

The impact of international law on natural resource governance in Greenland

The paper demonstrates how the evolution of international law on colonial and indigenous peoples, in particular evolving rights to sovereignty over natural resources, shaped the changing relationship between Greenland and the rest of the Danish Realm. Greenland today is in a unique position in international law, enjoying an extremely high degree of self-government. This paper explores the history, current status and future of Greenland through the lens of international law, to show how international obligations both colour its relationship with the Kingdom of Denmark and influence its approaches to resource development internally. It considers the invisibility of the Inuit population in the 1933 Eastern Greenland case that secured Danish sovereignty over the entire territory. It then turns to Denmark's registration of Greenland as a non-self-governing territory (colony) in 1946 before Greenland's-purported decolonisation in 1953 and the deficiencies of that process. In the second part of the 20th century, Denmark began to recognise the Greenland Inuit as an indigenous people before a gradual shift towards recognition of the Greenlanders as a people in international law, entitled to self-determination, including the right to permanent sovereignty over their natural resources. This peaked with the Self-Government Act of 2009. The paper will then go on to assess competing interpretations of the Self-Government Act of 2009 according to which the Greenland self-government is the relevant decision-making body for an increasing number of fields of competence including, since 1 January 2010, the governance of extractive industries. Some, including members of the Greenland self-government, argue that the Self-Government Act constitutes full implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP 2007), but this view is not universally shared. The paper also considers the status and rights of two Greenland minorities: the North Greenlanders (Inughuit) and the East Greenlanders, each of whom has distinct histories, experiences of colonisation, dialects (or languages) and cultural traditions. While the Kingdom of Denmark accepts the existence of only one indigenous people, namely, the Inuit of Greenland, this view is increasingly being challenged in international fora, including the UN human rights treaty bodies, as the two minorities are in some cases considered distinct indigenous peoples. Their current position in Greenland as well as in a future fully independent Greenland is examined, and the rights that they hold against the Greenland self-government as well as the Kingdom of Denmark explored. Greenland's domestic regime for governance of non-renewable natural resources (principally mining and hydrocarbons) is briefly analysed and compared with international standards, with a particular emphasis on public participation. The paper assesses the extent to which it complies with the standards in key international instruments.

Forfatter: Rachael Lorna Johnstone **Type:** Article | Artikel **Årstal:** 2020 **Emner:** Greenland; Natural resources; International law; Decolonization; Indigenous peoples **Titel på tidsskrift:** Polar Record
Udgiver: Cambridge University Press

[Åben publikation](#)

Arctic Governance in a Changing World

This comprehensive text explains the relationship between the Arctic and the wider world through the lenses of international relations, international law, and political economy. It is an essential resource for any student or scholar seeking a clear and succinct account of a region of ever-growing importance to the international community. Highlights include:

Broad coverage of national and human security, Arctic economies, international political economy, human rights, the rights of indigenous people, the law of the sea, navigation, and environmental governance.

A clear review of current climate-related change.

Emphasis on the sources of cooperation in the Arctic through international relations theory and law.

Examination of the Arctic in the broader global context, illustrating its inextricable links to global processes.

Forfatter: Mary Durfee ; Rachael Lorna Johnstone **Type:** Book | Bog **Årstal:** 2019 **Emner:** Arctic; Governance; International relations; International law; Indigenous peoples; Law of the sea; Environment; Human rights; Security **Udgivelsessted:** Lanham, MD **Udgivelsesland:** USA **Udgave:** 1 **Forlag:** Rowman and Littlefield, inc **ISBN nummer:** 978-1-4422-3562-5

[Åben publikation](#)

Research | Forskning > Article | Artikel

In the Shadow of the Mountain: Assessing early impacts on community development from two mining prospects in South Greenland

The study presented in this paper explored how people in South Greenland perceive their future prospects and the role of mining in this regard. This region hosts two important mining projects still in relatively early stages. The study further investigated how mining projects influence local decisions about individual and community development. The study is based on qualitative interviews with people from the towns of Narsaq and Qaqortoq and from a sheep farm near Narsaq, during a fieldtrip in May 2017. The authors found that the mining projects, even though they are still in the exploration phase, have already had great impact on local expectations for future development and on decision-making and planning in people's daily lives and thereby the development of the communities. Further, although located relatively close together in the same region, there are significant differences between the towns and their relations to the neighboring mining projects. There is both support and opposition towards the projects, which triggers division between individuals, between groups and between the towns. However, all agree on a need for more transparent processes and for timelines to inform people of when they can expect decisions to be made and activities to take place.

Forfatter: Anne Merrild Hansen; Rachael Lorna Johnstone **Type:** Article | Artikel **Årstal:** 2019 **Emner:** South Greenland; Mining; Social impact assessment; Uranium **Titel på tidsskrift:** The Extractive Industries and Society **ISSN nummer:** 2214-790X

[Åben publikation](#)

Research | Forskning - peer review > Contribution to book/anthology | Bidrag til bog/antologi

Indigenous Rights in the Marine Arctic

Forfatter: Rachael Lorna Johnstone **Type:** Contribution to book/anthology | Bidrag til bog/antologi **Årstal:** 2018 **Emner:** International law; Oil and gas; Arctic studies; Indigenous rights **Udgivelsessted:** Oxford **Udgivelsesland:** United Kingdom **Værtpublikationens hoved- & undertitel:** Governance of Arctic Offshore Oil and Gas **Forlag:** Routledge

[Åben publikation](#)

Research | Forskning - peer review > Article | Artikel

Iceland's Accession to the Antarctic Treaty

On 13th October 2015, Iceland quietly submitted its instrument of accession to the Antarctic Treaty to the US Department of State (the depositary for the Antarctic Treaty). Iceland's accession was not accompanied by any official declaration or public discussion in Iceland or elsewhere. This paper investigates some of the factors that are likely to have spurred the decision to join the Antarctic treaty system, examines current Icelandic interests in the Antarctic and proposes constructive policies to enhance Icelandic involvement in Antarctic governance and cooperation following the accession. The authors conclude that logistical operations and adventure tourism involving Icelandic companies in the Antarctic are the most likely triggers for the accession and they propose that Iceland consider ratification of the Protocol on Environmental Protection to the Antarctic Treaty

(Madrid Protocol).

Forfatter: Rachael Lorna Johnstone; Sune Tamm ; Julia Jabour **Type:** Article | Artikel **Årstal:** 2018
Emner: Antarctic treaty system; Iceland; Environmental protection; Logistics; Adventure tourism; Polar law
Titel på tidsskrift: Yearbook of Polar Law **Volume på tidsskrift:** 9

[Åben publikation](#)

Research | Forskning - peer review > Contribution to book/anthology | Bidrag til bog/antologi

Improving Public Participation in Greenland Extractive Industries

This contribution is based on a seminar and workshop on public participation processes related to extractive industries in the Arctic, organized by the Arctic Oil and Gas Research Centre at Ilisimatusarfik (University of Greenland) on October 17th and 18th 2017. The seminar was led by experts on extractive industries, indigenous peoples, impact assessments, law, and public participation. They came from Greenland, Denmark, Iceland, Norway, Russia, Scotland, England and Brazil. The seminar was open to the public and was well attended by representatives from the ministries, municipal governments, academic and research institutes, NGOs and others. A select group of invited experts and a group of graduate students from Ilisimatusarfik took part in the workshop.

Forfatter: Anne Merrild Hansen; Rachael Lorna Johnstone **Editor:** Kamrul Hossain ; Anna Petrétei **Type:** Contribution to book/anthology | Bidrag til bog/antologi **Årstal:** 2018 **Emner:** Public participation; Greenland; Arctic; Extractive industries **Værtpublikationens hoved- & undertitel:** Current Developments in Arctic Law **Volume:** 5 **Forlag:** University of Lapland

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Research | Forskning - peer review > Contribution to book/anthology | Bidrag til bog/antologi

Little Fish, Big Pond: Icelandic Interests and Influence in Arctic Governance

On pretty much any measure of international comparison, Iceland is a little fish. Nevertheless, its geographical location next to the Big Pond that is the Arctic Ocean has put it in a position of influence in a region of growing international importance.

In this paper, we explore Iceland's influence in the Arctic region based on international relations considerations such as its political alliances; and based on international law: Iceland's rights and responsibilities.

The paper presents the Arctic Council and Iceland's role within it before turning to issues that are governed outside of the Arctic Council system, in particular, Arctic fisheries and maritime boundaries. The paper explains Iceland's approach to Arctic cooperation in light of its published policy documents and explores the tools available to Iceland to defend its interests.

Forfatter: Rachael Lorna Johnstone; Hjalti Ómar Ágústsson **Editor:** Giorgio Baruchello ; Kristín Margrét Jóhannsdóttir ; Jakob Þór Kristjánsson ; Skafti Ingimarsson **Type:** Contribution to book/anthology | Bidrag til bog/antologi **Årstal:** 2018 **Emner:** Arctic cooperation; Iceland; Arctic Council **Udgivelsessted:** Cambridge **Udgivelsesland:** United Kingdom **Værtpublikationens hoved- & undertitel:** No-one is an Island: an Icelandic Perspective **Forlag:** Cambridge Scholars Publishing **ISBN nummer:** 978-1527513921

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Research | Forskning > Contribution to book/anthology | Bidrag til bog/antologi

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ownership and respect of the rights of indigenous people, all affect how governance systems of oil and gas extraction are designed.

Using a multidisciplinary approach and case studies from the USA, Norway, Russia, Canada, Greenland/Denmark and the EU, this book both examines the current governance of extraction and its effects and considers ways to enhance the efficiency of environmental management and public participation in this system.

Forfatter: Rachael Lorna Johnstone **Editor:** Ellen Margrethe Basse ; Cécile Pelaudeix **Type:** Contribution to book/anthology | Bidrag til bog/antologi **Årstal:** 2017 **Emner:** Indigenous rights; Marine; Arctic **Værtpublikationens hoved- & undertitel:** Governance of Arctic Offshore Oil and Gas

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Research | Forskning > Paper | Paper

Little Fish, Big Pond: Icelandic Interests and Influence in Arctic Governance

This paper explores the interests and influence of Iceland in the Arctic. Iceland's position as a member of the Arctic Council is the starting point, examining how this high level intergovernmental forum enables Iceland to exercise influence that belies the size of its population, economy or security capacity. This is contrasted with the exclusion of Iceland from the closer "Arctic Five" talks on Central Arctic Ocean governance and what steps Iceland can take to ensure its legal and economic interests in the seas are protected. The paper reviews the Icelandic Arctic policy, based on Hagsmunir Íslands á norðurslóðum, in light of the two earlier Arctic policy statements, Ísland á norðurslóðum (Ministry of Foreign Affairs 2008) and the Parliamentary Resolution on Iceland's Arctic Policy (2011), the interests of different Icelandic stakeholders, and the objectives of other Arctic participants (Arctic and non-Arctic States, indigenous peoples, environmental NGOs and business). The approach is interdisciplinary, drawing from international relations scholarship, international law, development economics and broader research in Arctic Studies.

Forfatter: Rachael Lorna Johnstone **Type:** Paper | Paper **Emner:** Iceland; Arctic governance; Arctic Council; Maritime boundaries; Fishing; Shipping **Navn på konference:** No one is an Island: Iceland and the International Community **Konferenceby:** Akureyri **Konferenceland:** Iceland **Dato:** 19 March 2016

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Research | Forskning - peer review > Article | Artikel

Respectful Neighbourliness: the United Kingdom's Arctic Approach

This paper examines recent developments in British policies towards the Arctic from the Environmental Audit Committee of the House of Commons, the Government, and the House of Lords Arctic Committee. It concludes that while the United Kingdom may be geographically the Arctic's nearest neighbour, the former has too many competing demands for its attention to prioritise the Arctic in its international relations.

Forfatter: Rachael Lorna Johnstone **Type:** Article | Artikel **Årstal:** 2016 **Emner:** Arctic strategy; United Kingdom; Arctic; Geopolitics **Titel på tidsskrift:** Yearbook of Polar Law **Volume på tidsskrift:** 8

[Åben publikation](#)

Research | Forskning > Article | Artikel

Environmental Governance through the Arctic Council: the Arctic Council as Initiator of Norms of International Environmental Law

In this paper, Professor Johnstone explores the potential for the Arctic Council to initiate norms of international

environmental law. The hypothesis to be explored is whether the Arctic Council can be equally or even more effective by developing non-binding standards in the Arctic as it can by pursuing 'hard law', for example, through binding treaty agreements. Challenges facing the Arctic Council as an institution in establishing binding norms will be discussed, including international and domestic political barriers to treaty-making and the difficulties of opening binding instruments to States outside of the Arctic. On the other hand, the vulnerability of non-binding standards to political wind-changes means that non-binding standards may not be sufficient to protect the Arctic environment and there may still be a role for treaty-based norms.

Forfatter: Rachael Lorna Johnstone **Type:** Article | Artikel **Årstal:** 2016 **Emner:** International environmental law; Arctic Council **Titel på tidsskrift:** Journal of International Cooperation Studies
Volume på tidsskrift: 24(1)

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Research | Forskning - peer review > Contribution to book/anthology | Bidrag til bog/antologi

The Principle of "Full Reparation" for Environmental Damage and Very Small States

Greenland's independence to some extent pivots on the exploitation of natural resources, including offshore hydrocarbon resources. The exploitation of oil and gas is inherently hazardous and offshore activities and marine oil transports bring a risk of a serious pollution incident affecting the interests of other States. The long-established principle of full reparation for injuries indicates that should a major accident occur under an independent Greenland's watch, Greenland would bear a potentially unlimited liability to compensate affected parties. However, for a post-colonial State of under 60,000 souls, an overwhelming compensation claim could be disastrous: indeed, it could be sufficiently overwhelming as to compromise the rights of the Greenlandic people to self-determination and permanent sovereignty over their own resources, as well as a number of fundamental human rights found in international customary and conventional law. This chapter examines how such a conflict between the principle of full reparation and the rights of peoples to self-determination might be resolved in practice in light of the ILC Articles on State Responsibility, international customary law and *ius cogens*, international human rights treaties and the few pertinent, though limited and distinguishable, cases that have been decided to date. The chapter concludes by finding that the principle of self-determination has a peremptory status and thus in the event of conflict with the principle of full reparation, the latter must be considered subservient. However, there may be scope for greater flexibility in the mode and timescale of reparation than in its quantum.

Forfatter: Rachael Lorna Johnstone **Editor:** Vibe Ulfbeck ; Anders Møllmann ; Bent Ole Gram Mortensen
Type: Contribution to book/anthology | Bidrag til bog/antologi **Årstal:** 2016 **Emner:** State responsibility; Hydrocarbons; Hazardous activities; International law **Værtpublikationens hoved- & undertitel:** Responsibilities and Liabilities for Commercial Activity in the Arctic: The Example of Greenland **Forlag:** Routledge

[Åben publikation](#)

Research | Forskning - peer review > Article | Artikel

Little Italy: Seeking a Niche in Arctic International Relations

In December 2015, The Italian Ministry for Foreign Affairs and International Cooperation published *Verso una strategia italiana per l'artico* (Towards an Italian Strategy for the Arctic). In this article, the authors explain and evaluate the document in light of Italy's connections to and interests in the Arctic, the Kiruna rules for observers at the Arctic Council, and the Arctic policies of other observers. They conclude that the intended audience for *Verso una strategia* is the Arctic States. Therefore, the document emphasises relevant Italian scientific efforts and promotes Italy's oil and gas industry while downplaying the rights of indigenous peoples and avoiding issues of controversy. Publication of the document as a work in progress indicates the ministry's willingness to listen to feedback and adapt its approaches as it develops a more comprehensive and nuanced

strategy.

Forfatter: Rachael Lorna Johnstone; Federica Scarpa **Type:** Article | Artikel **Årstal:** 2016 **Emner:** Arctic Council; Observer states; Italy **Titel på tidsskrift:** Nordicum-Mediterraneum **Volume på tidsskrift:** 11

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Research | Forskning - peer review > Article | Artikel

Environmental Governance through the Arctic Council: the Arctic Council as Initiator of Norms of International Environmental Law

Forfatter: Rachael Lorna Johnstone **Type:** Article | Artikel **Årstal:** 2016 **Emner:** Environmental governance; Arctic Council; Arctic; International environmental law **Titel på tidsskrift:** Journal of International Cooperation Studies

[Åben publikation](#)

Research | Forskning - peer review > Working paper/preprint | Working paper/arbejdspapir/preprint

Environmental Governance through the Arctic Council: the Arctic Council as Initiator of Norms of International Environmental Law

Explores the role of the Arctic Council in developing environmental law in the Arctic Region.

Forfatter: Rachael Lorna Johnstone **Type:** Working paper/preprint | Working paper/arbejdspapir/preprint **Årstal:** 2016 **Emner:** Environmental governance; Arctic Council; Arctic **Udgiver:** PCRC Working Paper Series **Udgivelsesland:** Japan

[Åben publikation](#)

Research | Forskning - peer review > Working paper/preprint | Working paper/arbejdspapir/preprint

Little Italy: Seeking a Niche in International Arctic Relations

In December 2015, The Italian Ministry for Foreign Affairs and International Cooperation published its latest policy on the Arctic.[1] It is humbly entitled Towards an Italian Strategy for the Arctic (Verso una strategia italiana per l'artico) indicating that the Ministry considers this a work in progress and not a final word on Italian-Arctic relations.

Forfatter: Rachael Lorna Johnstone; Federica Scarpa **Type:** Working paper/preprint | Working paper/arbejdspapir/preprint **Årstal:** 2016 **Emner:** Arctic relations; Arctic **Udgiver:** Nordicum Mediterraneum **Udgivelsesland:** Italy

[Åben publikation](#)

Research | Forskning - peer review > Contribution to book/anthology | Bidrag til bog/antologi

The Principle of 'Full Reparation' for Environmental Damage and Very Small States

Given the magnitude of the risks associated with commercial activities in the Arctic arising as a result of the milder climate, new business opportunities raise important questions of responsibility and liability. This book analyses the issues of responsibility and liability connected with the exploitation of natural resources, marine transport and other activities in the Arctic. Applying a combined private and public law perspective on these issues, it considers both the business and societal interests related to Arctic development using Greenland as an example. The book focuses on problems that are specific to Greenland and wider issues that affect all Arctic states.

Forfatter: Rachael Lorna Johnstone **Editor:** Vibe Ulfbeck ; Anders Møllmann ; Bent Ole Gram Mortensen
Type: Contribution to book/anthology | Bidrag til bog/antologi **Årstal:** 2016 **Emner:** Environmental Damage; Small states; Arctic **Værtpublikationens hoved- & undertitel:** Responsibilities and Liabilities for Commercial Activity in the Arctic - The Example of Greenland **Forlag:** Routledge

[Åben publikation](#)

Research | Forskning - peer review > Book | Bog

Offshore Oil and Gas Development in the Arctic under International Law: Risk and Responsibility

Offshore Oil and Gas Development in the Arctic under International Law explores the international legal framework for hydrocarbon development in the marine Arctic. It presents an assessment of the careful balance between States' sovereign rights to their resources, their obligations to uphold the rights of Arctic inhabitants and their duty to prevent injury to other States. It examines the rights of indigenous and other Arctic populations, the precautionary approach, the environmental impact assessment and the duty to monitor offshore hydrocarbon activities. It also analyses the application of the international law of responsibility in the event that the State fails to meet its primary obligations in the absence of a State's wrongful conduct.

Forfatter: Rachael Lorna Johnstone **Type:** Book | Bog **Emner:** Law; Arctic studies; Hydrocarbons; Environmental law; State responsibility; Indigenous peoples

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