

Overview of concluding observations of the

- 1) Committee on the Elimination of all forms of Racial Discrimination (CERD) and**
- 2) the Human Rights Committee (CCPR)**

Relating to the Thule Case and indigenous rights in Greenland.

1996 CERD/C/304/Add.2, 28 March 1996, adopted on 11 March 1996:

13. Concern is expressed over the delay in compensating members of the indigenous population in Greenland who were relocated to permit the establishment of an Air Force base in the early 1950s.

20. The Committee wishes to receive information on the implementation of the Convention in Greenland, particularly in relation to the rights of indigenous people and their compensation for relocation.

1996 CCPR/C/79/Add.68, 18 November 1996, adopted on 6 November 1996:

8. The Committee takes note of the declaration by the delegation to the effect that the text of the Covenant would be shortly translated into Greenlandic.

15. The Committee is concerned at the long delay in resolving the dispute arising from the claim for compensation by the members of the indigenous minority of Greenland in respect of their displacement from their lands and loss of traditional hunting rights on account of the construction of the military base at Thule. It is also concerned that the people of Greenland are not able to enjoy fully certain Covenant rights and freedoms, including those provided for in article 12.

1997 CERD/C/304/Add.35, 15 October 1997, adopted on 13 August 1997:

22. The Committee reiterates its previous recommendation regarding information on compensation for the population of Thule, Greenland, who have been displaced from their traditional hunting grounds and places of settlement. The Committee recommends that the State party inform it of the latest developments concerning the agreement concerning assistance between the Danish authorities and the Greenland Home Rule Government.

2000 CCPR/CO/70/DNK, 15 November 2000, adopted on 30 October 2000:

10. The Committee regrets the delay in resolving the claim for compensation by the members of the Thule community in Greenland in respect of their displacement from their

lands and the loss of traditional hunting rights on account of the construction of the military base at Thule (CCPR/C/79/Add.68, para.15). The Committee is concerned over reports that the alleged victims in the Thule case were induced to reduce the amount of their claim in order to meet the limitations set in legal-aid requirements; the Committee wishes to be informed on this matter.

The Committee notes the Danish delegation's undertaking to provide information on the outcome of the Thule case (arts. 2 and 27).

2002 CERD/C/60/CO/5, 21 May 2002, adopted on 21 March 2002:

18. The Committee reiterates its previous concern regarding the delay in resolving the claims of the Inughuit with respect to the Thule Air Base. The Committee notes with serious concern claims of denials by Denmark of the identity and continued existence of the Inughuit as a separate ethnic or tribal entity, and recalls its general recommendation XXIII on indigenous peoples general recommendation VIII on the application of article 1 (self-identification) and general recommendation XXIV concerning article 1 (international standard). The Committee recommends that the State party include information in its next periodic report concerning these issues.

2006 CERD/C/DEN/CO/17, 19 October 2006, adopted on 18 August 2006:

20. The Committee notes with concern that the Supreme Court decision of 28 November 2003 relating to the case of the Thule Tribe of Greenland, did not consider the Thule Tribe as a distinct indigenous people despite the tribe's perception to the contrary, on the ground that today they share the same conditions as the rest of the Greenlandic people.

The Committee, drawing the attention of the State party to its general recommendations 8 (1990) on identification with a particular racial or ethnic group and 23 (1997) on indigenous peoples, recommends that the State party pay particular attention to the way in which indigenous peoples identify themselves.

2008 CCPR/C/DNK/CO/5, 16 December 2008, adopted on 28 October 2008:

13. The Committee notes with concern that, in its decision of 28 November 2003, the Supreme Court did not recognize the Thule Tribe of Greenland as a separate group capable of vindicating its traditional rights, despite the tribe's own perception to the contrary (arts. 2, 26 and 27).

The State party should pay special attention to self-identification of the individuals concerned in the determination of their status as persons belonging to minorities or indigenous peoples.

2010 CERD/C/DNK/CO/18-19, 20 September 2010, adopted on 26 August 2010

17. The Committee reiterates its concern with regard to the decision of the Supreme Court handed down on 28 November 2003 relating to the Thule Tribe of Greenland. The decision failed to follow established

international norms in the conceptualization of indigenous peoples. As a result, the Supreme Court rendered a decision which found that the Thule Tribe are not a distinct indigenous people notwithstanding their own perception as such. The Committee further notes the case of Greenlandic people considered to be “legally fatherless” because they were born out of wedlock to Danish men who were in Greenland in the 1950s and 1960s. This status has an impact on matters of family law, land ownership and inheritance (art. 5 (d) (vi))

The Committee reiterates that, pursuant to its general recommendation No. 8 (1990) and other United Nations instruments, the State party is urged to pay particular attention to self-identification as a critical factor in the identification and conceptualization of a people as indigenous. The Committee therefore recommends that, notwithstanding the decision of the Supreme Court, the State party adopt measures to ensure that self-identification is the primary means for determining whether a people are indigenous or not. In this regard, the Committee recommends that the State party adopt concrete measures to ensure that the status of the Thule Tribe reflects established international norms on indigenous peoples’ identification.

The Committee urges the State party to take measures to address the problems faced by the legally fatherless who, by virtue of having been born out of wedlock, are negatively affected by various laws including the laws governing family life, land.

