is imperative to gain insight into the different sovereignties that advantage and disadvantage Inuit culture in Greenland.

Theoretical and methodological considerations

I would like to acknowledge the work done in the commission of the Constitutional draft. I believe that a continuation of the discussion based on respect, intellectual, spiritual, and experiential contributions can foster healthy relational practices.

In this thesis, I conducted textual analysis and comparative case studies to address the constitutional draft. In establishing good grounds for envisioning a generative future for my community, my thesis builds on relationality, pursuing research that benefits the collective group, community, and culture (Kovach 2021,268) by theorizing indigenous resurgence and transformative praxis. My thesis resists the ontological asymmetries in Greenland and unsettled coloniality by examining the underlying notions of land in the Constitutional draft.

> *"When indigenous peoples become the researchers and not merely the researched, the activity of research is transformed. Questions are framed differently, people participate differently, and problems are defined differently, people participate on different terms." (Smith 1999)*

Positioning my paper through indigenous and decolonial lenses, the thesis spans out from a place of relationship building, which happens throughout the thesis as a form of building a stronger relationship to knowledge and academia. It also theorizes relationality as a

framework for understanding Inuit world views. Therefore, how these land relations are approached and treated is central to the observations in this thesis. In other words, it is a closer reading of the relationship between humans and land in the context of an indigenous world, which sees that all life and matter are interrelated.

In my thesis, I contend that by challenging the dominant notions of society, identity, and reality, a paradigm shift appreciates the uniqueness of each place and community. This view reveals the existence of multiple worlds for Inuit, which means embracing culture, spirituality, traditions, and beliefs (Thambinathan & Kinsella, 2021, p. 83).

Indigenous resurgence involves the revitalization of human and land relations, human and animal relations, human and human relations, and spiritual relations – it is about restoring world order through relationships. It is about healing and committing to Inuit values that foster good relations; it involves grounding on the land and in oneself. To ensure a framework that enables space and praxis, there is a fundamental need to support social frameworks, cultural acknowledgement, and nourishment that are required to instill knowledge and wisdom in communities – indigenous jurisprudence is a key factor in realizing this.

In arguing for indigenous resurgence, I use the theory of transformative praxis. Using the constitutional draft as a prism for Inuit futures in Greenland, I seek to consider solutions that will benefit the enforcement of Greenlandic constitutional law for Inuit. This thesis theorizes that Inuit worlding through constitutional transformation will benefit Inuit. Transformative praxis requires an intervention through theory rather than methodology, and theorizes transformation through knowledge production and scholastic praxis – the reflections and search for solutions is by itself transformational.

Relations to land are central to this thesis; fundamentally, it is a decolonizing project to take land back (Tuck, 2012). Through this view, Inuit is not only asking for land rights, but also repatriating land and practices on land (Wilson, 2008, p. 87). Westphalian sovereignty is not a stand-alone achievement; centralizing Indigenous sovereignty is key to meaningful decolonization – in addressing these tensions, considering solutions and improvements will ultimately benefit a constitutional transformation.

> *"What is to be done is something very different: to liberate the production of knowledge, reflection, and communication from the pitfalls of European rationality/modernity." (Quijano 2007, p. 177)*

The contention of legal orders is two-fold; there are ways in which Inuit knowledge and lived experience contest the Western and liberal knowledge of the world. Then, there is the systemic inheritance of governance and modelling of sovereignty, how do we reconcile traditional practices and modern ways that are accommodated in Greenlandic society? One key issue is land practices and land use, which involve settlement patterns and ways of life that are significantly influenced by regulations, infrastructure, and legal frameworks. Mining and hunting and 'asimi' (away from town on the land) and in town, these seemingly dialectical realities offer insights into the important determinants of the future of Greenland.

In analyzing the constitutional draft, the theory of plurality is considered, contradicting the universal truth that it believes that the world is plural. Instead of seeking to universalize the ways we are with each other and with the land, it seeks to acknowledge grounded and unique realities and truths to co-exist in a world of interrelated and transboundary relations. When analyzing the constitutional draft, I apply plurality as a lens to highlight possible differences between colonial legacies and indigenous legal orders and juxtapose Westphalian jurisprudence with Indigenous jurisprudence as dialectical factors in land relations. The assessment of the constitutional draft requires some historical and contextual positioning in order to better understand the Greenlandic movement's independence and situate it in a global context.

Contextualising the Constitutional draft

On the big picture Inuit were unaffected by some foreigners settling on a nook on the coastline at first, trading with European whalers had already taken place for a couple of centuries by this time in history. When Hans Egede came to Inuit lands, the King of Denmark claimed sovereignty of the territory by virtue of God's word and natural law. According to the Danish King, the land was his inherited treasure from the Norsemen by way of the Kalmar Union; it became Denmark's claim to the land, and thus the establishment now formed the colony of Greenland.

When it comes to understanding the ownership of territory in Greenland, most tend to consider land ownership. In such cases, it appears that no one can own private property in Greenland (R.O.Kjær, 2023, p. 10). The history of collective ownership of land has defined the common practice of tenure rights in Greenland. However, equating land to territory would be misleading when illuminating the scope of the term. Another word inextricably linked to territorial ownership is sovereignty. To further illustrate this connection, I want to bring historical and political contexts into light. In 1953, when Greenland was officially integrated into Denmark, the state legitimized its sovereignty claims to the United Nations. Currently, the Greenland government has significantly increased its executive power, for which authority has been transferred, including affairs for raw materials and the underground of Greenland. Although the self-government act holds the legal basis for land affairs, Denmark retains the territorial sovereignty of Greenland.

Collective ownership of land

In Greenland, land is owned collectively by the people, and no one can buy land as a private property. This is held by the commons' self-government. It is unconventionally colonial, as land has not been privatized and exploited in the same way as settler colonies around the world; however, this does not mean that it has not been exploited or claimed. For example, in the late 19th century, cryolite mining began in Ivittuut, a Danish company that extracted and transported the mineral to Denmark, where it was further processed. For almost 100 years, the mine transferred value from Greenlandic underground to the Danish market with minimal value to Greenlandic society (*Kryolitminen I Ivittuut*, 2025). Moreover, when the US pushed for a military base in northern Greenland in 1953, Inughuit were forcibly displaced from their homelands by authorities where they had no say in the matter (ELAW: Environmental Law Alliance Worldwide, 2023). Without going further into details, the latter informs us that, even though Greenland is collectively owned, the authorities hold executive power in decision-making processes – a hierarchical framework.

There is no definition of collective ownership in Greenland; therefore, it is not legally defined either (R.O.Kjær, 2023, p. 10). There are no laws that directly inform the given rights within collective ownership; they exist based on a principal matter. However, given the policies around land usage, Danish citizens living in the municipal district can claim an area

and acquire the right to use from municipal authorities. This is regulated to some extent by a public hearing process in which citizens can submit complaints or counterclaims.

A similar property law was imposed as in the current constitutional act of Denmark. In further consideration of land usage regulations, how will indigenous rights be secured in a sovereign Greenlandic state? Principally, the collective ownership of land is of cultural quality and reflects Inuit land relations from pre-colonial times, as we will look more into – a hierarchical authoritative framework may well continue colonial legacies into the sovereign state of Greenland.

International context

In Chile, the government has processed two constitutional drafts: one in 2022 and another in 2023. It was made up of a huge body of representatives from organizations, indigenous groups, and institutions. The early draft of 2022 included exclusive rights to indigenous peoples and advanced environmental protection to a high degree. Moreover, the constitution proclaimed plurinationality with respect to all the indigenous groups in the territory; it considered legal pluralism and granted nature its own rights – 'pachamama' (*12 Core Attributes of the Chilean Constitutional Proposal - Constitute*, n.d.). The draft was not adopted by the referendum in Chile, and a new process began for a new draft; here, the rights of nature and exclusive rights for indigenous peoples lowered, but it was still not passed by the referendum. The example in Chile shows us that indigenous peoples are challenging the notion of Westphalian sovereignty, and nature is considered in new terms with regard to constitutionalism. The movement of the rights of nature began in Ecuador when a river was granted rights in 2011, followed by Bolivia (Eckstein et al., 2019, p. 19).

In Aotearoa, where the Treaty of Waitangi provides a legal basis for the rights of nature based on Māori culture, Te urewhera rainforest has been given legal personhood, so it has the same rights as a person (Ma Earth, 2023). To accommodate this form of legal basis, the New Zealand government bases its legal grounds on the treaty that was signed in 1840, where Māori allowed newcomers to govern themselves on Māori lands, but as colonialism expanded, the treaty broke. However, the reconciling efforts in Aotearoa and movements of Matike Mai for constitutional transformation recognize the indigenous sovereignty of Māori and incrementally increase legitimacy in society due to decolonial and indigenizing efforts.

Nature is seen as a sentient being derived from Māori cosmology; this legitimizes the plural character of Aotearoa by combing Western legal structures with Māori ontology (Eckstein et al., 2019).

The recognition of the right to nature is attracting new attention worldwide; granting legal personhood to rivers and rainforests is still very new, and the consequences are still to be determined. Concerns about granting rights to nature include potential conflicts with cultural beliefs, the risk of being perceived as unethical, and the possibility that the mechanisms for realizing these rights may not be grounded in the indigenous communities that they aim to respect (Eckstein et al., 2019, p. 21).

Defining Sovereignty

> *"We, the Greenlandic people, exercise our sovereign rights in our country, Greenland, and we hereby establish this Constitution as the basic law of the sovereign state of the Greenlandic people, Greenland."*[1]

Sovereignty, the word itself deriving from the Latin 'super' means 'above, ' it is used to define the supreme power to govern a country (Eckstein et al., 2019, p. 21). This notion is applied in international law to recognize territorial claims. In the first clause of the draft's preamble, the Greenlandic people claim sovereign rights in the sovereign state. In order to become a state, the criteria is: Have a "permanent population, defined territory, government and capacity to enter into relations with other states" (The Editors of Encyclopaedia Britannica, 2025). This raises important questions about the nature and use of sovereignty in the Constitutional Draft.

According to some scholars, the difference between Westphalian sovereignty and Indigenous sovereignty is unreconcilable, with the Eurocentric Westphalian state notion of sovereignty being a colonial and assumed universal model leading to the construction of the United Nations and international law. Indigenous sovereignty, being more contextualized with other forms of interdependencies, offers another notion of sovereignty. According to Bauder and Mueller, the very notion of UNDRIP has failed to make indigenous peoples equal to states and therefore fails to recognize sovereignty claims by indigenous peoples. The

[1] Constitutional draft, own translation.

pairing of Inuit culture and Westphalian governmental frameworks highlights the need for a nuanced approach to sovereignty that can accommodate both Indigenous and Western concepts of governance and land relations.

Preamble: Inuit, Nature and Pluriverse

> *"Inuit are the indigenous people of our land. From here comes our unique cultural identity, our history, our heritage and our strength. This must never be forgotten and must always be celebrated, respected and protected. It is our wealth, it is our responsibility."*[2]

The foregoing paragraph is clause no. 3 of the preamble; it is also the first and last time indigenous peoples are mentioned explicitly. In contextualizing what Indigenous means, the United Nations Declaration on the rights of Indigenous people or any other UN body does not have a definition – as a fundamental criterion, it considers self-identification (UN). However, in the list of identifying factors the UN includes that Indigenous people "Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities" (UN). In connecting the previous clause on nature, the preamble positions itself strongly in safeguarding Inuit culture and people; it proclaims that our cultural identity is our wealth.

Indigenous Ontologies of Land and Nature

> *"This is very different from Qallunaat (Western) societal perspectives, where anything that is not human is defined as an object to be used for the benefit of human beings. While laws may protect things, they are not often treated, seen or given the same respect as human beings." (Karetak et al., 2017, p. 6)*

The concept of land is not as easily reduced; one way to put it is on the ground on which we live. Land does not conform to one form, substance, or feature; it is not reducible to a thing that is universally understood in the same way (Nadasdy). However, we may associate it with a place in nature, conceptualizing something of natural quality. However, more closely, how does Inuit view them? Nuna is land that is the place to which we belong. The land is alive, and everything on the land also has an Inua - soul. Land is in relationship with

[2] Constitutional draft, own translation.

all other components of the world; it is a relational matter. For Inuit there is no single word for nature—in contact with missionaries the word 'pinngortitaq' which means 'the creation' was applied to the word 'nature' – it seems to have derived from a Christian world view of creation.

> *"The Greenlandic people are part of nature. We must protect nature, its ecosystems, biodiversity and all its life. We live from and with nature, and this is an indispensable principle to ensure a sustainable society for all time. We live from nature and we live with nature. Therefore, we must respect nature."*[3]

The former reference presents the 6th clause of the draft's preamble; a preamble is not bound by law but instead upholds a principle. Here we see something rather unique to a constitutional draft, it invokes a relationship to 'nature, its ecosystems, biodiversity and all its life', coming closer to an Indigenous worldview by interpretation. The word nature itself is contestable as it doesn't sufficiently translate to Inuit languages, in Greenland 'Pinngortitaq' which means 'the creation' does not appear in other Inuit languages and is first found to enter dictionaries in 1960's as 'nature' along with 'god's creation' – thus it is arguable that the western view of something being of a 'natural' quality stems from Christian ontological grounds. Paired with cultural Europeanization the concept of 'nature' as something to be conquered for development, the western ontology of land as an object and there 'for' human undertaking is evident.

However, the clause commits to respecting nature and in a codified form it may translate Inuit values as it is also Inuit who have drafted the constitutional draft, the intention herewith is unquestionable one of cultural value. Although it is not of a legal character, in the same way collective land ownership is, it gives context to a cultural landscape that is inherently valued in Greenland.

Pluriverse and Legal Plurality

In considering the notion of plurality, or that the world is pluriverse, the idea that cultures can co-exist is exemplified in the 6th clause of the constitutional draft. For example, in Aotearoa, the treaty of Waitangi provides a legal basis for nature's rights through the

[3] Constitutional draft, own translation.

Māori culture, granting the Te Urewera rainforest legal personhood. The 1840 treaty allowed newcomers to self-govern on Māori lands until colonialism violated it. Reconciliation efforts and the Matike Mai movements now recognize Māori sovereignty through decolonial efforts. Māori cosmology views nature as sentient, legitimizing Aotearoa's plural character by combining Western law with the Māori ontology.

The challenges of pluriverse claims are also its shortcomings; although Aotearoa has managed to secure the rights of nature to one rainforest, the dominant paradigms of Western legal jurisprudence and governance prevail. This is exemplified by Indigenous resurgence theorist Poeline, who first and foremostly recognizes the crucial Indigenizing effort to reclaim land and praxis; however, she argues that the pluriversality embedded in Western jurisprudence lacks the recognition of a completely different cosmology and instead advocates for Indigenous leadership in order to successfully implement pluriversality (O'Donnell et al., 2020)

Essentializing indigenous people narrows indigenous identity, and freezing indigenous people into traditions also misses the point. Indigenous mobility means that Inuit can adapt to the circumstances and still be indigenous. This is exemplified in the constitutional draft, and indigenous leadership is fostered in accordance with the strengthening of local authority. Burrow argues that true plurality accompanies Indigenous law tradition everywhere, so it includes non-indigenous citizens – making the point that Indigenous laws are beneficial to all.

Rights and commodification

Juxtaposing clause no. 3 with the right to utilize land is arguably a conflict zone, and the right to extract resources can have detrimental consequences for the land. Arguably, mining projects would alter the landscape and possibly alter the ways in which local communities are affected. As Koukkanen argues, mining prospects often function similarly to colonial structures (Kuokkanen, 2021).

It becomes important to recognize the many facets of struggles of Indigenous peoples worldwide, Differing from one place to another and the conditions also vary, in the case of Greenlandic state sovereignty, the economic prospects of mining and commodification of

land, animals, and resources become central in the nation-building scheme. I argue that decolonization is a process that continues even when land is repatriated, as in the case of Greenland.

Internal decolonization demands the unsettling of social norms and the challenge of accustomed commodity practices in Inuit communities. The grassroots movements and self-sufficiency initiatives are the ones carrying the future for Inuit futures; however, this needs support from the constituent authorities to effectively implement frameworks that uphold the integrity of Inuit communities and people.

Land, Hunting and Environment

> *"§ 19. The people of Greenland are a people, who has the right to utilise resources in the Greenlandic environment and nature and to hunt on these."*[4]

In paragraph 19, the main clause grounds the right to the utilization of resources, while in the same sentence, it ensures the right to hunt in Greenland. It was also the only time that nature was mentioned in the proposed constitutional law, except for a paragraph on nature in the preamble, which was of principal quality (draft). The paragraph legally grants the utilization of natural resources ahead of protectional clauses. The notion of hunting rights fortifies Inuit land and animal practices, but the combination of rights in the paragraph composes the inevitable contention.

Sustainability as a Double-Edged Sword

In a close reading of the two paragraphs, sustainability is seen as central to several clauses, and the framing of sustainability as a protective measure is palpable. However, the word characterizes multiple meanings and allows for myriad interpretations (Banerjee, 2003). What is sustainability, and what does it do? In the 2nd clause of paragraph 19, sustainability is paired with utilization, which alludes to the anticipation of extractive activities. Sustainability has become a double-edged sword when it comes to safeguarding the environment and its utilization.

[4] Constitutional draft, own translation.

Utilisation not determined by law

In the last three clauses of paragraph 19, hunting is handled further to specify the individual right to hunt for subsistence, ensuring that the customary practices of hunting are set by law. Furthermore, it forestalls "framework and requirements for hunting" to be determined by law. In other words, the legislature determines the conditions for hunting. In a closer reading of the combined clauses, the requirements of the latter are not allotted to resource utilization, instilling a stronger incitement for resource extraction. The last clause steers conservation into the constitution, which is inherently disputable, as the concept lends itself to obscuring Inuit worldviews.

Environment overshadowing nature.

> *"§ 20. Everyone has the right to live in a clean and healthy environment, protected on a sustainable basis."*[5]

In paragraph 20 of the constitutional draft, everyone is right to clean and healthy environments is stated. This paragraph specifies that protection is based on the notion of sustainability. The second clause is of interesting character: it assures the right to sustainable development and ensures no damage to animals and the environment – within one's ability. This alludes to the possibility of uncontrollable factors in development, and can be interpreted as a preconditioned move to innocence; the right does not forestall the right to animals and the environment to be protected from damage but instills the right to pursue it. Nonetheless, it ensures the right to ensure protocols for sustainable development in Greenland and incentivizes the care for fauna and the environment; however, it must be emphasized that it does explicitly safeguard nature from harm in the pursuit of economic sustainability.

> *"Technological innovation challenges these laws or principles. For their survival, Inuit need to embrace technologies that can have serious environmental*

[5] Constitutional draft, own translation.

> *consequences. This is true of everything from the use of snowmobiles to the business of mining." (Karetak et al., 2017, p. 5)*

More broadly, it is worth noting that the Constitutional Act of Denmark currently does not have nature or environment in it; the first impression of adding nature and environment into the Greenlandic Constitutional Act is of significance. However, when viewing the international community, we found that 157 of 233 constitutions currently include some degree of environmental protection (constitute website, accessed 2025). The key variable is that Inuit in Greenland is the majority, accounting for approximately 90% of the population. In praxis, environmental protection may be sui generis in comparison to other states, but will the Greenlandic government alone be sufficient to safeguard Inuit lands without considering the Inuit law as an integrated part of the system?

Legal Traditions, Decolonisation and Future Challenges

In a closer reading of the constitutional draft, I specifically look at land relations in order to contextualize current contentions in discourse on and about land use and the natural concept. In Greenlandic society, Western legal tradition is used as part of a larger legal tradition inherited from Denmark, and the self-government act exists within the margins of Denmark's constitutional act. In some cases, the laws are adapted to suit the cultural norms of Greenlanders; for example, prison sentences are intended to re-socialize the convicted and allow them to have a day job in public, and the principle of collective land ownership is also aligned with cultural land use traditions. It is apparent that the juridical framework can be bent to accommodate cultural differences. However, how effective is the legal system in recognizing Inuit culture and as a legal basis for Inuit customs?

The parenthesis around 'Greenland' and the term 'territory' in clause 7 of the preamble warrant reflection on naming as an act of power. In paying attention to the word 'territory' the sovereignty of the former colonized 'Greenland' is repatriated, not necessarily in the form of an Inuit legal tradition but as the internationally recognized form of state sovereignty. The parenthesis around 'Greenland' are there to illustrate that, just as 'territory' is a colonial concept in a western legal context, 'Greenland' is also a constructed concept of place, people, and land. In Kalaallisut the land is called 'Kalaallit Nunaat'; according to Petersen, in earlier texts the land was called 'Inuit Nunaat'. The naming of the land thus

signifies who is telling the story and to whom—naming landscapes after kings and explorers illustrates a colonial gaze. Viewing this way, it becomes unclear what this entails regarding decolonization —how will a 'Greenlandic' state decolonize itself?

As previously exemplified by international examples, indigenous movements in constitutional practices differ according to place and context. Nonetheless, it is clear that the Western legal tradition positions itself on top as supreme sovereignty in former colonies; these inherited colonial systems have been made to champion Western society in its foundation (Quijano). The continuation of hierarchical structures, with the state as the supreme authority, its violent military, and law-enforcement regimens are often in direct conflict with indigenous peoples and cultures. It is also legitimatized internationally in peace-seeking establishments such as the United Nations; these sites of political and cultural struggles for indigenous peoples become battlegrounds for their claim to self-determination and existence. It is arguable that without indigenous intervention and resistance, such legal and power traditions would seek to eradicate, displace, commodify, and assimilate indigenous peoples (Quijano).

To ensure that indigenous peoples are heard, respected, and claim rights for their lives, legal structures have been one of the most important places to gain recognition as indigenous peoples. Through the adoption of the UNDRIP, for example, indigenous peoples are successful in obtaining the same rights as states in some events. People who are oppressed by the same colonial legacies and structures continue to mobilize internationally to Indigenize and decolonize. As Tuck argues, "decolonization is not a metaphor" – it is about taking land back. In the constitutional draft of Greenland, taking land back is crystallized within a Western legal tradition, so how do we reconcile indigenous resistance and lifeways in a new legal structure defined by Greenlandic society itself?

As Koukkanen argues that Greenland is seeking Westphalian sovereignty, she argues that because demographically Inuit represents approximately 90% of the population, we form a solid basis for decolonization. In effect, the State of Greenland would succeed in taking back land; the constitutional draft proclaims in Clause 7 of the preamble:

> *"Greenland is based on collective rights, and the principle of common ownership of all our land, sea and all resources is inalienable. This constitution protects and applies to the entire territory of Greenland – land, sea, and air."*[6]

It appears that there is little contradiction or contention between legal traditions in terms of land use, where Inuit land traditions can be nestled in traditional Western legal structures. The contention is not alone in the use of legal structures; it is in the discourse about land and the implications of commodification in an international and transnational context. Another aspect is the way it imposes—the Western education system, law, office work, and the incitement to adapt to these implications that are necessary in a Western, liberal, and modern lifestyle. Thus, while the legal tradition itself can accommodate Inuit traditional praxis, the very structure imposes challenges for Inuit aspirations and traditions because it implies viewing land as a commodity and subordinate to international market trends that demand mining and infrastructure.

These material acquisitions are based on the Quijano seductive; it is the coloniality of objectification and fragmentation that enables colonial structures to make this life way desirable (Quijano).

> *"Then European culture was made seductive: it gave access to power. After all, beyond repression, the main instrument of all power is its seduction. Cultural Europeanisation was transformed into an aspiration. It was a way of participating and later to reach the same material benefits and the same power as the Europeans: viz, to conquer nature in short for 'development'. European culture became a universal cultural model." (Quijano, 2007, p. 169)*

In Greenland, we see material aspirations politically and socially; it has become a pathway to 'independence' – the parenthesis is to highlight the ambivalence of the word. It is even the incitement for 'breaking up' with Denmark; the discursive norm says to be able to stand on one's own feet, and one ought to be able to maintain a welfare system. Nonetheless, using economic leverage has been a colonial tactic for decades in the relationship between Denmark and Greenland, with the block grant being central to this issue. The discursive history of the relationship is also embossed by the idea of maturing; first, it was about awakening, as is seen in older discourses of Greenlandic nation building (Petersen, 1974);

[6] Constitutional draft, own translation.

lately, it has been about becoming a responsible ‘adult’ (Petersen, 1974). There seem to be two coinciding narratives for the future within Greenland itself: the development narrative that nation-builds, and a decolonial narrative that champions indigenous culture.

Becoming a sovereign nation anticipates liberty; however, the constituted framework in law and education still responds to colonial history in Greenland. The little attention given to reconciliation and truth processes is concerning, and the incitement to progress into a Westphalian democratic nation independent of other states foresees new challenges. The possibility of ensuring a due need for healing will also inevitably alter the legal framework, so the advancement of the constitutional draft may be a path to state sovereignty – it may well only be a step toward indigenous rights and resurgence. The draft is still only one draft, ultimately calling for a referendum in the process of enforcing it.

Reflections

Political and indigenous sovereignty both require a clearly defined legal foundation for their respective constituencies. Reliance on political authority risks the marginalization of Inuit by subordinating indigenous land relations to the priorities of state-building. Even if representatives of the state are Indigenous themselves, inadequate legal frameworks to support Inuit ontologies would ultimately violate the rights of Indigenous peoples declared by the United Nations.

Economic aspirations for sovereign Greenland have largely focused on neoliberal capitalist ventures such as fisheries, mining, and tourism. Balancing these developments with Inuit leadership in land relations demands broad public engagement. Greenlandic populations must be given the opportunity to agree with the terms of these developments. I suggest establishing formal mandates for regions, organizations, and associations across the country to legitimatize a representative body capable of addressing constitutional matters.

The project argues for a more comprehensive involvement of the constituency in shaping constitutional transformation. This includes identifying key actors and agencies within the Inuit diaspora to ensure a broad and thorough representation of the decision-making processes. Whether the work involves constitutional change or research within the Inuit world, approaching inquiry reflexively – and always in service of community well-

being – is imperative. Practical conciderations also involve a referendum on Independence in Greenland, considering the nature of the constitutional draft - which seen through a decolonial lens is only a part of the process - would require a separate referendum to ensure the critical differentiation between law enforement and decolonizing efforts.

Future studies on constitutional drafts may require a different methodological approach, ensuring that testimonies and interviews with citizens of Kalaallit Nunaat are necessary. Combined with indigenous methodologies, more action research would aid the transformative effect of the study. Reflecting further on the proceedings of this thesis, a clearer selection of concepts and issues regarding the constitutional draft would have advanced a more in-depth and coherent thesis. The immense scope of the topic requires discerned demarcation and a focused study on the aspect of the constitutional draft or the concepts involved.

Lived experience in qualitative inquiry leads one story to many more stories. This thesis concludes one such journey and takes up the responsibility of passing the stick to whomever and wherever this work may go, just as the work of the Constitutional Draft arrived here.

Conclusion

The constitutional draft of Kalaallit Nunaat represents an important step towards sovereignty for Inuit in Kalaallit Nunaat. However, it also highlights the complex challenge of reconciling Inuit sovereignty and worldviews with the structures of a Westphalian nation-state along with its implications. The draft illustrates the recognition of cultural values through collective land ownership, Inuit as the Indigenous people of Kalaallit Nunaat, and the need to safeguard nature and the environment. At the same time, it is rooted in Western legal traditions and leaves room for commodifying land through recourse exploitation, which could conflict with cultural legal values.

Moving forward, the process of constitutional transformation in Kalaallit Nunaat can benefit from legitimizing indigenous legal traditions and customs in a nation-state framework, prioritizing Inuit land practices in the pursuit of economic development, and addressing colonial legacies through reconciling and healing activities. Moreover, there is a

need to broaden public engagement to anchor constitutional transformation across the country and to commit to formalizing indigenous representation in constitutional matters. Ultimately, while the draft lays an important groundwork, realizing Inuit sovereignty may need to go beyond simply adopting Westphalian state structures. This process must see that Inuit views land not as property to be owned, but as a living entity that is interconnected with well-being, culture, and subsistence. Integrating this further into the constitutional framework is welcomed in this thesis and viewed as essential for ensuring Kalaallit Nunaat's path to sovereignty that reflects its constituency. The process of decolonization and indigenous resurgence remains ongoing, with the constitutional draft serving as a critical landmark in this journey.

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Appendix

Preambular paragraphs[7]

"Inuit are the indigenous people of our land. From here comes our unique cultural identity, our history, our heritage and our strength. This must never be forgotten and must always be celebrated, respected and protected. It is our wealth, it is our responsibility."

"We, the Greenlandic people, exercise our sovereign rights in our country, Greenland, and we hereby establish this Constitution as the basic law of the sovereign state of the Greenlandic people, Greenland."

"The Greenlandic people are part of nature. We must protect nature, its ecosystems, biodiversity and all its life. We live from and with nature, and this is an indispensable principle to ensure a sustainable society for all time. We live from nature and we live with nature. Therefore, we must respect nature."

"Greenland is based on collective rights, and the principle of common ownership of all our land, sea and all resources is inalienable. This constitution protects and applies to the entire territory of Greenland – land, sea, and air."

[7] Own translation

Paragraph 19[8]

1. The people of Greenland are a people, who has the right to utilise recourses in the Greenlandic environment and nature and to hunt on these.
2. As a people we consider a sustainable utilisation to be, that we take care of nature, economy, social and cultural sustainability.
3. Everyone with Greenlandic citizenship has the right to hunt for their own subsistence.
4. Framework and requirements for hunting is determined by law.
5. Conservation of game animals and other fauna is secured by law.

Paragraph 20[9]

1. Everyone has the right to live in a clean and healthy environment, protected on a sustainable basis.
2. Everyone has the right, within their ability, to work to ensure that development occurs on a sustainable basis and that there is no damage to fauna and environment.

[8] Own translation
[9] Own translation

Præambel, Forfatningskommissionens betænkning til Grønlandsk grundlov

”Vi, det grønlandske folk, udøver vore suveræne rettigheder i vort land, Grønland, og vi fastlægger hermed denne forfatning som værende grundlov for det grønlandske folks suveræne stat, Grønland.”

Inuit er det oprindelige folk i vort land. Herfra kommer vor unikke kulturelle egenart, vor historie, vor arv og vor styrke. Dette må aldrig glemmes og skal til alle tider hyldes, gives hensyn og beskyttes. Det er vores rigdom, det er vores ansvar.

Det grønlandske folk er del af naturen. Vi skal beskytte naturen, dens økosystemer, biodiversitet og al dens liv. Vi lever af og med naturen, og det er et ufravigeligt princip, for at sikre et bæredygtigt samfund for al fremtid. Vi lever af naturen og vi lever med naturen. Derfor skal vi have respekt for naturen.

Grønland er baseret på kollektive rettigheder, og princippet om folkeligt fælleseje af hele vores land, hav og alle ressourcer er ufravigeligt. Denne forfatning beskytter og gælder for hele Grønlands territorium – land, hav og luft.”

Paragraffer

§ 19. Det grønlandske folk er et folk, der har ret til at udnytte ressourcerne i det grønlandske miljø og natur og drive fangt på disse.
Imm. 2. Som et folk anser vi en bæredygtig udnyttelse for at være, at vi passer på naturen, økonomi, social og kulurel bæredygtighed.
Imm. 3. Enhver med grønlandsk statsborgerskab har ret til at drive fangst til egen forsørgelse.
Imm. 4. Rammer og krav til fangst fastsættes ved lov.
Imm. 5. Bevarelse af fangstdyr og anden fauna skal sikres ved lov.

§ 20. Enhver har ret til at leve i et rent og sundt miljø, der beskyttes på et bæredygtigt grundlag.
Imm. 2. Enhver har efter evne ret til at virke for at udviklingen sker på et bæredygtigt grundlag, og at der ikke sker skade på fauna og miljø.