

**Integrity study of
the public sector in
Greenland**

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1. Summary

In August 2011, Greenland established an association called Transparency Greenland (TG). After a prolonged application process, TG is set to become a national chapter of the global NGO called Transparency International (TI), whose mission is to combat corruption. In connection with the establishment of the local chapter, TG decided to carry out a preliminary study of the national integrity system in Greenland in order to gather the necessary knowledge required for its work.

Transparency International interprets corruption in a broad sense. Corruption is *the abuse of entrusted power for private gain*. Corruption is therefore more than just bribery. It includes abuse of a position in the form of fraud, embezzlement, nepotism and other forms of favours to friends and fellow party members.

An NIS study is not a study of the scope and types of corruption, however. It is a study of the extent to which the system can resist corruption. This preliminary study mainly focuses on the public sector. We chose the public sector because it completely dominates the Greenland society and because it is therefore extremely important how it functions. The study has concentrated on the administration of mineral resources, the fishing industry as well as the housing and infrastructure sectors, as these areas in particular involve the transfer of large sums of money from the public to the private sector. The fishing industry is also relevant because it is Greenland's main source of income at present, and the mineral resource area is interesting because a discovery of large quantities of oil would totally change Greenland's economy.¹

The mineral resource industry's potential importance for the Greenland society places huge demands on the Greenland administration. Unfortunately, international experience shows that oil and mineral resource revenue rarely benefits society at large. On the contrary, natural resources tend to become a source of corruption and conflict between different population groups.² To prevent mineral resources from becoming a curse for the Greenland society, it is essential that the process surrounding the prospecting and exploration of mineral resources is transparent and that the parties involved are held accountable.

The main conclusion to this study is that it is difficult to maintain a skilled and well educated workforce in Greenland, where the staff turnover is high and there is little continuity in the public sector as a result. In addition, administrative staff in the public sector often have to deal with an incoherent and confusing system of rules and legislation. This applies to the fishing industry, taxation, social services as well as

¹ *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by Greenland's Tax and Welfare Commission, March 2011

² EITI Fact sheet, www.eiti.org

housing and procurement. It can result in arbitrary decisions and pave the way for irregularities and, ultimately, corruption. In the mineral resource area, it is in Greenland's interest to make the Bureau of Minerals and Petroleum more transparent and make it easier for the Greenland Parliament, the general public and other authorities (e.g. environmental groups) to hold it accountable.

In general, the citizens have little opportunity to hold the authorities accountable. Hearing processes are rushed, and there are no effective independent complaints mechanisms. As a result, the citizens and companies instead contact politicians directly. The politicians look into individual cases and try to influence the administration or have its decisions set aside. This has an impact on the independence of the public sector and makes it vulnerable to arbitrariness and corruption. A lack of transparency also makes the system vulnerable to corruption. The rules on access to public documents are not always adhered to in practice, and it is often difficult to determine where information from public authorities, e.g. on tenders and procurement, can be found. The construction of an aluminium smelter is an example of how *not* to manage commercial projects in the future. The process has been rushed and lacking in transparency, with minimal citizen involvement. It becomes difficult to control the authorities in such a process, which in turn makes the system vulnerable to corruption. The system is also lacking in essential anti-corruption mechanisms such as clear rules for the acceptance of gifts and so-called 'whistleblower systems.

This study therefore recommends:

Resources

- to simplify legislation, e.g. the Case Processing Act, and adapt it to the available human resources
- to consolidate current acts in a single code that provides an overview of current legislation in Greenland

Independence

- to consider the possibility of incorporating special societal considerations in the procurement circular to make it possible to take such considerations into account in the procurement process³

Transparency

- to review and consolidate all housing legislation to ensure consistency and create a better overview

³ This is being considered in the procurement report under preparation by the Ministry of Finance in November 2011.

- to make all decisions on public tenders public and available in a single location
- to make government reports available on the respective (ministry) websites
- to review the set-up of Alcoa and Greenland Development to ensure transparency in connection with the aluminium project
- to publish individual agreements with oil and mineral resource companies on the website of the Bureau of Minerals and Petroleum (if necessary, confidential sections could be left out).

Accountability

- to update the Data Protection Act to permit investigation of irregularities within the administration and to establish a proper whistleblower system with built-in protection of whistleblowers
- to standardise the hearing processes so that all ministries, agencies, etc. follow identical procedures; guidelines for hearing periods and deadlines should also be established
- to improve the complaints mechanisms in general and implement an independent procedure to make it easier for the citizens to file complaints

Ensuring professional integrity

- to draft specific rules governing the acceptance of gifts and general behaviour, taking into account any special issues that may exist at different institutions/departments
- to give priority to the drafting of guidelines for collaboration with foreign multinationals to make sure the arm's length principle applies to these companies. It is worth considering whether to finance business trips in connection with large-scale projects via a foundation instead of allowing multinational corporations to finance travel expenses. This would guarantee the implementation of the arm's length principle and prevent suspicions about 'greasing'.

Further studies

- to commence a case study of *governance and mineral resource management* based on key anti-corruption mechanisms such as independence, accountability, transparency and integrity. Best practice in high-income countries such as Norway and Canada and potential practices in medium-income countries such as Chile and Brazil could be used as a starting point. The study should result in clear recommendations, adapted to a Greenland context
- to commence a fully-fledged NIS study to get an overview and broad assessment of the entire integrity system and the interplay between the different pillars and thus of the robustness of the system as well as its strengths and weaknesses. This would also explain

why some pillars (e.g. the private and public sectors and civil society) are more robust than others and how they influence each other.

2. Introduction

There are no previous studies on corruption or integrity in Greenland. Greenland is also not included in international corruption indexes. It is therefore difficult to get a general idea of the scope and forms of corruption in Greenland, but there is no indication that bribery, embezzlement and fraud are a problem in Greenland. Bribery, for example money under the table to get access to public contracts or services, has not been mentioned by any of the informants in connection with this study. Corruption in a Greenland context is more likely to be encountered in the grey area between favours to friends and a lack of legal competence and potentially the grey area between what can and what cannot be accepted as gifts.

This is not a study of the scope and types of corruption in Greenland. It is a study of how healthy and robust the system is, both in terms of legislation and in practice, in terms of resistance to corruption. Transparency International calls this type of study a National Integrity Study (NIS). An NIS study looks at the opposite of corruption. It looks at the anti-corruption mechanisms. Transparency International has many years' experience with the type of mechanisms that constitute a good defence against corruption. An NIS study is based on the principle that if an institution has sufficient resources, i.e. it is independent of improper interference; it is accountable, transparent and has integrity, then it has a good defence against corruption. An NIS study therefore looks at the following indicators:

Capacity and resources: an institution must have sufficient human and financial resources. If the employees, for instance, have insufficient resources, they are easy prey for private suppliers offering gifts or outright bribes. Another problem is if they, as is the case in Greenland, are badly equipped to understand and manage complex legislation.

Independence: in a society governed by the rule of law, the powers of the legislature, the executive and the judiciary must be separate and subject to mutual control to prevent any group or individual from gaining too much power. It is in conflict with the rule of law, for instance, if politicians, as is the case in Greenland, interfere with individual decisions by the public administration. The opposite of a society governed by the rule of law is arbitrariness. If a politician is allowed to interfere with individual decisions, the result is arbitrariness, which creates a fertile ground for corruption. It is easier to hide corruption if case processing is already arbitrary.

Accountability is an important defence against corruption. Public servants generally refrain from irregularities or outright corruption if there is a considerable risk of detection and serious

consequences. Whistleblowing is one of the ways in which you can make sure public servants sound the alarm if they discover corruption.

Transparency is a very important anti-corruption mechanism. Corruption thrives in the dark. Corruption can be prevented if information about the workings of the public sector in general is freely available, and if the citizens, and in particular the media, have access to information about what public servants are doing.

Integrity: the integrity of public servants can be ensured in different ways. You can, for example, implement rules for the type of gifts public servants are allowed to accept from citizens or companies. There is often a fine line between gifts, greasing and actual corruption. Clear rules about what a government employee can accept is a good defence against corruption, and it also protects the employees against allegations as long as they comply with the rules.

A complete National Integrity Study (NIS) that has just been completed in Denmark looked at all institutions within the integrity system such as the Government, Parliament, the Office of the Auditor General, the police, etc. There were insufficient resources for a full NIS study in Greenland this time round. This study nevertheless begins with a brief sketch of the main players in the Greenland integrity system: the Government of Greenland, the Greenland Parliament, the ombudsman, the courts, etc. It is important to have a general idea of the context in which the public sector operates. The emphasis will nevertheless be on the public sector, in particular the administration of the mineral resource area, the fishing industry and the housing and infrastructure areas.

2.1 General goals

This report should be regarded as a preliminary study which provides a basis for further analysis of transparency, accountability and integrity in the Greenland society. It was nevertheless a clear wish that the study should identify a number of specific problem areas. This study therefore identifies problems in the public administration and proceeds to provide concrete recommendations that can assist TG and the Greenland society with their future work.

2.2 Demarcation

As mentioned above, transparency in processes involving different forms of funds transfers between the public sector and civil society, such as the granting of licences and permits, is of special interest. The following institutions were therefore initially identified as focus areas: the Ministry of Fisheries, Hunting and Agriculture; the Ministry of Industry and Labour; the Bureau of Minerals and Petroleum and the Ministry of Housing, Infrastructure and Transport.

These institutions will not be given equal priority in this report, in part because some areas are regarded as more important for this study and in part because information was more easily

available in some areas than in others. The study therefore focuses on the fishing industry and the mineral resource area, which are the main current and future sources of revenue in Greenland and the areas that receive the largest sums of money from the public sector. In addition, infrastructure, especially the Alcoa project, will be emphasised, as large sums of money are being invested in this project. It is also Greenland's first experience working with a very large multinational corporation and therefore has the potential to set precedence for collaboration with other multinational corporations. These areas have consequently been given priority in this study. Legislation and practices in the housing sector are also dealt with in the report but without an in-depth discussion of specific examples.

3. Methodology

The study is based on the NIS method developed by Transparency International. The NIS method was developed over the last 15 to 20 years and has been used to study national integrity systems in over 70 countries. At the moment, another 25 NIS studies are under completion in most EU countries as well as Norway and Switzerland.

This study is therefore based on a tried and tested method that has been adapted to Greenland conditions.

3.1 The NIS method

A complete NIS study investigates 13 pillars or institutions deemed to represent a complete national integrity system:

1. The parliament
2. The government
3. The courts
4. The public sector
5. The police and public prosecutor's office
6. The electoral office
7. The ombudsman
8. The Office of the Auditor General
9. The anti-corruption agency
10. Political parties
11. The media
12. Civil society organisations
13. The private business sector

The above 13 pillars are the institutions that make up a national integrity system according to the NIS method. Each of these 13 institutions is assessed on **three dimensions**, which are essential for their ability to prevent corruption and maintain the country's integrity. The first

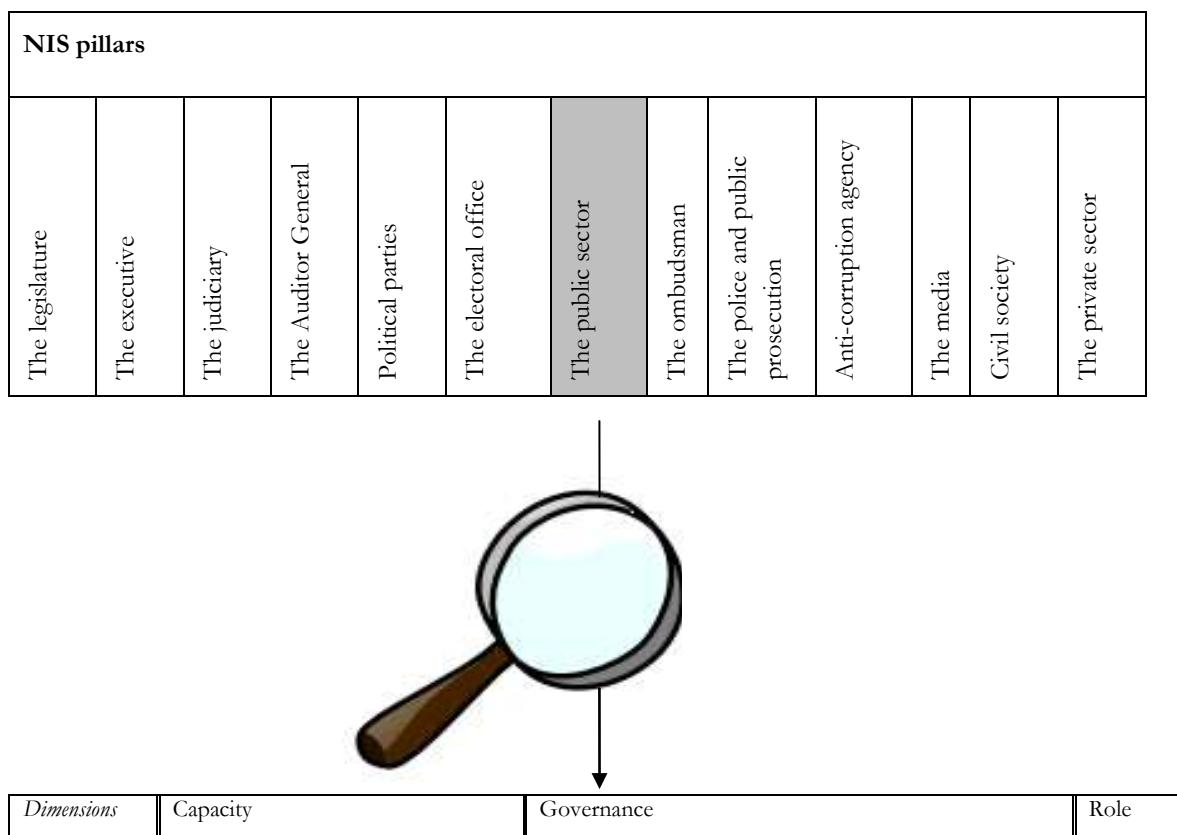
dimension uncovers the total **capacity** of an institution in terms of resources and legal status, which is the basis for the capacity of any institution. The second dimension looks at an institution's internal management and **governance**, including rules and practices, with a focus on transparency, accountability and integrity, all of which are essential components in the defence against corruption. The third dimension assesses the extent to which the institution performs the allocated **role** in the integrity system such as effective supervision of the government or prosecution of corruption (as far as the courts are concerned). The stronger the institution is in these three areas, the more effective it is as a pillar in the total system. In most areas, the method distinguishes between legislation and practice. We would like to point out that the NIS method only studies institutions at a national level. The municipal level is therefore not covered by an NIS study.

3.2 The NIS method in the Greenland study

As already mentioned, the Greenland NIS study is not a fully-fledged NIS study, but focuses on the public sector pillar. It nevertheless looks at all the same dimensions and indicators as a complete study.

The NIS method's dimensions and indicators are shown in the figure below, and we also point out that the Greenland study only investigates the public sector.

Figure: Part of the complete NIS study



Indicators	Resources		Independence		Transparency		Accountability		Integrity		Pillar-specific
	Law	Practice	Law	Practice	Law	Practice	Law	Practice	Law	Practice	

This study follows the NIS method and therefore focuses on the public sector's resources, independence, transparency, accountability and integrity. The NIS method covers a number of areas defined by Transparency International as particularly problematic in terms of corruption. This includes public tenders and procurement, but also subjects such as whistleblowing are compulsory components of an NIS study. These subjects will therefore be covered throughout this study.

3.3 Collection of data

The main methods used in this study are triangulation and validation. Triangulation means that you try to use both qualitative and quantitative data and preferably three different types of data such as statistics, secondary literature and interviews. Statements made by an interviewee will therefore be validated by statements from other sources, if possible. The challenge in Greenland is that in many areas no secondary data exists. By and large, Greenland is not covered by international surveys and indexes which normally make up a large part of the source material in an NIS study. It has therefore not been possible to triangulate all statements, and in some cases the interviews are the only source of information.

We would like to emphasise that the NIS study is not a scientific study or an academic analysis but a report that provides sound documentation and analysis. The purpose is to provide an overall assessment that can serve as a basis for valid conclusions and recommendations to further strengthen the national integrity system.

In principle, the NIS method only requires two interviews per pillar (internal and external interviewees). However, to compensate for the lack of secondary data, a large number of internal and external individuals were interviewed in Greenland. This study is therefore largely based on the collection of primary data such as interviews of individuals and focus groups. A total of 39 semi-structured interviews were carried out, out of which seven were focus group interviews in Greenland during the period from 23 August to 1 September 2011, when the investigation team was on a field trip to Nuuk. A couple of interviews were later carried out in Copenhagen/Taastrup or over the phone.

The interviewees are either internal players in the public sector such as public servants working for the Greenland Self-Government, politicians, ministers, etc. or external players involved in civil society, the private sector, the media, the ombudsman, universities, etc. The methodological approach has been to interview external players at other institutions that would have been included in a full NIS study. This makes it possible to illustrate the collaboration

between other players and the public sector and their view on this sector as well as to gain an insight into the strengths and weaknesses of these other institutions.

A wide range of individuals have been interviewed. The starting point was to interview all parties to ensure that the interviewees as a whole represent a broad spectrum of the Greenland population. In some cases this has not been possible. We have, for example, only interviewed the Employers' Association of Greenland and not the other employers association, NUSUKA, as it was unable to participate. The same applies to the trade unions, where we interviewed IMAK and the Confederation of Professional Associations in Greenland (in Danish *Akademikernes Sammenslutning*) but not SIK, as it was impossible to arrange an interview while the investigation team was in Greenland.

In terms of secondary literature, the team has only been able to source a very limited amount of material. In recent years, a number of commissions have been established which have published reports on different areas, and these reports have been important sources for this study. This particularly applies to the Tax and Welfare Commission's report from 2011 and the Fishery Commission's report from 2009, but also Anne Merrild Hansen's doctoral thesis "Nature and Environmental Governance in Greenland", the "*Starke medier*" (Strong media) report by the Media Working Group from 2010 and the ombudsman's annual reports have been relevant for the study. We have also used literature of a somewhat older date to help with the understanding of the Greenland context.

4. Greenland's integrity system

Greenland's public sector, its capacity, governance and role must be understood in the light of Greenland's particular history, culture and, not least, geography. Greenland is a very young democracy. The country has only been self-governing since 2009 after having been colonised since 1721. It is also a very large country with a challenging climate and a small and geographically widespread population of just under 57,000 inhabitants.⁴

Being a country with a very small population creates a number of challenges. It is easy to influence others and be influenced when you live so close together and everybody knows each other. To this should be added the Greenland tradition for looking after and helping family. In principle, this is a good thing, but as in other neopatriarchal societies, it presents some challenges in relation to nepotism and favours between friends. Research indicates that it is difficult to maintain separation and distance between the citizens and the public administration in Greenland, as the communities are so small that the administrator is deeply involved in the local society, with nepotism as one of the potential consequences.⁵

However, Greenland is at the same time a very transparent society where everybody knows what everyone else is up to. It is therefore difficult to hide things in Greenland.⁶ The short decision-making process is also a positive aspect. It is fairly easy to get to talk to politicians and public servants. In principle, this, too, is a good thing, but informants in this study indicate that it also presents a risk.⁷ The blurred line between the political and administrative levels will be discussed later in this report.

A topic like corruption is always sensitive, but perhaps even more so in a culture like the Greenlandic. Many reports have pointed out that it is difficult to create a lively public debate about social conditions in Greenland due to the lack of ability or will to verbalise problems and conflicts.⁸ In addition, Greenlanders have a deep respect for authority, and there is no tradition for holding public servants or politicians accountable. Silence therefore becomes part of the political culture in Greenland.⁹ This makes it difficult to promote a culture where all parties take part in a debate, exchange points of view and identify solutions. According to a senior public servant, this is the reason why there is so much focus on processes rather than on finding out whether you agree or disagree with a decision. People are simply too afraid to

⁴ 11 July 2011, Statistics Greenland www.stat.gl

⁵ Hanne Petersen, *De grønlandske forvaltningslove*, (The administrative laws of Greenland) in the anthology "Retsforhold og Samfund i Grønland" (Legal matters and society in Greenland), 1998

⁶ Interview with Henrik Skydsbjerg, Consultant and owner of HS Analyse ApS, 30 August 2011

⁷ Interview with Martin Kviesgaard, CEO of the Bank of Greenland, 12 September 2011; focus group interview with civil society organisations, 30 August 2011

⁸ Peter Munk Christiansen et al, *På sporet af magten, Magtudredningen* (The scent of power, An explanation of power) (references to Janussen, 2003, Sørensen, 1994: 61; Andersen & Tønsgaard, 2003)

⁹ Peter Munk Christiansen et al, *På sporet af magten, Magtudredningen* (The scent of power, An explanation of power), 2003

disagree or too keen to avoid conflicts.¹⁰ The language barrier has also been highlighted as a barrier to the debate. We have been assured that a lively debate is indeed possible, provided it takes place in Greenlandic.¹¹

It is always difficult to get people to stick their neck out and ask critical questions in a small society like Greenland. A large number of the people interviewed in connection with this study have pointed this out. It takes a lot of courage to tackle serious issues in Greenland.¹² Anne Merrild Hansen, who wrote the doctoral thesis “Nature and Environmental Governance in Greenland”, points out on the basis of her own experience that Greenlanders are not used to being critical or handle criticism, and emphasises that “*you need to have both a bit of clout and confidence to step out and criticise, and this goes against the democratic process.*”¹³

There is nevertheless a growing awareness in the population and a desire for new times with an emphasis on openness and transparency. The discussions in connection with the last election for the Greenland Parliament have been highlighted as a sign of the new times, and a large number of the people interviewed for this study pointed out that there has been a healthy change in the political system.

There is also an external pressure on Greenland to establish an integrity system that is less vulnerable to corruption. Greenland receives block grants from Denmark and has a partnership agreement with the EU about subsidies of varying amounts. The EU has, for example, stipulated that a fight against corruption is a condition for continued payments to Greenland.¹⁴

There is therefore both an internal and an external demand for increased openness, integrity and accountability. The need to focus on the Greenland integrity system has also become more relevant because of the expectation of major resource exploration projects in Greenland in the near future. In recent years, Greenland has experienced a hitherto unseen interest in its mineral resources as well as the oil and gas potential in the Greenland subsoil.

This study focuses on the capacity, governance and role of the public sector. In addition to the public sector, an integrity system, as already mentioned, also consists of institutions such as the parliament, the government, the ombudsman, the police and public prosecution service, the courts, the media, the private sector, civil society organisations and labour market organisations. In the following we briefly describe these players and their strengths and weaknesses in terms of their ability to lessen the public sector’s vulnerability to corruption.

¹⁰ Interview with Peter Schultz, Head of Department, the Premier’s Office), 31 August 2011

¹¹ Interview with Martin Kviesgaard, CEO of the Bank of Greenland, 12 September 2011

¹² Interview with Mads Dollerup-Scheibel, journalist at Sermitsiaq, 26 August 2011

¹³ Quotation from an article, *Anne og aluminiumsværftet* (Anne and the aluminium smelter), in Sermitsiaq by Mads Dollerup-Scheibel

¹⁴ The EU focuses on areas such as procurement and public tenders, areas that traditionally are vulnerable to corruption

4.1 The Self-Government

In 2009, the Greenland system of home rule was replaced by self-government. The system of self-government consists of Inatsisartut (the Parliament), which is a legislative assembly elected by the people, and Naalakkersuisut (the Government), which is responsible for the public administration.

4.2 Inatsisartut – the Greenland Parliament

The elected legislative assembly or the Greenland Parliament, Inatsisartut, was established when home rule was introduced on 1 May 1979. The Greenland Parliament has 31 members elected for a four-year period. The Greenland Parliament monitors the work of the Greenland Government, for example by auditing the accounts of the Treasury. The Greenland Parliament's ombudsman also makes sure the Government runs the public administration in accordance with legislation and good administration practices. The provisional conclusion to this study is that the Greenland Parliament is very focused on local politics and does not pay enough attention to the full picture and its role as both co-operator and opponent of the public administration, and that parliamentary groups in a number of cases have insufficient power compared with the Government.¹⁵ This issue needs to be studied in more detail as part of a full NIS study.

We have been told in connection with this study that the parliamentary committees play an important role in preventing politicians from being bowled over. The Audit Committee, in particular, helps keep the Government and public administration accountable. It has both insight and clout. It is powerful, it can stop cases, and it does.¹⁶ The Finance Committee is another important watchdog.¹⁷ However, the parliamentary committees are not backed by an audit of the administration on which they can base their reports, as Deloitte primarily performs financial audits. We are of the view that a systematic audit spanning all sectors of the administration and performed by an independent body would strengthen the parliamentary committees, including the work of the Audit and Finance Committees to ensure that the Greenland Government manages the public administration in accordance with good administration practices.

There is no *compulsory* public register of the offices and economic interests of the members of the Greenland Parliament.¹⁸ In July 2011, the Parliament adopted the “*Regler angående frivillig registrering af medlemmers hverv og økonomiske interesser*” (rules pertaining to the voluntary registration of the offices and economic interests of members), according to which members of the

¹⁵ Interview with Mads Dollerup-Scheibel, journalist at Sermitsiaq, 26 August 2011

¹⁶ Interview with anonymous person

¹⁷ Interview with Preben Kold Larsen and Inaluk Brandt from Permagreen and Naaja Nathanielsen, Chairman of the Audit Committee

¹⁸ www.inatsisartut.gl

Greenland Parliament can choose to register their personal economic interests and offices. The register contains information about the paid offices of the members in addition to their membership of the Greenland Parliament, any independent business activities and their nature, as well as paid positions as members of boards of directors. Shares in companies worth more than DKK 50,000 and any agreements of a financial nature, e.g. with a former employer, must also be declared. The information must be published no later than one month from the day a member takes up his/her position in the Greenland Parliament and must be updated annually.¹⁹ The information is declared to a member of the Executive Council of the Greenland Parliament, but is not verified in any way. As mentioned, declaration is voluntary, and 17 out of the 31 members of the Parliament have not disclosed this information. Less than half of the members have thus been open about their economic interests and offices. Members must declare their interests within a month after taking up their position, so although the scheme is relatively new (July 2011), it must be presumed that those who want to publish their information have done so by now.²⁰

4.3 The ombudsman of the Greenland Parliament

The ombudsman of the Greenland Parliament is elected by the Parliament and on the Parliament's behalf supervises that the administration of the Self-Government and the municipalities is carried out in accordance with legislation and good administration practices. The ombudsman is independent of the Parliament and political influence. The current ombudsman is Vera Leth, LLM.

The ombudsman's office is an open and relatively accessible institution. The ombudsman regularly tours the municipalities, and the citizens have an opportunity to speak to the ombudsman in person during this visit. The ombudsman also reports annually to the Parliament on his/her activities.²¹

Several informants in this study have pointed out that this office is important and the current ombudsman has clout, but that the case processing time is too long and it is doubtful whether politicians and the public administration (especially in the municipalities) always comply and change their practices in accordance with the decisions of the ombudsman.²²

4.4 Naalakkersuisut – the Greenland Government

Naalakkersuisut is the Greenland Government and politically responsible for the day-to-day operation of the Self-Government. The Greenland Prime Minister is appointed by the Greenland Parliament. The current Prime Minister is Kuupik Kleist. The three parties, Inuit

¹⁹ www.inatsisartut.gl/inatsisartuthome_gl/sammensaetning-af-inatsisartut.aspx

²⁰ Clause 3 of the rules on voluntary registration of the offices and economic interests of members

²¹ www.ombudsmand.gl

²² Interview with Mads Dollerup-Scheibel, journalist at Sermitsiaq, 26 August 2011; interview with Britta Keldsen, Attorney at Law in the law firm Paulsen og Keldsen, 26 August 2011

Ataqatigiit (IA), the Democrats and Kattusseqatigiit Partiiat, have formed a coalition government for the 2009-2013 period.

We are of the view that the current Government has adopted a more extrovert style than previous governments, and they are said to be very conscious of avoiding any allegations of corruption.²³ However, there is a lack of complete transparency regarding the expenses and activities of the members of the Greenland Government, including entertainment expenses, business trips, gifts and events. On the other hand, seven out of nine members of the Government, of which only the Prime Minister is also a member of the Parliament, have chosen to publish their positions and economic interests.²⁴

4.5 The courts

The Greenland courts are part of the courts of the Kingdom of Denmark and Greenland. Since 2009 they have consisted of the Greenland High Court, the Court of Greenland and 18 district courts. The judges in the district courts are not trained lawyers. Based on this study, we are of the view that the courts function fairly poorly. Processing in the courts is very slow.

Mechanisms designed to provide protection for, for example, property deals, such as registration and probate courts/bankruptcy courts, do not function particularly well.²⁵ There is a shortage of both resources and skills.²⁶ It is our view, however, that the rules are closely adhered to and that there is a lot of discipline when it comes to legal capacity in connection with family matters. The problem is, however, that lay judges are incapable of shouldering the task, especially in civil matters. It is also easy to imagine that it would be difficult to maintain independence as a district court judge in a local community, but this problem has not been investigated.²⁷ We recommend that a study be carried out of the advantages and disadvantages of centralising the courts to create a total of four judicial districts (same as the number of municipalities). A reform of this nature has just been incorporated in the new government plan for the Kingdom of Denmark and Greenland, and the Government is thus already working towards this goal.²⁸

4.6 The police and public prosecution

The Greenland police is an authority that falls under the Danish Government. From an organisational point of view, the police district falls under the Danish Ministry of Justice. The police district is divided into five police regions with the following main police stations: Tasiilaq

²³ Interview with Mads Dollerup-Scheibel, journalist at Sermitsiaq, 26 August 2011; interview with Henrik Skydsbjerg, consultant and owner of HS Analyse ApS, 30 August 2011

²⁴ www.inatsisartut.gl/inatsisartuthome_gl/sammensaetning-af-inatsisartut.aspx

²⁵ Interview with Henrik Sørensen, IF Insurance and Chairman of GA, 26 August 2011

²⁶ Interview with Britta Keldsen, Attorney at Law in the law firm Paulsen og Keldsen, Søren Søndergård Hansen, High Court Judge

²⁷ Interview with Søren Søndergård Hansen, High Court Judge; interview with Anders Meilvang, Attorney at Law in the law firm INA:NUNA, Chairman of the Greenland legal aid organisation, IKTU, 25 August 2011

²⁸ *Et Danmark der står sammen* (A United Denmark), government plan dated October 2011, the Danish Government, p. 75

(East Greenland Region), Qaqortoq (South Greenland Region), Nuuk (Capital Region), Sisimiut (Central Greenland Region) and Ilulissat (North Greenland Region). The Chief Constable, who is based in Nuuk, is responsible for the entire police district, including operational police work, administration and public prosecution.²⁹

As is the case in Denmark, the police and public prosecution are not independent of the political sphere. According to the Greenland Administration of Justice Act, the Minister for Justice is the head of both the police and the public prosecution.³⁰ The Chief Public Prosecutor who reports to the Minister for Justice, can also give orders to the Chief Constable in specific matters (e.g. to commence, continue, omit or discontinue investigations). The authors of this study are not aware of any instances where this lack of separation between the political level and the public prosecution has resulted in improper political interference in the work of the public prosecutor. However, the possibility exists if the politicians fail to exercise the necessary self-discipline.

4.7 Civil society

Greenland does not have a strong tradition for NGOs.³¹ The most influential organisations are those that can document their allegations.³² The NGOs interviewed in connection with this study have pointed out that they have no difficulty being heard to the extent they have the necessary human and technical resources.³³ The ICC (Inuit Circumpolar Council) has, for instance, been given a stronger voice in the debate and has given the Greenland Government a number of well documented hearing replies. KNAPK (the Association of Fishermen and Hunters in Greenland), one of the organisations that represents the population outside the main towns, is an example of an NGO that does not have the capacity to document its points of view, which reduces its chances of influence.³⁴ Greenland has a number of relatively strong unions (IMAK (school teachers) and SIK), which have a good deal of influence on legislation.³⁵

4.8 The private sector

The private sector is dominated by public and semi-public companies. It is difficult for public and semi-public companies to criticise the Self-Government. It is “*difficult to criticise your owner, main customer and the one who appoints your board*”.³⁶ The few private companies are important players when it comes to holding the public sector accountable. The Employers’ Association of Greenland (GA) participates actively in the social debate and has the resources to document its

²⁹ Interview with Bjørn Bay and Morten Nielsen, Chief Constable and Deputy Chief Constable, 31 August 2011.

³⁰ The Greenland Administration of Justice Act, the Legal Gazette, 1 May 2010

³¹ Finn Lynge in Anne Merrild Hansen’s doctoral thesis, *SEA effectiveness and power in decision making*, November 2010

³² Interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011

³³ Focus group with the NGOs

³⁴ Interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011

³⁵ Interview with Lisbeth Frederiksen, The Teachers’ Union of Greenland, IMAK, 26 August 2011

³⁶ Interview with Michael Binzer, CEO of Air Greenland, 29 August 2011

points of view. The business community has become more involved in civil society.³⁷ A number of businesses have established the CSR Greenland platform, which has created a forum for dialogue with the public sector, among other things. However, so far Air Greenland is the only company in Greenland that has signed the UN's Global Compact.

4.9 The media

Greenland has only three major sources of news: KNR (Greenland Radio) and two independent newspapers: AG and Sermitsiaq. A media commission recently concluded that the media in Greenland have many tasks and few resources and recommended that a media foundation be established with a politically independent board. Previously, the media were to a great extent subject to unilateral political control.³⁸ Several sources emphasise that today the media are not subject to political control to the same extent, but we would like to point out that KNR reports to the Self-Government and that the media's board is not politically independent. The annual grants for KNR are also decided as part of the state budget and are therefore subject to annual negotiations.³⁹ This creates opportunities for political interference, and although the politicians do not necessarily avail themselves of this opportunity, it nevertheless exists. Another problem is that journalists in Greenland do not follow up on their stories; they are not particularly critical and are reluctant to challenge politicians and the elite.⁴⁰ According to a report from a media working group, the standard of the journalism degree programme is not particularly high. The media working group in fact recommends that a lot of time and money be invested in education.⁴¹

4.10 Political parties

Neither the constitution nor the Greenland Home Rule Act or the Self-Government Act contains a single word about the role of the political parties in the democratic system. The parties nevertheless play a key role. The vast majority of the members of the Greenland Parliament represent a political party. The transparency of private donations to political parties is not currently guaranteed by law; however, a bill is currently being read by the Greenland Parliament to ensure public insight into major private donations to political parties.

³⁷ Interview with Henrik Sørensen, IF Insurance and Chairman of GA, 26 August 2011; interview with Anita Hoffer, Attorney at Law, GA

³⁸ Nicholas Symes, *Den medie- og presseretlige situation i Grønland*, (The Media and Press Situation in Greenland), 1995

³⁹ Report from the Media Working Group, *Starke medier* (Strong Media), 2010

⁴⁰ Interview with Henrik Sørensen IF Insurance and Chairman of the Board of GA, 26 August 2011 and interview with Mads Dollerup-Scheibel, journalist at Sermitsiaq, 26 August 2011

⁴¹ Report from the Media Working Group, *Starke medier* (Strong Media), 2010

5. The public sector

As mentioned at the beginning, this chapter will focus on resources, independence, transparency, accountability and integrity. According to Transparency International, these indicators show whether an institution has a solid defence against corruption. An analysis of each indicator provides a broad understanding of an institution and a general idea of whether the public sector is vulnerable to corruption.

The following sections make it clear how the lack of human resources, in particular, has considerable influence on how Greenland law is administered.

5.1 Resources (in practice)

To what extent does the public sector have sufficient resources to perform its tasks effectively?

The public sector is short of resources in many areas, and we are of the view that the lack of resources often prevents the sector from performing its tasks effectively. The lack of funds in the state budget is not the only problem; the administration is also short of human resources.⁴²

Both the Self-Government and the municipalities have problems balancing their budgets, and this problem will get worse in the future unless major changes are made in the public sector. As a result of the population structure, a growing number of people will depend on government subsidies in the future. This will put further pressure on the public sector.⁴³ The lack of financial resources play a key role, but an even more important factor is the lack of a skilled workforce. Many informants have pointed out that there is a huge shortage in the number of teachers, pre-school teachers, academics, doctors and nurses compared with public sector requirements.

The lack of a skilled workforce makes the public sector dependent on foreign labour, primarily sourced from Denmark. Most Danes do not stay for long in their Greenland jobs, and the 2011 figures from the Tax and Welfare Commission show an extremely high rate of staff turnover in all job categories. The staff turnover in the outlying districts is even greater than in the towns, and here it is even more difficult to retain staff, let alone find skilled employees to fill the positions in the first place.⁴⁴

⁴² *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

⁴³ *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011; *Politisk – økonomisk beretning* (A political and economical report), the Ministry of Finance, August 2011

⁴⁴ *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

The interviewees are particularly concerned about appointments to management positions in the public sector.⁴⁵ Due to the serious shortage of skilled employees, a graduate who has just completed a university degree can get a management job despite lacking the necessary work experience or skills to handle the position in question.⁴⁶ In addition, it is often a problem to fill management positions in the outlying districts with the result that the positions are filled with individuals without the right background. It is not uncommon, for example, for child care institutions to be run by administrative staff without any qualifications in pre-school teaching.⁴⁷ We point out that child care is an area where it is particularly difficult to attract and retain skilled employees. The Tax and Welfare Commission has identified the significantly lower salary compared with other professions that require medium-term education as one of the main reasons for the shortage of pre-school teachers.⁴⁸

In general, public sector salaries are sufficient for a satisfactory standard of living. In fact, the Tax and Welfare Commission's report from 2011 concludes that public salaries have outrun qualifications and productivity.⁴⁹ The block grant from Denmark has resulted in artificially high salaries in the public sector, but in the same instance high salaries have been necessary to attract skilled labour from Denmark.⁵⁰

In many ways, the lack of human resources in the public sector results in inadequate public services. In many areas, legislation is too complex to understand for employees in the public sector, which can have serious consequences for the citizens involved. There is no consolidated legal code, which makes matters worse, since public sector employees do not even have an opportunity to look things up.⁵¹ Several of the interviewees report that the Case Processing Act is rarely correctly applied and that especially the rules about third party hearings and access to public documents are often not adhered to in practice.⁵² There has, however, been an

⁴⁵ Interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011; interview with Birgit Gedionsen 26 August 2011, the Confederation of Professional Associations in Greenland; *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

⁴⁶ Interview with Birgit Gedionsen, 26 August 2011

⁴⁷ Interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011

⁴⁸ *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

⁴⁹ *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

⁵⁰ *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

⁵¹ Thomas Trier Hansen, Chairman of the Complaints Board for Public Procurement and former judge at the Court of Greenland, 10 August 2011

⁵² Interview with Britta Keldsen, Attorney at Law in the law firm Paulsen og Keldsen, 26 August 2011; interview with Preben Kold Larsen and Inaluk Brandt, Managing Director of Permagreen and member of the Board of the Employers' Association of Greenland, and HR Manager at Permagreen, 26 August 2011; interview with Anders Meilvang, Attorney at Law in the law firm INA:NUNA, Chairman of the Board of the Greenland legal aid organisation, IKIU, 25 August 2011

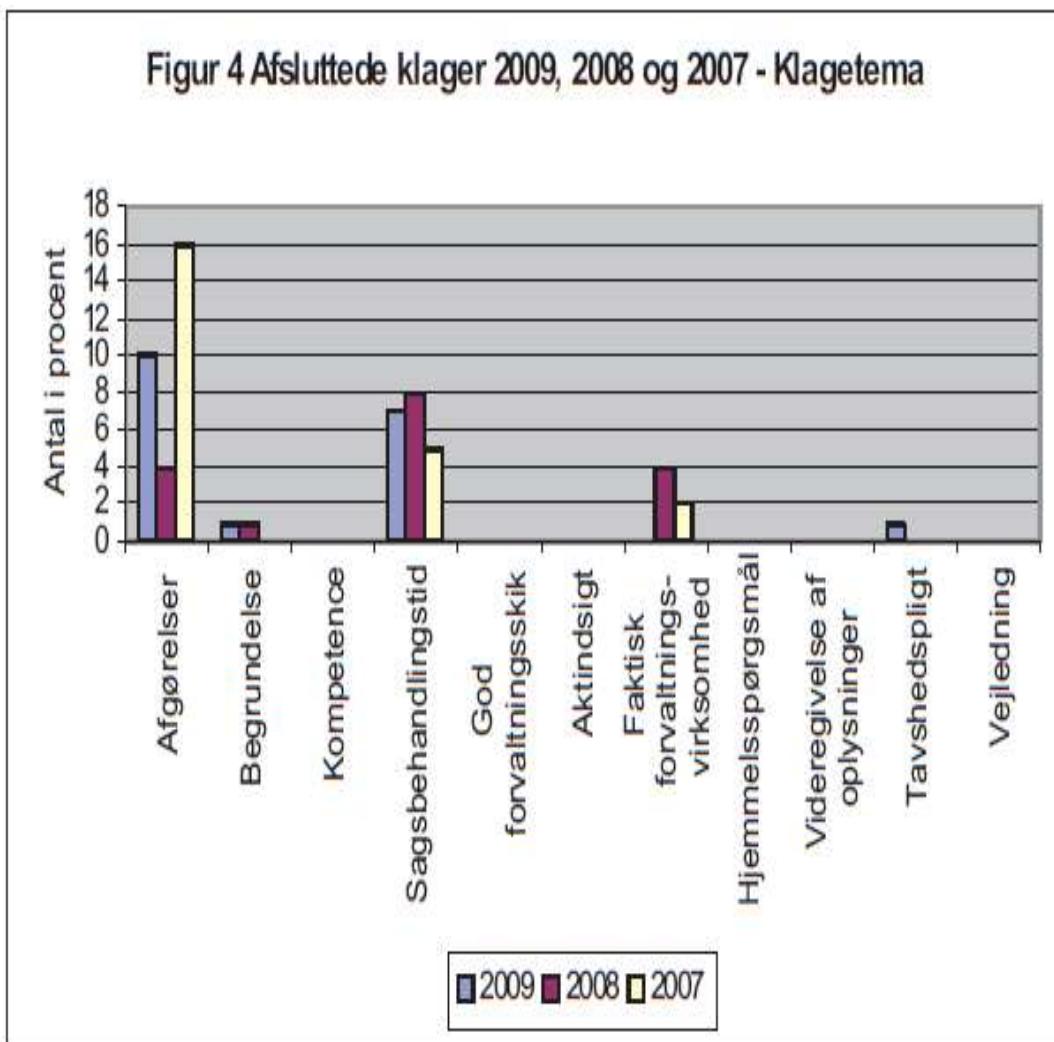
improvement in this area according to the ombudsman, and hearings are now more common than they used to be.⁵³

As shown in the figure below from the ombudsman's report for 2009, complaints mainly relate to prolonged case processing times. As the ombudsman's report for 2009 also shows, the complaints mainly relate to the municipalities, with 12 out of 22 processed complaints being about municipalities and seven about the central administration.⁵⁴

⁵³ Interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011

⁵⁴ The Greenland Parliament ombudsman's report for 2009

Figure 4 Finalised complaints 2009, 2008 and 2007 – Subject of complaint



Number in per cent

Decisions – Reason – Competence – Case processing time – Good administration practice – Access to documents – Actual administration process – Legal competence issues – Forwarding of information – Duty of confidentiality – Instructions

Civil law areas such as housing and social services, in particular, attract many complaints.⁵⁵ The Tax and Welfare Commission also points out that the rules relating to housing are incoherent and confusing, and social services and taxation are also mentioned as too complex for the

⁵⁵ Interview with Anders Melvang, Attorney at Law in the law firm INA:NUNA, Chairman of the Board of the Greenland legal aid organisation, IKIU, 25 August 2011; interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011

employees who administer them.⁵⁶ These areas have a direct impact on the daily lives of the citizens and are therefore the subject of most of the complaints submitted to the complaints bodies by the citizens. Many interviewees express that Greenlanders have a deep respect for authority and are reluctant to criticise social conditions, so there is a tendency to only complain about personal matters that have potentially serious consequences for the individual.⁵⁷

The conclusion about public sector resources is therefore that the rules are too complex for the available economic and human resources.

5.2 Recommendations

- We recommend that legislation be simplified and adapted to available resources. Several interviewees have thus pointed out that the Case Processing Act is too complex for public sector employees and that it would be beneficial to simplify the Act and adapt it to better suit the Greenland context.
- We also recommend that current acts be consolidated in a single legal code that can provide an overview of existing legislation in Greenland.

5.3 Independence (according to legislation)

To what extent does legislation guarantee the independence of the public sector?

The independence of the public sector is guaranteed by legislation in many areas. Legislation does not leave room for interference in appointments and dismissals, for example, and the same applies to the Procurement Circular and the Public Procurement Act. Conversely, the Fisheries Act has until recently left room for political interference in the allocation of licences, and housing legislation is so complex that it is almost impossible for the average citizen to determine who is entitled to what.

As mentioned, it is important that the public administration is independent of the political sphere. This is part of the principle about the separation of powers, i.e. a separation between the executive (the public administration), the legislative (a parliament) and the judiciary (the courts). Arbitrariness is the result if politicians begin interfering in individual decisions made by the public administration, for example in connection with public procurement, appointments or the allocation of fishing quotas. This contradicts the rule of law principle and makes the system vulnerable to corruption. It is easier to hide personal favouritism and enrichment if case processing in general is arbitrary.

⁵⁶ *Vores velstand og velferd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

⁵⁷ Interview with Søren Søndergård Hansen, High Court Judge, 28 August 2011; interview with Mariia Simonsen, the association of media workers in Greenland, TP, and Naja Paulsen, the Department of Journalism, Ilisimatusarfik, 31 August 2011; focus group interview with civil society organisations, 30 August 2011, interview with Britta Keldsen, Attorney at Law in the law firm Paulsen og Keldsen, 26 August 2011; Thomas Trier, Chairman of the Complaints Board for Public Procurement and former judge at the Court of Greenland, 10 August 2011

Current laws in Greenland do not leave room for political interference in appointments and promotions.⁵⁸ Standard legal practice for impartiality applies in connection with appointments and promotions in the public sector, i.e. impartiality in connection with all decisions made by a public authority. General rules on the lack of legal competence apply according to the Case Processing Act⁵⁹ and are also relevant in connection with appointments and promotions in the public sector. General conditions for employment, including “*that the person concerned has the age, health and education required to perform the tasks involved in the position*” are governed by the Public Servants Act.⁶⁰ The Public Servants Act defines the framework for employment of public servants in the municipalities and the Self-Government.

In the event of unfair dismissals or unfair treatment of a public servant in general, the ombudsman has been elected by the Greenland Parliament to supervise the Self-Government, the municipalities and other public authorities, which as at 1 January 1997 included the company A/S Boligselskabet INI. The ombudsman can deal with complaints about decisions made by the mentioned authorities, review matters at own initiative or initiate a general investigation of a specific authority’s handling of a case. The ombudsman can also inspect the mentioned authorities and their workplaces.⁶¹

The Procurement Circular and the Public Procurement Act governing construction and infrastructure projects also do not leave room for political interference and lobbyism in public procurement and tenders, and both sets of rules emphasise that all bidders must be treated equally and have access to the same information.⁶² The rules do not make allowance for special social considerations in connection with procurement, but the latest review of the Public Procurement Act provides authority for taking social considerations into account in connection with public tenders for construction and infrastructure projects.

5.3.1 Exceptions leave room for political interference

As previously mentioned, the Fisheries Act is an example of how legislation until recently left room for exceptions and political interference. However, on 15 November 2011, a number of sections were amended, for example Section 6,⁶³ and in the process some of the existing possibilities for exemptions were removed. We are of the view that this is a step in the right

⁵⁸ Chapter 3 of Greenland Parliament Act no. 21 of 18 December 2003 on Greenland’s Home Rule and local public servants in Greenland

⁵⁹ Chapter 2 of the Case Processing Act

⁶⁰ Chapter 3 of the Public Servants Act

⁶¹ www.ombudsmand.gl/Omombudsmanden/

⁶² Section 18(3) of the Public Procurement Act; Clause 4 of the Procurement Circular

⁶³ Report on Greenland Parliament Bill no. xx of xx 2011 on an amendment of Greenland Parliament Act no. 18 of 31 October 1996 on fishing, 4 November 2011. (Amendments to ownership and limits to quota ceilings). Proposed by the Minister for Fisheries, Hunting and Agriculture

http://www.inatsisartut.gl/media/418238/pkt35_em2011_pkt88_fm11_fiskeri_bet_2beh_dk_.pdf

direction, but we still recommend that the entire legislation on fishing be reviewed and consolidated in a single act.

Section 2(2) of the Fisheries Act stipulates that the public administration of the fishing industry must base its decisions on the preservation of fishing resources. Based on the biological recommendations, the Greenland Government therefore performs an annual review of the quotas that determine the number of tonnes that can be caught of the different fish species.⁶⁴ In this regard, Greenland therefore complies with international standards in order to preserve fishing resources.⁶⁵ This causes problems in practise, however, when the quotas cannot be determined according to the rules because of a lack of recommendations (see more below).

Until recently, Section 6(5) of the Act left room for exceptions. Until the recent review, no changes had been made to the rules for dispensation since 1998. The same rules therefore applied when Hans Enoksen was the Greenland Prime Minister and many licences were criticised for being politically motivated.⁶⁶ The latest amendment has closed a lot of the loopholes and has also abolished the rule that only fishermen who have supported themselves by fishing during the previous two years qualify for a licence.

The Fisheries Act is described as sloppy.⁶⁷ As an example, shipping companies of the same type are at times deemed to be covered by different rules. This is one of the reasons why the Act has become very inconsistent and difficult to enforce. The new Act limits the possibilities for exceptions and instead opens up the industry to fishermen from the outside. It is thus no longer a requirement for a licence that a shipping company must have been based in Greenland and have conducted business there for the last two years. This makes it easier to obtain a licence and reduces the number of reasons to reject an applicant, which should result in licences being allocated on a more objective basis. No quota report has been published in the last three years, and practice has therefore been based on press releases and government memorandums rather than actual legislation.⁶⁸

In 2007, a decision was made to establish a Fisheries Commission, which was approved in 2008. The Fisheries Commission was given the task of making recommendations for a restructuring of the fishing industry, and the Commission published its report in 2009. The

⁶⁴ Section 5 of the Fisheries Act

⁶⁵ *Fiskerikommisionens betænkning* (report by the Fisheries Commission), the Fisheries Commission, the Greenland Self-Government, February 2009

⁶⁶ *Sermitsiaq*: “*Opgør med kvote-mafiaen*” (Showdown with the quota mafia), 7 August 2009; interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011

⁶⁷ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011

⁶⁸ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011

report was to form the basis for negotiations on new fishing legislation,⁶⁹ but such legislation has not yet been adopted in full, although Section 6, for example, has been amended.⁷⁰ Therefore, the Fisheries Act originally adopted in 1996 still applies with amendments, and consolidated legislation on fishing still does not exist.⁷¹

5.4 Independence (in practice)

To what extent is the public sector free of outside interference?

As previously mentioned, parts of the existing legislation leave room for political interference in the administration. On the basis of this study, we are of the view that although there has been a significant reduction in political interference in the public administration with the new government, political interference still occurs.

5.4.1 Political interference in practice

There is a certain amount of political interference in the decisions of the public sector. This interference does not take place in connection with employments and promotions in the central administration, and there is no tradition for replacing public servants in connection with a change of government.⁷² Although this study does not cover the municipal level, we would like to mention that there are reasons to believe that political interference has played a role in a number of municipal appointments. In connection with the municipal reform in South Greenland, 11 managers were, for example, appointed following a dubious procedure, and a position as director without management responsibility was created for a former municipal director who, being a member of the Transitional Committee, was unable to hold a position as manager with responsibility for staff.⁷³ Several interviewees have also pointed out that they think abuse of power could potentially occur in connection with appointments in the municipalities.⁷⁴

Political interference in case processing still occurs. There have been several examples of politicians trying to influence public servants to act in accordance with a particular intent not founded on legislation. Several interviewees mention that one of the advantages of a small

⁶⁹ *Fiskerikommissionens betænkning* (report by the Fisheries Commission), the Fisheries Commission, the Greenland Self-Government, February 2009

⁷⁰ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011; interview with Per Jansen, partner of Deloitte, 26 August 2011

⁷¹ Greenland Parliament Act no. 18 of 31 October 1996 on fishing with amending acts no. 12 of 6 November 1997, no. 6 of 20 May 1998, no. 15 of 12 November 2001, no. 5 of 21 May 2002, nos. 24 and 28 of 18 December 2003, no. 5 of 12 November 2008 and no. 17 of 3 December 2009

⁷² Interview with anonymous person; interview with Deputy Prime Minister, Jens B Frederiksen, 30 August 2011

⁷³ "Magtmisbrug og nepotisme i Sydgrønland?" (Abuse of power and nepotism in South Greenland?) Inuit Ataqatigiit, www.ai.gl, Region South Greenland, 2008

⁷⁴ Focus group interview with civil society organisations, 30 August 2011; interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011

society is the easy access to politicians.⁷⁵ However, this can also constitute a weakness in relation to independence if politicians allow themselves to be influenced by individual matters and lose sight of the whole picture. An area that has previously turned out to be problematic is the fishing industry, where there have been a large number of cases involving the allocation of licences and quotas. The main problem has been incoherent legislation lacking in clear definitions, which has left room for interpretation and guesswork in individual cases.⁷⁶

One example of interference involved an attempt by politicians to persuade the public administration to review a decision made on the basis of the Procurement Circular.

The Procurement Department under the Ministry of Finance tried to cut costs and achieve better terms in connection with the purchase of airfares by enquiring whether Air Greenland and Air Iceland were prepared to grant discounts and better terms to travellers from the Self-Government, the municipalities and the Government-owned companies.

Air Iceland was willing to grant a discount of 10% on its most expensive tickets and attractive terms in general in connection with all types of airfares. Air Greenland was not willing to grant any form of improved terms or discounts, and the Self-Government therefore entered into a non-binding and non-exclusive framework agreement with Air Iceland.⁷⁷

Several politicians from both camps later expressed that the agreement entered into by the public administration ought to be cancelled by the Self-Government.

Despite intense political pressure, the agreement was not cancelled, but it is worth noting that the current agreement only applies to travellers working for the Self-Government and not to municipalities and Government-owned companies, as was the case with the original agreement.⁷⁸

Another public administration decision that was taken under heavy political pressure was also motivated by a desire to achieve savings and adjust the purchase to actual requirements and results achieved. The Self-Government wanted to cut the costs of job advertisements across all providers, including the newspapers Sermitsiaq and AG, but after prolonged negotiations, the

⁷⁵ Interview with Martin Kviesgaard, CEO of the Bank of Greenland, 12 September 2011; focus group interview with civil society organisations, 30 August 2011, among others

⁷⁶ Interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011; focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011; interview with Elna Egede, freelance journalist and former journalist at AG, 31 August 2011

⁷⁷ Interview with Jan Mikkelsen, The Procurement Department under the Ministry of Finance, 31 August 2011; interview with Daniel Gottrup, HR Manager in the Personnel Agency, the Ministry of Finance, 26 August 2011; Michael Binzer, CEO of Air Greenland, explained in the interview that he criticised the Self-Government for making requirements to its companies to take social considerations into account, e.g. by employing apprentices, while at the same time trying to squeeze them out of the market using market forces

⁷⁸ Interview with Jan Mikkelsen, The Procurement Department under the Ministry of Finance, 31 August 2011; interview with Peter Schultz, Head of Department, the Premier's Office, 31 August 2011

newspapers managed to motivate the politicians to emphasise other social considerations in this decision rather than commercial factors. The current agreement therefore shows obvious signs of having been based on other than purely commercial considerations.⁷⁹

It is not the job of this study to evaluate whether the social considerations taken in the mentioned cases were beneficial. In terms of the question of the independence of the public administration, the problem is that the Greenland Government interfered in some administrative decisions taken on the basis of the Procurement Circular and a desire to achieve savings in the public administration. As mentioned above, the Act does not leave room for special social considerations, and the Circular therefore does not provide authority to take such considerations into account. In November 2011, the Self-Government issued a procurement report that aims to review the Procurement Circular, as it recognises that the current procurement policy is not “consistent, fair and transparent”.⁸⁰

We also point out that there has been a significant improvement in the separation of the political and administrative levels since the last election. The boards of the Government-owned companies have also been overhauled so as a general rule there are no longer any politically elected members on the boards.⁸¹

5.4.2 Political interference in the fishing industry

Until recently, the Fisheries Act was a good example of an act that in practice left room for interpretation. There are many stories about favours between friends and nepotism in the fishing industry, and there are reasons to believe that there used to be a large degree of political interference in the allocation of licences.⁸² It is not the purpose of this study to revisit old stories, but we wish to point out that it is of vital importance that legislation does not leave room for political interference that can be used to favour political friends. The adoption of the amendments to the Act on 15 November significantly reduces the risk of political interference, but we nevertheless conclude that the entire Fisheries Act should be reviewed and made clearer and easier to understand for the people working with it.

In general, the problem has been an absence of objective criteria for the allocation of fishing licences.⁸³ There are several examples of shipping companies receiving downright contradictory responses to their applications for licences. While a shipping company in one case was deemed

⁷⁹ Interview with Jan Mikkelsen, The Procurement Department under the Ministry of Finance, 31 August 2011; interview with Daniel Gottrup, HR Manager in the Personnel Agency, the Ministry of Finance, 26 August 2011; interview with Peter Schultz, Head of Department, the Premier’s Office, 31 August 2011

⁸⁰ The Greenland Government, the Ministry of Finance, *Indkøbsredegørelse* (Procurement Report), November 2011

⁸¹ Interview with Kuupik Kleist, Prime Minister, 2 September 2011; interview with anonymous person

⁸² Interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011; focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011; interview with Elna Egede, freelance journalist and former journalist at AG, 31 August 2011

⁸³ Anonymous interviewee

to meet the general criteria for allocation of a licence, the same shipping company was deemed in another application not to meet the general criteria.⁸⁴ This shows that the Act has been open to interpretation, which creates problems from the allocation of licences as well as for the subsequent control.

It is suspected that irregularities are taking place in some municipalities in connection with licence applications. It is not our impression that the public servants abuse their positions for personal gain, but we suspect that municipal employees stamp licences without proper scrutiny in order to get through the backlog.⁸⁵ We are also of the view that it can be very difficult in some municipalities to refuse granting a licence, as there is no real alternative to fishing in North Greenland communities. It has only become possible to control the application procedures in the last 10-15 years, as the control mechanisms in the fishing industry are a relatively new phenomenon. In practice, the control is still imperfect, but attempts are being made at improving this lack of control. The municipalities have been given access to the Tax Agency's system, which is likely to significantly improve the control.⁸⁶

In practice, the Fisheries Act creates huge problems for the control work.⁸⁷ As previously mentioned, the Act is incoherent, and this has a significant impact in practice. The Act leaves room for interpretation, which makes it very difficult to check whether or not the rules are being complied with.

Apart from the control of the fishing industry, problems can arise if there are no biological recommendations for a fishing quota.⁸⁸ In principle, it is up to the Greenland Government alone to determine the size of the quotas, but in practice the Government follows the recommendations of the Greenland Institute of Natural Resources.⁸⁹ It is therefore also problematic when no biological recommendations are available, as a decision then has to be based on gut feel. This leaves room for considering other interests than the fishing resources, such as personal interests. We would like to point out, however, that the interviewees are

⁸⁴ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011

⁸⁵ Interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011; focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011

⁸⁶ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011

⁸⁷ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011

⁸⁸ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011; interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011

⁸⁹ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011; interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011

convinced that they now have a real ‘man’ in the person of Ane Hansen as the Minister for Fisheries, Hunting and Agriculture. None of the interviewees have therefore experienced any attempts at bending the legal rules since the change of government.⁹⁰

Problems may also arise if a quota is suddenly significantly increased, which happened with the fishing for Greenland halibut in Baffin Bay.⁹¹ The increased quota was given to a new shipping company, causing criticism from existing shipping companies in the area, who were of the view that they could have met all the quotas themselves.⁹² Such criticism could be avoided if quotas were allocated according to objective criteria.

Incoherent legislation leaving room for interpretation is therefore the main reason why political interference can and does occur.

5.5 Recommendations

- The Fisheries Act should be reviewed and consolidated and clear, objective criteria defined for the allocation of licences.
- We recommend considering whether special social considerations should be incorporated in the Procurement Circular to make it possible to favour Greenland players. It is essential, however, that there is a clear definition of who these Greenland players are.

5.6 Transparency (according to legislation)

To what extent do existing rules ensure transparency in terms of finances, staffing and access to public documents?

We are of the view that the Greenland legislation to a large degree ensures transparency in the public administration as regards finances, staffing and access to public documents. Conversely, it is often a problem that the legislation points in different directions, which makes it difficult to administer and difficult for the general public to understand. It is also a problem that there are no rules that make it compulsory to publish the outcome of public tenders in accordance with the legislation on public tenders within the construction and infrastructure industries.

Transparency is essential in a society if the citizens are to trust the public administration and to enable stakeholders to hold politicians and public servants accountable for their actions. In Greenland, transparency is particularly important, as Greenland may become a mineral resource economy. As mentioned at the beginning, discoveries of mineral resources have not always

⁹⁰ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011; interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011

⁹¹ Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011

⁹² Focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK), 30 August 2011

resulted in improved living conditions for the populations in mineral resource economies, but have instead benefitted a small elite. To make sure that the entire population of Greenland benefits from the revenue resulting from any discoveries, it is essential that the processes are transparent. Transparency gives the citizens and civil society organisations a chance to assess whether the revenue is benefiting the entire society and an opportunity to raise the alarm and hold the politicians accountable if this is not the case.

The housing sector is an example of an area where it is very difficult to get an overview of who is and who is not entitled to housing subsidies and why.⁹³ Housing legislation is inconsistent, and the Tax and Welfare Commission has compared it with a big lottery.⁹⁴ There is little chance of checking how accommodation is allocated and subsidised. This area therefore completely lacks transparency, which is a problem, as the individual citizen and the public administration are unable to assess whether or not the rules are being followed. The 'From tenant to owner' scheme, which enabled the tenants in buildings owned by the Home Rule administration to buy their home way below the market price,⁹⁵ is a clear example of how the lack of transparency was used by the people who understood the rules. The rules completely lacked transparency so it was difficult to determine who was entitled to what. Several circulars thus contradicted each other as regards the rules about the length of time a person had to have lived in the home own a home before being able to buy it. According to many informants, politicians and public servants had an opportunity to buy their homes, earning millions in the process. This is no longer possible, and the example is a thing of the past, but this does not change the fundamental problem which made it possible to use loopholes in the legislation, i.e. that the legislation is confusing.⁹⁶

An important part of ensuring transparency is to grant the citizens the right of access to public documents. Such right will enable the general public, civil society organisations and other authorities to gain access to documents otherwise restricted to the people employed by the authority in question. This makes it possible to investigate public servants and politicians in case irregularities are suspected.

General access to the documents of public institutions in Greenland is governed by the general rules of the Act on Public Access to Documents in Administrative Files, and Chapter 4 of the

⁹³ *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

⁹⁴ *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011, p. 151

⁹⁵ Interview with Elna Egede, freelance journalist and former journalist at AG, 31 August 2011; interview with Peter Schriver, Attorney at Law in the law firm Nuna Advokater, 29 August 2011

⁹⁶ Interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011

Case Processing Act as far as the parties of a case are concerned.⁹⁷ Any person, subject to certain limitations, can request access to documents forming part of or created by public institutions. Exceptions apply to internal work documents, minutes of closed meetings, certain types of e-mails and letters, information about the private affairs of individuals, and cases where it is deemed to endanger the safety or foreign policy interests of the Self-Government.⁹⁸ The Act in question is a minimum law, which means that it is possible to grant access to documents that are otherwise exempt provided the duty of confidentiality is not compromised.⁹⁹ If the request for insight into documents has not been determined within 10 days, the public authority must give the applicant a reason and advise when a decision can be expected.¹⁰⁰

The Act on Public Access to Documents in Administrative Files could be improved in certain areas to ensure greater transparency. There are no compulsory rules about the maintenance of itemised lists or compulsory record keeping in the public administration, which would provide an overview of the types of documents that exist in the different cases. It is also a requirement that the person who applies for access to documents can identify the relevant case and the specific document involved.

There is also room for improvement as regards the rules on disclosure of information about public tenders. There are no rules that ensure that decisions on public tenders within the construction and infrastructure industries are made public in accordance with the Public Procurement Act. It is only a requirement that all bidders must be notified, but no further disclosure is required.¹⁰¹ The problem is that it is impossible for citizens and other stakeholders to monitor whether any companies in the construction and infrastructure industries are being favoured at the expense of others. Citizens living outside the main towns, in particular, have no possibility of checking whether tender processes follow applicable rules. It ought to be possible for citizens to stay informed, as the Self-Government's building and infrastructure projects are financed by taxpayer money.

Contrary to the Public Procurement Act, the Procurement Circular stipulates that decisions relating to public procurement must be made public on www.udbud.gl, which results in a more transparent process.¹⁰² There is also a reasonable amount of transparency in connection with

⁹⁷ Greenland Parliament Act no. 9 of 13 June 1994 on access to public documents; Section 4 of Greenland Parliament Act no. 8 of 13 June 1994 on case processing in the public administration.

⁹⁸ Greenland Parliament Act no. 9 of 13 June 1994 on access to public documents

⁹⁹ Chapter 3 of Greenland Parliament Act no. 9 of 13 June 1994 on access to public documents

¹⁰⁰ Chapter 4, Section 16 of Greenland Parliament Act no. 9 of 13 June 1994 on access to public documents

¹⁰¹ Chapter 6 of the Public Procurement Act

¹⁰² Article 11 of the Procurement Circular

job advertisements. The Public Servants Act makes it compulsory to publicly announce available positions and set application deadlines of a minimum of three weeks.¹⁰³

5.7 Transparency (in practice)

To what extent do the authorities comply with the rules on transparency in relation to finances, staffing and access to public documents?

We conclude that although the legislation on transparency is sufficient in many ways, there are nevertheless reasons to raise the red flag in practice. Two areas in particular are problematic. Firstly, there are huge differences between the extent to which public authorities grant access to documents and, secondly, there is no consistent degree of transparency vis-à-vis the citizens and private companies. There are many cases where the access to information has been granted via the back door rather than via public authority websites. To this should be added that hearing cultures vary as does the degree of involvement of stakeholders in different parts of the public administration.

5.7.1 Information to citizens and private companies

The amount of information the public sector makes available to the citizens and private companies is often inadequate. Information is not consistently made publicly available, and you often get access to information via the back door.

The announcement of public tenders is a major problem area, since several different websites exist where such information can be announced. Particularly people outside Nuuk find it difficult to keep an eye on public tenders and determine who has been awarded a particular job.¹⁰⁴ The reason is not that the information is kept secret, but that there is no general rule about where it should be published, and it is therefore somewhat accidental who gets to hear about the outcome of a round of tenders.¹⁰⁵ This makes it difficult to hold the public sector accountable and ensure due process in connection with public tenders.

There is also a problem with the way vacant positions are announced in practice, especially in the municipalities. Vacant positions with the Self-Government are normally announced on www.nanoq.gl, but also in printed newspapers such as Sermitsiaq and AG and in selected Danish newspapers and journals. However, in practice there have been cases where the application deadline was so short so that the printed newspapers had not yet been distributed

¹⁰³ Greenland Parliament Act no. 21 of 18 December 2003 on Greenland's Home Rule and local public servants in Greenland

¹⁰⁴ Thomas Trier Hansen, Chairman of the Complaints Board for Public Procurement and former judge at the Court of Greenland, 10 August 2011

¹⁰⁵ Interview with Preben Kold Larsen, Managing Director and Member of the Board of Permagreen and Inaluk Brandt, HR Manager of Permagreen, 26 August 2011

all over the country by the time the deadline expired.¹⁰⁶ It is nevertheless our impression that it is mainly job advertisements in the municipalities that fail to comply with the requirements set out in the Public Servants Act.¹⁰⁷

5.7.2 Lack of compliance with the rules on access to public documents

As far as access to public documents is concerned, we are of the view that the authorities too often fail to comply with the rules.¹⁰⁸ The main problem is a failure to comply with deadlines and prolonged case processing.¹⁰⁹ Members of the press, in particular, have problems getting access to documents within the stipulated period, and the employment of public relations staff by many public authorities has only made matters worse. It has added another layer of filters that you have to get past to gain access to documents. We would like to point out, however, that the lack of confidence in the objectivity and integrity of journalists and their understanding of different topics is one of the reasons why people are reluctant to talk to journalists.¹¹⁰ A fully-fledged NIS study could help determine whether such a causal relationship exists.

Staff at the ombudsman's office also experience that it can be difficult to get access to the necessary documents, and this is a problem of which the ombudsman has recently become much more aware.¹¹¹

People can complain to the ombudsman if an authority has denied an applicant access to documents, but as the processing time is fairly long, the effectiveness of this right is fairly limited. The processing time is long despite the ombudsman having given high priority to cases involving access to documents.¹¹² The ombudsman did not deal with any complaints about access to documents in 2009, and since the 2010 report was not available on the ombudsman's website when we wrote this report,¹¹³ it is impossible to determine what proportion of the ombudsman's cases involved access to documents in 2010.

¹⁰⁶ "Magtmisbrug og nepotisme i Sydgrønland?" (Abuse of power and nepotism in South Greenland?), Inuit Ataqatigiit, www.ia.gl, Region of South Greenland, 2008

¹⁰⁷ Focus group interview with civil society organisations, 30 August 2011

¹⁰⁸ Interview with Maria Simonsen, Chairman of Tusagassiuinermi Sulisut Peqatigiiffiat, TP (the association of media workers in Greenland), and Naja Paulsen, Head of the Department of Journalism at Ilisimatusarfik, 31 August 2011; interview with Mads Døllerup-Scheibel, journalist at Sermitsiaq, 28 August 2011; interview with Lars Bjørknæs, Editor of www.aviisi.gl, 6 October 2011

¹⁰⁹ Interview with Maria Simonsen, Chairman of Tusagassiuinermi Sulisut Peqatigiiffiat, TP (the association of media workers in Greenland), and Naja Paulsen, Head of the Department of Journalism at Ilisimatusarfik, 31 August 2011; anonymous source; interview with Lars Bjørknæs, Editor of www.aviisi.gl, 6 October 2011

¹¹⁰ Interview with Martin Kviesgaard, CEO of the Bank of Greenland, 12 September 2011

¹¹¹ Interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011

¹¹² Interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011

¹¹³ The report has been published subsequently and is now available on the ombudsman's website. The reports are made available on the website once they have been distributed to the Greenland Parliament in connection with its autumn sitting.

No studies have been carried out on the access to documents in Greenland, so limited data is available. However, many sources confirm that there are problems with access to documents in practice. The media workers' organisation thus finds that it has become more difficult to get interviews and access to documents and an opportunity to speak to certain authorities, and journalists are being punished by being refused access to comments and interviews if they have been too critical. According to the organisation's experience, matters have become worse since the employment of an increasing number of information and communication staff by the various authorities. They have created an additional layer which a journalist has to get past to get access to information, and this complicates the access.¹¹⁴ One particularly keen individual has systematically applied for access to documents in different ministries and has found that in one case out of two the authorities fail to comply with the Act on Public Access to Documents in Administrative Files. In one case out of two the answer arrives after expiry of the deadline, and in one case out of five the applicant receives no reply at all. The person in question in particular points to a lack of compliance by the Department of Foreign Affairs.¹¹⁵

We are therefore of the view that access depends on the culture of the individual authority, and while some authorities always comply with the rules, others do not.

5.7.3 The Ministry of Industry and Labour and the Bureau of Minerals and Petroleum are particularly closed

The Ministry of Industry and Labour and the Bureau of Minerals and Petroleum are two examples of authorities that the interviewees perceive as particularly closed.¹¹⁶ It is our view that there is a general culture of secrecy in the ministries, which presents a problem, as these ministries handle large-scale projects in the mineral resource area in Greenland as well as the Alcoa project.¹¹⁷ There are also different cultures and major internal differences between the different departments in terms of transparency. The ICC has thus experienced that the oil group in the Bureau of Minerals and Petroleum has been much more proactive in involving other parties compared with the mining group, which the ICC hardly hears from at all. It is the oil group that has complied with several ICC recommendations and has become significantly better at extending hearing deadlines. They have also promised to begin the application period

¹¹⁴ Interview with Mariia Simonsen and Naaja Poulsen, the Greenland Press Association, 31 August 2011

¹¹⁵ Lars Bjørknæs is being criticised by many, as he is said to have gone overboard with his criticism of the use of public funds by politicians. No proceedings have been instituted against him and he is also not being named in connection with public criticism. It is not the task of this study to evaluate whether or not he has gone too far, but his experience with access to documents is relevant for this study because it says something about the transparency in the public administration.

¹¹⁶ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011; interview with Anita Hoffer and Henrik Leth, CEO and Attorney at Law, the Employers' Association of Greenland, 30 August 2011; interview with Britta Keldsen, Attorney at Law in the law firm Paulsen og Keldsen, 26 August 2011 (she only mentions the Bureau of Minerals and Petroleum as closed); interview with Naaja Nathanielsen, Greenland Parliament member for Inuit Ataqatigiit and member of the Mineral Resource and Audit Committees, 31 August 2011; anonymous source; interview with Mads Dollerup-Scheibel, journalist at Sermitsiaq, 28 August 2011; interview with Michael Binzer, CEO of Air Greenland, 29 August 2011

¹¹⁷ www.nanoq.gl

for new oil exploration licences as early as February to give stakeholders a genuine opportunity for influence on the permits.¹¹⁸

There have been a number of cases in which the Bureau of Minerals and Petroleum has been criticised for its lack of transparency. Recently it created a bit of a stir that the Bureau of Minerals and Petroleum refused to publish the Cairn Energy oil company's contingency plans for potential oil spills. The contingency plan was, however, published mid-August 2011 as a result of public pressure.

Another area that has led to criticism of the Bureau of Minerals and Petroleum is the lack of disclosure of its *individual* agreements with oil and mineral resource companies. You can only get access to the framework agreements. A list of licences on the Bureau's website www.bmp.gl is updated twice a month and indicates which companies are active in different areas and the periods for which they have been granted a licence. The different contract templates are also available, but there is no access to the *individual* agreements which the Self-Government has entered into with the companies. It is not possible to get access to these agreements; even the members of the Greenland Parliament's Mineral Resource Committee cannot get access to the *individual* agreements.¹¹⁹

It is important to point out that the Bureau of Minerals and Petroleum has contacted EITI¹²⁰ to enquire about the requirements to collaboration, so the Bureau is aware of the importance of transparency.¹²¹ That said, the Bureau of Minerals and Petroleum was the only authority contacted by the investigation team that did not permit focus group interviews with the Bureau's public servants. We were informed by e-mail that the Director of the Bureau of Minerals and Petroleum would speak on behalf of the Bureau and that other interviews therefore were unnecessary.

The collaboration with Alcoa and the set-up surrounding Greenland Development is another area where there has been a lack of transparency. The process of establishing an aluminium smelter in Maniitsoq began in 2006, and the negotiations with one of the world's largest aluminium producers, Alcoa, took place behind closed doors.¹²² Although public meetings have been held to inform about the project, many informants are of the view that there has been no

¹¹⁸ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011; interview with anonymous person

¹¹⁹ Anonymous interviewee; interview with Naaja Nathanielsen, Greenland Parliament member for Inuit Ataqatigut and member of the Mineral Resource and Audit Committees, 31 August 2011

¹²⁰ Extractive Industries Transparency Initiative; see www.eiti.org

¹²¹ Interview with Jørn Skov Nielsen, Director of the Bureau of Minerals and Petroleum, Acting Head of Unit, the Ministry of Industry and Labour, 26 August 2011

¹²² *Sermitsiaq*, "Benjamin og Sakæus må ikke holdes ude" (Benjamin and Sakæus must not be left out) by Mads Dollerup-Scheibel, 26 July 2008; *Sermitsiaq*, "Demokratisk underskud i Alcoa-debatten" (Insufficient democracy in the Alcoa debate), by Mads Dollerup-Scheibel, 24 April 2010; interview with Kuupik Kleist, Prime Minister, 2 September 2011; interview with Mads Dollerup, Sermitsiaq, 28 August 2011

real possibility of influence.¹²³ The decisions were taken before the public meetings, and the process took place behind closed doors. The ICC has monitored the public meetings on the aluminium project, and is of the view that the presentation of the project has been very one-sided. The public meetings have mainly focused on the advantages of the Alcoa project, and no societal issues have been discussed such as what it will mean for Greenland if labour is imported from outside.¹²⁴

The Government-owned company Greenland Development was established to handle the negotiations between the then Ministry of Industry (today the Ministry of Industry and Labour) and Alcoa. One of the main purposes of Greenland Development was to ensure that information about Alcoa was handled with discretion to prevent confidential information from being made public.¹²⁵ However, this creates a problem in terms of the right to access to documents relating to the negotiations, as Greenland Development is a public limited company and not covered by the Act on Public Access to Documents in Administrative Files. The company is also not covered by the ombudsman's mandate. The company is therefore only accountable to its board. It is our view that this is problematic, as it prevents the population, media and stakeholders from holding the company accountable for its decisions and activities.

We point out, however, that the Government presently is working on a restructuring of the Alcoa project, and Greenland Development and the Self-Government are aware that the information filter, which Greenland Development constitutes, is a problem.¹²⁶ To this ICC adds that it is very positive that the Government "has now stopped to think" in connection with the Alcoa project.¹²⁷

5.8 Recommendations

- We recommend that all legislation relating to housing be consolidated and reviewed to ensure consistency and create a better overview.
- We recommend that decisions on public tenders be made publicly available in a single location.
- We recommend that more reports be made available on public authority websites.

¹²³ *Sermitsiaq*, "Benjamin og Sakæus må ikke holdes ude" (Benjamin and Sakæus must not be left out) by Mads Dollerup-Scheibel, 26 July 2008; *Sermitsiaq*, "Demokratisk underskud i Alcoa-debatten" (Insufficient democracy in the Alcoa debate), by Mads Dollerup-Scheibel, 24 April 2010. Anne Merrild Hansen: *SEA effectiveness and power in decision making – a case study of aluminium production in Greenland*, doctoral thesis November 2010, p. 66

¹²⁴ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011

¹²⁵ Anne Merrild Hansen: *SEA effectiveness and power in decision making – a case study of aluminium production in Greenland*, doctoral thesis November 2010, p. 66

¹²⁶ Interview with Kuupik Kleist, Prime Minister, 2 September 2011

¹²⁷ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011. During the interview, Sara Olsvig, Director of ICC, contributed her knowledge about the Alcoa project.

- We recommend, in line with the Government's plans, that the set-up involving Alcoa and Greenland Development be reviewed to ensure transparency in connection with the aluminium project.
- We recommend that the *individual* agreements with the oil and mineral resource companies be made public on the Bureau of Minerals and Petroleum's website.

5.8 Accountability (according to legislation)

How does legislation ensure that public servants inform about their actions and can be held accountable?

Public servants are held accountable by being supervised. Any irregular or outright illegal acts will be corrected, and the acts will have consequences for the employees in question.

We are of the view that current legislation does not sufficiently guarantee that public servants inform about their actions and are held accountable.

Greenland has rules that aim to ensure that people in the public administration can raise the alarm if they discover that a colleague or superior does anything irregular or illegal. This is not enough, however. The public administration is unable to establish a system in which they subsequently investigate such a matter, as such a system would conflict with the Data Protection Act. Legislation also does not guarantee that the citizens can hold public servants accountable. The opportunities for complaining are very limited, as the citizens often have to complain to the very authorities they are complaining about. Last, but not least, the citizens also have limited opportunity to be heard. Different ministries have different procedures for hearing the citizens, which is confusing, and this makes it difficult for the citizens to hold public servants accountable.

There are different ways to keep an eye on public servants and their actions. You can make sure they keep an eye on each other, for example. This is what whistleblowing refers to. The right to whistleblowing means that rules are in place to enable public servants to report irregularities or illegalities both internally to a superior or externally, for example to the press or Parliament.

Greenland legislation guarantees public servants, like everybody else, the freedom of expression as long as he or she speaks in a private capacity.¹²⁸ However, a public servant may not – even in a private capacity – disclose manifestly incorrect information about material matters within his/her area of employment or express manifestly untenable opinions.¹²⁹ Despite these limitations, the right to whistleblowing is protected to a great extent. Confidential information

¹²⁸ In principle, public servants have the same right to freedom of expression as everybody else in Greenland. Section 77 of the Danish Constitution provides the framework for the so-called formal freedom of expression, which means that public servants (also) cannot be censored if speaking in a private capacity. The protection in Article 10 of the European Human Rights Convention applies correspondingly.

¹²⁹ Chapter 12 of the Penal Code

can be disclosed to the media if clearly in the public interest, or if it is done to protect personal interests or the interests of others.¹³⁰ If a public servant receives an illegal instruction or is in doubt about its legality, the person has a duty to inform his/her superior. This is a form of right to internal whistleblowing and if an instruction is clearly illegal, the public servant neither should nor is allowed to comply. The rules regarding the right to whistleblowing therefore help ensure that public servants can be held accountable. This a good starting point.

However, legislation simultaneously prevents the establishment of a whistleblower system. The original Data Protection Act of 1979 still applies in Greenland,¹³¹ and this affects the possibility of establishing a whistleblower system in the public administration. The Data Protection Act¹³² makes it illegal to record information about personal affairs, and as a general rule a person must be informed if any information is recorded.¹³³ It is therefore not possible to research an enquiry about irregularities without informing the person in question. This makes internal investigations very problematic. A similar problem exists in the private sector where companies are covered by the Data Protection Act for Private Companies, and this Act also does not allow the creation of a whistleblower system. Current legislation therefore seems to prevent the establishment of a proper whistleblower system, and currently public authorities and private companies have to report irregularities to the police or immediately inform the parties involved.¹³⁴ Reporting a case to the police is not always the best solution. There are many forms of irregularities that are not illegal according to the Penal Code, but nevertheless violate other acts such as the Case Processing Act. The police do not investigate such cases, and a case will remain uninvestigated unless the public administration has an internal system for doing so. There is therefore a risk that public servants are not held accountable in matters involving, for example, legal competence.

Other types of corruption such as blackmail, bribery, abuse of confidential information, abuse of a public office (perhaps in combination with fraud or embezzlement) are, however, covered by the Penal Code.¹³⁵ In such cases, public servants can be held accountable. However, this is not enough in a small society like Greenland. Cases involving a lack of legal competence and other breaches of the Case Processing Act are much more common, and there ought to be a possibility of investigating such cases using internal whistleblower systems in the public sector.

¹³⁰ Section 54 of the Penal Code

¹³¹ www.datatilsynet.dk/internationalt/groenland

¹³² Act no. 294 of 8 June 1978

¹³³ Sections 9 and 10 of Act no. 294 of 8 June 1978

¹³⁴ Thomas Trier Hansen, Chairman of the Complaints Board for Public Procurement and former judge at the Court of Greenland

¹³⁵ Chapter 23 of the Penal Code

5.8.1 Complaints mechanisms and two-party competence

As regards complaints mechanisms in the public administration, it is a problem that the handling of complaints is often entrusted to the public authority involved. This means that complaints are being dealt with by the very authority that is the subject of the complaint and not by an independent body. This state of affairs is largely a result of a lack of resources,¹³⁶ but we are nevertheless of the view that it presents a problem when it comes to holding the authorities accountable.

The Mineral Resource Act is an example of a set-up in which different, and at times conflicting, areas of responsibility rest with the same authority. The Mineral Resource Act is a framework act administered by the Bureau of Minerals and Petroleum. It is based on a ‘one-door’ principle, which means that all the different functions relating to the mineral resource area are handled by the same authority. As a result, the Bureau of Minerals and Petroleum is responsible for drafting the acts, administering them and acting as a complaints body. This set-up makes it difficult to hold the Bureau of Minerals and Petroleum accountable.

Several interviewees likewise find it problematic that business interests intent on attracting oil companies to Greenland are handled by the same authority as environmental protection and control.¹³⁷ This criticism is supported by a doctoral thesis published in 2010,¹³⁸ which recommends that an entity be established with responsibility for the environment and control covering all industries and areas rather than dividing the different areas as is the case today.¹³⁹ This would help generate considerable insight into the special environmental conditions in Greenland while at the same time creating several entities with different focus areas that could hold each other accountable.

5.8.2 Standardisation of hearing processes

When it comes to holding public authorities accountable, it is important to be aware that there is no standard legislation regarding hearing deadlines that applies to all ministries. It is therefore up to the individual ministry to determine its hearing guidelines. It would be better to standardise the guidelines so that all ministries comply with the same rules for hearings. This would give stakeholders a better opportunity to be heard.¹⁴⁰

¹³⁶ Interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011

¹³⁷ Interview with Naaja Nathanielsen, Greenland Parliament member for Inuit Ataqatigiit and member of the Mineral Resource and Audit Committees, 31 August 2011; interview with Anita Hoffer and Henrik Leth, CEO and Attorney at Law at the Employers’ Association of Greenland, 30 August 2011

¹³⁸ Anne Merrild Hansen: *SEA effectiveness and power in decision making – a case study of aluminium production in Greenland*, doctoral thesis November 2010

¹³⁹ Anne Merrild Hansen: *SEA effectiveness and power in decision making – a case study of aluminium production in Greenland*, doctoral thesis November 2010, p. 6

¹⁴⁰ Interview with Parnuna Egede, Environmental Adviser at ICC, and Sara Olsvig, Director of ICC, 19 October 2011

5.9 Accountability (in practice)

To what extent do public servants provide information about their actions, and to what extent are they held accountable?

In general, we are of the view that there are very few mechanisms in place to hold the public administration and public servants accountable. Firstly, there are no whistleblower systems in the public administration. Secondly, public servants traditionally do not draw attention to irregularities, and the citizens traditionally do not complain. If they do, the follow-up is often inadequate. Last, but not least, there are examples of cases that have been rushed through without sufficient involvement of the citizens and without taking environmental and societal interests into account.¹⁴¹

5.9.1 A lack of whistleblower protection

As mentioned above, legislation makes it difficult to establish whistleblower mechanisms. We also conclude that neither the general population nor the public servants are particularly aware of their whistleblowing duties.¹⁴² Problems in the social area¹⁴³ indicate that large parts of the population are unaware that they have a duty to report irregularities.

In addition, there is no real tradition for raising the alarm within the public service, and there is a general fear of being blacklisted on the job market.¹⁴⁴ Greenland is a small society where everybody knows everyone else, and there is therefore a real risk that it can be difficult to find a new job if you have been too critical in your previous workplace.¹⁴⁵ The fear of not being able to find a job is a cultural barrier in the public sector, and if public servants choose not to speak out, the different public institutions are not held accountable for their actions.

Unions play an important role in the protection of potential whistleblowers, but only few of the unions in Greenland are able to provide optimum protection in this area.¹⁴⁶ They are nevertheless in daily contact with their members, and in their own opinion have good insight into the problems that affect their members working in the public sector. It is the experience of the unions that public servants prefer to resign from their jobs rather than try to do something

¹⁴¹ Anne Merrild Hansen: *SEA effectiveness and power in decision making – a case study of aluminium production in Greenland*, doctoral thesis November 2010; interview with Parnuna Egede, Environmental Adviser at ICC, and Sara Olsvig, Director of ICC, 19 October 2011

¹⁴² Interview with Tine Pars, Rector of Ilisimatusarfik, University of Greenland, 25 August 2011

¹⁴³ See e.g. *Vores velstand og velfærd – kræver handling nu* (Our prosperity and welfare – immediate action required), report by the Tax and Welfare Commission, March 2011

¹⁴⁴ Interview with Birgit Gedionsen, 26 August 2011, the Confederation of Professional Associations in Greenland

¹⁴⁵ Interview with Birgit Gedionsen, 26 August 2011, the Confederation of Professional Associations in Greenland; interview with Elna Egede, freelance journalist and former journalist at AG, 31 August 2011

¹⁴⁶ As an example, the Confederation of Professional Associations in Greenland (ASG) does not have the mandate to deal with cases, as cases are handled in Denmark by the different unions that form part of the confederation (DM, IDA, GL, the Union of Librarians, the Union of Psychologists and the Union of Architects). IMAK and SIK, on the other hand, are relatively powerful and more capable of following up on cases.

about any irregularities, and it is very difficult for the unions to help their members once they have resigned.¹⁴⁷ Whistleblowers therefore have no real possibilities of getting proper protection.

5.9.2 Lack of follow-up on complaints

Another factor that deters public servants and the general population from complaining about irregularities is the lack of follow-up on enquiries. In IMAK's opinion, this is mainly a problem in the municipalities, where skills and resources are often in short supply. If school teachers, for example, contact the municipalities about socially disadvantaged families, the enquiries are often not followed up.¹⁴⁸ In the small settlements where everybody knows everyone else and where many are related, it is already very difficult to get the population to report irregularities. It is therefore a huge problem if there is no follow-up on the cases that are actually reported. It leaves the population with the impression that reporting serves no purpose and creates the risk that people choose not to report incidents. According to IMAK, the union plays an important role in pressurising the municipalities to deal with cases, and its relationship with the municipalities is generally good.¹⁴⁹ However, this does not solve the problem that the municipalities have difficulties following up on cases and therefore often do not act on complaints.

Both of the unions we interviewed express that there is an unfortunate management culture in the public sector, which has considerable impact on the psychological work environment.¹⁵⁰ A lack of management skills creates a number of problems in public sector workplaces. IMAK reports that the lack of skills in the schools results in conflicts when union representatives know more about the Case Processing Act (because IMAK sends them on courses) than their superiors. Many municipalities do not comply with the collective agreements, and three years ago IMAK thus experienced that seven out of 18 municipalities breached the collective agreements in relation to working hours. The poor psychological work environment also causes public servants to resign from their jobs.¹⁵¹ In this regard, IMAK informs that they receive many reports about municipal managers who have favoured family and friends rather than the individuals best qualified.¹⁵²

There are a number of complaints options in the housing area, but they are confusing, and it is difficult for the individual citizen to determine the responsibilities of the different bodies. The public administration also has difficulties understanding the complaints bodies in the housing

¹⁴⁷ Interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011; interview with Birgit Gedionsen, 26 August 2011, the Confederation of Professional Associations in Greenland

¹⁴⁸ Interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011

¹⁴⁹ Interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011

¹⁵⁰ Interview with Birgit Gedionsen, 26 August 2011, the Confederation of Professional Associations in Greenland; interview with Lisbeth Frederiksen, the Teachers' Union, IMAK, 26 August 2011

¹⁵¹ Interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011

¹⁵² Interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011

area. The ombudsman and the police therefore receive many enquiries from citizens asking them for directions about where to go.¹⁵³

5.9.3 Large-scale commercial projects are rushed through

We are of the view that large-scale commercial projects are rushed through without stakeholders getting a real opportunity to be heard in the process. This makes it difficult to hold the authorities in question accountable for their actions. This has been the case with the Alcoa project, for example,¹⁵⁴ and it is a problem that seems to be repeated in connection with oil and mineral resource prospecting in general.¹⁵⁵

The hearing processes relating to the construction of the aluminium smelter in the Alcoa project were criticised by many. The hearing processes reflected that the then Home Rule had been taken by surprise and was not prepared to deal with a large international player like Alcoa.¹⁵⁶ The Home Rule Government was therefore always lagging one step behind, and as a result the population was not sufficiently involved in the decisions about the project.¹⁵⁷ It also meant that the agreements relating to the project were not adequately researched.

Consequently, the Greenland Self-Government had to invest in a preliminary investigation in connection with the aluminium project although the original agreement was that Alcoa had to finance all costs.¹⁵⁸ We would like to point out that our conclusion to this study is that the authorities have learnt from the Alcoa process and have stopped to consider the future of this collaboration.¹⁵⁹

5.9.3.1 *Wearing too many hats*

As regards the Bureau of Minerals and Petroleum, we are of the view that it wears too many hats. The Bureau is responsible for its own marketing, assesses applications, is responsible for the assessment of environment and social impacts and also acts as a complaints body. It is a problem that the Bureau of Minerals and Petroleum has to hold itself accountable, so to speak, and there is a risk that some interests are given priority over others. To make sure that the errors committed in connection with the Alcoa project are not repeated, it is essential that the

¹⁵³ Interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011 and interview with Bjørn Bay and Morten Nielsen, Chief Constable and Deputy Chief Constable, 31 August 2011

¹⁵⁴ Anne Merrild Hansen: *SEA effectiveness and power in decision making – a case study of aluminium production in Greenland*, doctoral thesis November 2010

¹⁵⁵ See hearing replies on www.nanoq.gl “Offentlig høring af ansøgning om efterforskningboringer (VVM og VSB) – 2011” (Public hearing of application for oil prospecting drilling (EIA and SIA) – 2011

¹⁵⁶ Anne Merrild Hansen: *SEA effectiveness and power in decision making – a case study of aluminium production in Greenland*, doctoral thesis November 2010; interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011. During the interview, Sara Olsvig, Director of ICC, contributed her knowledge about the Alcoa project.

¹⁵⁷ *Sermitsiaq, “Demokratisk underskud i Alcoa-debatten”* (Insufficient democracy in the Alcoa debate), by Mads Dollerup-Scheibel, 24 April 2010

¹⁵⁸ Interview with Kuupik Kleist, Prime Minister, Minister for Foreign Affairs, 2 September 2011; interview with Peter Schriver, Attorney at Law in the law firm Nuna Advokater, 29 August 2011

¹⁵⁹ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011. During the interview, Sara Olsvig, Director of ICC, contributed her knowledge about the Alcoa project.

process becomes as transparent as possible and that all stakeholders are given an opportunity to be heard.

As already mentioned, the Bureau of Minerals and Petroleum is responsible for environmental protection, and it is the Bureau's environmental impact assessments that have been an issue. A number of environmental organisations like Greenpeace, Avataq and ICC have thus accused the Bureau of Minerals and Petroleum of rushing the process at the expense of nature.¹⁶⁰

An area highlighted by the interviewees as particularly problematic is the Bureau of Minerals and Petroleum's hearing processes.¹⁶¹ The ICC, Greenpeace and KANUKOKA have all criticised the Bureau's short hearing deadlines. Greenpeace points out that a hearing allowing just over a month for 2000 pages is a pro forma hearing, as it is impossible to get through that much complex material in such a short time.¹⁶² KANUKOKA writes that if there had been a genuine interest in including stakeholders, the period between the hearing replies and the start of the drilling activities should have been longer than six weeks, as was the case in this instance. ICC explains that the reason why they refused to take part in the consultation process on the oil drillings in West Greenland was that the hearing deadlines were far too short; a criticism they also raised in 2010.¹⁶³ The ICC also argues that there are often spelling mistakes and the like in the Executive Orders, which is an indication that the decision making process was rushed.¹⁶⁴ There is thus general agreement in the organisations that the hearing deadlines are way too short, which can contribute to fundamental errors and cause major issues to be overlooked.

As a result of this criticism, the Greenland Minister for Industry and Mineral Resources, Ove Karl Berthelsen, has promised hearing deadlines of a minimum of eight weeks in future.¹⁶⁵ We point out that improvements in the hearing processes have taken place and that the Bureau of Minerals and Petroleum is being recommended for having taken the criticism to heart and tried to improve the hearing process.¹⁶⁶

¹⁶⁰ KNR: "Råstofdirektoratet gambler med vores natur" (The Bureau of Minerals and Petroleum gambles with our nature), 6 July 2011

¹⁶¹ www.nanoq.gl; hearing reply from ICC to "Offentlig høring af ansøgning om efterforskningboringer (VVM og VSB) – 2011" (Public hearing of application for prospecting drilling (EIA and SIA) – 2011); www.nanoq.gl; hearing reply from Greenpeace to "Offentlig høring af ansøgning om efterforskningboringer (VVM og VSB) – 2011" (Public hearing of application for prospecting drilling (EIR and SIA) – 2011)

¹⁶² www.nanoq.gl; hearing reply from Greenpeace to "Offentlig høring af ansøgning om efterforskningboringer (VVM og VSB) – 2011" (Public hearing of application for oil prospecting drilling (EIR and SIA) – 2011, p. 4

¹⁶³ www.nanoq.gl; hearing reply from ICC on "Offentlig høring af ansøgning om efterforskningboringer (VVM og VSB) – 2011" (Public hearing of application for prospecting drilling (EIR and SIA) – 2011)

¹⁶⁴ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011

¹⁶⁵ www.sermitsiaq.ag "Bedre formidling og længere høringfrist" (Better communication and longer hearing deadlines), 8 July 2011

¹⁶⁶ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011

The Bureau of Minerals and Petroleum is responsible for environmental impact assessments, but in practice this function is being handled by NERI (the National Environment Research Institute). The Bureau therefore argues that the environmental component in practice is being handled by an external body.¹⁶⁷ The ICC, on the other hand, does not think this is good enough as the responsibility ultimately rests with the Bureau of Minerals and Petroleum. The organisation would prefer that the environmental impact assessments were carried out by a completely independent body.¹⁶⁸ Similarly, Anne Merrild Hansen concludes in her doctoral thesis that it would be an advantage to have an external environmental body to handle the protection of the environment. It would represent a counterweight to business interests and a means to hold the Self-Government accountable.

The lack of disclosure of the contingency plans is an example of how difficult it can be to protect the interests of the oil companies and the environment at the same time. In spring 2011, the Bureau of Minerals and Petroleum chose not to disclose Cairn's contingency plan for potential oil spills. The contingency plans were only made public after considerable public pressure. As a result, stakeholders were prevented for a long time from examining the plans and assessing whether they were sufficiently comprehensive.

We would like to point out that if the Bureau of Minerals and Petroleum, as the ICC maintains, keeps its cards close to its chest, it does not necessarily do so because the oil companies have requested it but rather at its own initiative.¹⁶⁹ In connection with "*Offentlig høring af ansøgning om efterforskningboringer (VVM og VSB) – 2011*" (Public hearing of application for prospection drilling (EIR and SIA) – 2011), Cairn's replies to the hearings have been made public, but this mainly happened at Cairn's request, and so far it has not been standard practice to publish replies to hearings.¹⁷⁰ The publication of the hearing replies may create precedence for future hearings, and the ICC hopes to be given access to the Bureau's white paper, where the hearing replies are listed and commented on and which describes whether the replies will be incorporated into the document in question.¹⁷¹

5.10 Recommendations regarding accountability

- The Data Protection Act should be updated to make it possible to investigate irregularities and in the longer term establish a whistleblowing system.

¹⁶⁷ Interview with Jørn Skov Nielsen, Director of the Bureau of Minerals and Petroleum and Acting Head of Unit, the Ministry of Industry and Labour, 26 August 2011

¹⁶⁸ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011

¹⁶⁹ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011

¹⁷⁰ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011

¹⁷¹ Interview with Parnuna Egede, Environmental Adviser at ICC, 19 October 2011

- The hearing processes should be standardised so the same rules apply to all ministries and departments. Guidelines should be established for hearing periods and timeframes.
- In general, the complaints mechanisms should be improved to ensure that the process is impartial and more easily available to the citizens.
- We recommend that the Bureau of Minerals and Petroleum be divested of the task of preparing environmental impact assessments and that a single body be entrusted with the public administration's handling of environmental impact assessments, inspections and monitoring.

5.11 Ensuring professional integrity (according to legislation)

To what extent is the integrity of public servants protected by law?

Rules ensuring the integrity of public servants do exist but only in certain areas. The rules governing entertainment expenses are extensive, but there are otherwise only a few acts that ensure the integrity of the public sector.

There is no code of conduct or guidelines regarding the type of gifts public servants are allowed to accept, and although the Penal Code¹⁷² governs outright bribery and abuse of public office¹⁷³ and the Case Processing Act¹⁷⁴ covers the question of legal competence, there are no guidelines clarifying the grey area of acceptance of gifts. This is a problem because there will always be cases involving this grey area as well as other cases not directly mentioned in the Act. In addition, the problems you encounter vary from one area to another and depends on the amount of contact the department has with private citizens and companies. It may be relevant, for example, to inform employees in the Fisheries Inspection that they are not allowed to accept a box of fish, but employees in the Finance and Personnel Agencies are unlikely to come across such offers.

The problem is particularly relevant in connection with large foreign companies interested in doing business in Greenland. It is essential to have clear guidelines for what an employee or department is allowed to accept in connection with the Self-Government's interaction with such companies. Such guidelines are meant to ensure that employees and departments are not influenced in their decisions, but they also serve to protect the employees and make it clear what is acceptable and what is not.

¹⁷² Section 38 (active bribery) and Section 48 (passive bribery) of the Penal Code

¹⁷³ Section 48 of the Penal Code

¹⁷⁴ Chapter 2 of the Case Processing Act

The rules governing entertainment expenses are extensive, and clear rules have been implemented for how much money an employee can spend on entertainment per person.¹⁷⁵ These guidelines were put in place following a number of cases where politicians were accused of abusing their entertainment allowances.

5.12 Ensuring professional integrity (in practice)

To what extent is the integrity of public servants ensured in practice?

On the basis of this study, we are of the view that there are no problems in practice with the integrity of public servants. Corruption in the form of bribery in the public sector is basically non-existent, and the provisions of the Penal Code on bribery have never been used in practice.¹⁷⁶

In our opinion, the acceptance of tangible gifts such as money, wine or watches, is not currently a problem. Public servants and politicians have, however, been invited on extensive trips to see Alcoa projects elsewhere in the world, and the fact that no tender process was ever carried out in connection with the aluminium production fosters suspicion that such trips were a form of 'greasing'. The study's informants are of the view that the politicians and public servants were unaware that this could be perceived as 'greasing'. We conclude that guidelines for gifts in the form of entertainment should be implemented, in part to protect the public servants, especially seeing that more and more multinational companies are coming to Greenland. Many companies in the mineral resource industry have been accused of bribing public servants around the world. An example is a current lawsuit against Alcoa for bribing public servants in Bahrain.¹⁷⁷

As already mentioned, there is no code of conduct governing the acceptance of gifts, and there is also no regular training in integrity issues. Management in the public sector does not routinely communicate about good administration practices. There are considerable differences between the different sectors of the administration as regards the extent to which managers teach the employees behavioural rules. While some do it regularly,¹⁷⁸ others do not do it at all. We are of the view that there is a need for regular courses for public servants in anti-corruption and good administration practices.

¹⁷⁵ Circular on the Home Rule's use of funds for entertainment, travel and other expenses, etc.

¹⁷⁶ Interview with Birgit Gedionsen, ASG, 26 August 2011; interview with Søren Søndergård Hansen, High Court Judge, 28 August 2011; interview with Lisbeth Frederiksen, the Teachers' Union of Greenland, IMAK, 26 August 2011; interview with Bjørn Bay and Morten Nielsen, Chief Constable and Deputy Chief Constable, 31 August 2011; interview with Jan Mikkelsen, The Procurement Department under the Ministry of Finance, 31 August 2011; interview with anonymous person

¹⁷⁷ See e.g. *Post Gazette.com*, "Alcoa wants Bahrain bribery case restarted to clear its name", 3 November 2011.

Read more: <http://www.post-gazette.com/pg/11307/1187288-100.stm#ixzz1eLFL0rXr>

¹⁷⁸ Interview with Emanuel Rosing, Head of Unit, the Ministry of Fisheries, Hunting and Agriculture, 26 August 2011; focus group interview with Sonja Feldthaus, Office Manager in the Fisheries Department, and Mads Trolle Nedergaard, Fishing Licence Inspector at the Greenland Fishing Licence Control (GFLK), 30 August 2011

5.13 Recommendations

- We recommend that institution-specific rules be prepared on the acceptance of gifts and general behaviour, taking each institution's specific issues into account.
- The preparation of guidelines on collaboration with foreign multinational companies should be given high priority to make sure that the arm's length principle is being applied.
- An option worth considering is to establish a foundation to finance business trips in connection with large-scale projects instead of allowing multinational companies to finance travel expenses. In this way, the arm's length principle could be ensured in relation to the individual company and any suspicion of 'greasing' could be prevented.

5.14 Information to the public

To what extent do the citizens receive information from the public sector about how to react if they witness breaches of the law?

We are of the view that the citizens in general are poorly informed about their whistleblowing duties, and that they do not know what to do if they witness breaches of the law (see the section on accountability for more details). Both the police and the ombudsman receive many, and at times peculiar, enquiries from people who do not know whom to contact.¹⁷⁹ This shows that the citizens find it difficult to navigate the complaints systems, which is justified according to the ombudsman, as the system in general is difficult to comprehend. In the housing area, for example, there are several complaints bodies, and it is difficult to determine the responsibilities of the individual bodies.¹⁸⁰ In addition, access to information is highly inconsistent, and it is accidental what information individual people get access to (see the section on transparency).

The public sector has not engaged in any information campaigns about corruption. TG, the Employers' Association of Greenland and CSR Greenland have collaborated about a course on anti-corruption and transparency targeting private companies and public institutions, but the public sector has not held any anti-corruption courses at its own initiative. We would like to point out that a number of public sector employees attended the course, and there has subsequently been a certain amount of interest in having these course held regularly.¹⁸¹

¹⁷⁹ Interview with Bjørn Bay and Morten Nielsen, Chief Constable and Deputy Chief Constable, 31 August 2011; interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011

¹⁸⁰ Interview with Ombudsman Vera Leth and Legal Manager Michael Mikkelsen, 26 August 2011

¹⁸¹ E-mail from Anita Hoffer, 6 October 2011

5.15 Collaboration with public institutions, civil society and private organisations to ensure transparency

To what extent does the public sector cooperate with parties such as the ombudsman, the police and the public prosecution, the business community and civil society about initiatives to ensure transparency and prevent corruption?

The private sector is responsible for most anti-corruption initiatives in Greenland. As an example, the Employers' Association of Greenland, CSR Greenland and TG cooperate about the mentioned course on transparency and anti-corruption.¹⁸²

The current Greenland Parliament has expressed a desire for more cooperation with TG. When TG was launched on 8 September 2011, Maliina Abelsen, the Greenland Minister for Finance, made a speech in which she talked about TG as a partner, rather than an opponent, in the fight for improved transparency.¹⁸³

5.16 Transparency in connection with public procurement/tenders for public projects

Is the framework for public tenders for public projects sufficient to ensure an impartial and fair tender process, including suitable sanctions for illegalities committed by employees of the bidder and/ or the public authority calling for tenders?

Transparency in connection with public procurement and tenders for public projects are essential because they involve the transfer of large sums of money from the public to the private sector. In Greenland, where the public sector plays a dominant role, transparency about public procurement and tenders is vital, as selection or deselection by the public sector can mean life or death for a company. Consequently, the public sector has a huge responsibility to ensure equal terms and fair selection criteria in connection with service agreements and procurement. It is our view that there are several areas in which the public procurement process could be improved despite major steps in the right direction.

In some cases public tenders are required by law, but not all areas are covered. In 2009, an act on the request for tenders¹⁸⁴ was introduced in the construction and infrastructure industries, and the circular “*Cirkulæret om indkøb af varer og tjenesteydelser i Sebstyrets centraladministration og underliggende institutioner*” (Circular on the procurement of goods and services in the central administration and underlying institutions of the Self-Government) was adopted the same year. There are therefore only rules on public procurement within the construction and

¹⁸² www.csr.gl and www.transparency.gl

¹⁸³ www.sermitiaq.ag: “*Åbenhed, lighed og bæredygtighed*” (Openness, equality and sustainability), 8 September 2011

¹⁸⁴ Greenland Parliament Act no. 11 of 2 December 2009 on the request for public tenders in the construction and infrastructure sectors

infrastructure industries. Many industries such as legal and consultancy services are therefore not covered by the public procurement rules.¹⁸⁵

5.16.1 Public tenders for public projects

The Public Procurement Act covers all construction and infrastructure work exceeding DKK 300,000 in the public sector, including the municipalities and Government-owned companies.¹⁸⁶

No templates exist for tenders, and it is up to the authority requesting the tenders to decide whether to base the competition solely on price or on the financially most advantageous tender.¹⁸⁷ The Act does not impose a fixed control mechanism for public tenders, but refers to a complaints body in chapter 7. The Act does not specify who should be in charge of the round of tenders, and does not require the staff handling the tenders to have a certain level of education. However, Section 18(3) of the Act states that all bidders must be treated equally and that the party requesting the tenders must provide the same information to all bidders to ensure that no party is being favoured.

In practice, the implementation of the Public Procurement Act has had a huge impact on the construction and infrastructure sector and has resulted in significant improvements in practice. Several private sector players are of the view that more projects are now subject to tenders, and the Public Procurement Act has also had the effect that not all contracts are based solely on price.¹⁸⁸ That said, we are of the view that there is room for further improvement and that many projects are still not subject to tenders (see below). A current lawsuit thus involves a cartel where companies are accused of having agreed on prices and on which company was to win the tender.¹⁸⁹ Both the public and the private sectors therefore have problems complying with the Public Procurement Act.

In connection with the adoption of the Public Procurement Act, the Complaints Board for Public Procurement was established in 2010 as set out in Section 26 of the Act. Decisions by the Complaints Board are published on www.udbud.gl, but no decisions are available at this stage. This is because only a single enquiry had been submitted to the Complaints Body as at August 2011. The reason appears to be that there is no tradition for complaining in

¹⁸⁵ Interview with Jens B. Frederiksen, Deputy Prime Minister and Minister for Housing, Infrastructure and Transport, 30 August 2011; end-of-day meeting on 29 August in the Employers' Association of Greenland

¹⁸⁶ Section 8 of the Public Procurement Act

¹⁸⁷ Section 15 of the Public Procurement Act

¹⁸⁸ Interview with Preben Kold Larsen, Managing Director and Member of the Board of Permagreen and Inaluk Brandt, HR Manager of Permagreen, 26 August 2011

¹⁸⁹ *Sermitsiaq*: "Kartelsag vokser. Bagmandspolitiet efterforsker en stor håndfuld sager efter ransagning" (Cartel case growing. The Fraud Squad is investigating a large number of cases following a search), 26 November 2011

Greenland.¹⁹⁰ Although there have been almost no complaints, the Complaints Board stands out by being an external complaints body as opposed to many other complaints mechanisms in Greenland.

According to the interviewees, most of the complaints avenues in the public sector are said to be inefficient, and complainants wait forever to get a decision, so there is probably a tendency for people to try to solve their problems in other ways. A leading contractor thus describes how he went directly to the politicians to complain about a lack of a tender process rather than going through the complaints boards.¹⁹¹ A large number of interviewees also mention that one of the benefits of a small society is that you have direct access to the politicians,¹⁹² but this can also be a problem in connection with the public administration's independence of the political sphere.

As mentioned under transparency in practice, it is more or less accidental where the results of a tender process are published, which makes the process more difficult to monitor, especially for citizens and companies outside Nuuk.

As previously mentioned, it is a problem that many industries are not covered by the Public Procurement Act. Several interviewees thus indicate the consultancy sector as an example of an industry where no rules apply. This is a problem, as consultants often wear many different hats. Sometimes they play an active role in the construction process; other times they play a controlling role.¹⁹³

5.16.2 Public procurement

“Cirkulæret om indkøb af varer og tjenesteydelser i Selvstyrets centraladministration og underliggende institutioner” (Circular on the procurement of goods and services in the central administration and underlying institutions of the Self-Government) stipulates that the central administration must use a tender process for the procurement of a large number of goods and services. To this should be added that the purchase of goods and services exceeding DKK 100,000 must go via the Procurement Department. The Circular only applies to the Self-Government, and the municipalities are therefore not governed by the Circular or any other form of guidelines

¹⁹⁰ Thomas Trier Hansen, Chairman of the Complaints Board for Public Procurement, and former judge at the Court of Greenland, 10 August 2011

¹⁹¹ End-of-day meeting on 29 August at the Employers' Association of Greenland

¹⁹² Interview with Martin Kviesgaard, CEO of the Greenland Bank, 12 September 2011; focus group interview with civil society organisations, 30 August 2011

¹⁹³ End-of-day meeting on 29 August in the Employers' Association of Greenland; interview with Jens B. Frederiksen, Deputy Prime Minister and Minister for Housing, Infrastructure and Transport, 30 August 2011

relating to public procurement. The Circular does not prescribe any sanctions, which makes it difficult to get public servants to comply.¹⁹⁴

In principle, The Procurement Department under the Ministry of Finance is responsible for major purchases in the public sector. This is not the case in practice, however, and employees in the public sector often experience that public institutions have made major purchases without involving the Procurement Department.¹⁹⁵

The Circular is therefore not fully complied with in practice. One public servant says: “*when public servants find out that it (the Circular) exists, they try to comply with it, but not everyone uses it, and interpretations vary.*”¹⁹⁶ It is therefore accidental who is aware of the Circular and who complies with it. Several interviewees think the Circular is insufficient and that much stricter rules should apply to public sector procurement.¹⁹⁷

It should be noted in this context that the possibilities for complaints are limited. As there are no potential sanctions, all complaints have to be submitted to the Ministry of Finance, to which the Procurement Department reports. There is therefore no impartial complaints body. In most cases, the complaint does not have a suspensive effect, so an existing contract is not suspended while the complaint is being processed. In practice, this means that the complaint has no effect, because it often takes a long time to process complaints in Greenland,¹⁹⁸ and in most cases the contract will have been completed by the time the complaint is decided.

¹⁹⁴ Interview with Daniel Gottrup, HR Manager of the Personnel Agency, the Ministry of Finance, 26 August 2011; interview with Jan Mikkelsen, The Procurement Department under the Ministry of Finance, 31 August 2011

¹⁹⁵ Interview with Jan Mikkelsen, The Procurement Department under the Ministry of Finance, 31 August 2011

¹⁹⁶ Interview with Daniel Gottrup, HR Manager of the Personnel Agency, the Ministry of Finance, 26 August 2011

¹⁹⁷ Interview with Michael Binzer, CEO of Air Greenland, 29 August 2011; interview with Daniel Gottrup, HR Manager of the Personnel Agency, the Ministry of Finance, 26 August 2011; interview with Jan Mikkelsen, The Procurement Department under the Ministry of Finance, 31 August 2011

¹⁹⁸ Interview with Anders Meilvang, Attorney at Law in the law firm INA:NUNA, Chairman of the Board of the Greenland legal aid organisation, IKIU, 25 August 2011; interview with Preben Kold Larsen, Managing Director and member of the Board of Permagreen, and Inaluk Brandt, HR Manager of Permagreen, 26 August 2011; interview with Mariia Simonsen, Chairman of usagassiuinermi Sulisut Peqatigüffiat (the association of media workers in Greenland), and Naja Paulsen, Head of the Journalism Department, Ilisimatusarfik (University of Greenland), 31 August 2011

6. Conclusion

Corruption in the sense of bribery of public servants, fraud and embezzlement is not a problem in Greenland. During this study we did not encounter any cases of bribery for the purpose of gaining access to public services or contracts. Corruption in the sense of favours between friends, nepotism and a lack of legal competence, on the other hand, is a hot topic, although the many stories about such incidents are largely a thing of the past. Recent years have seen new political will to put an end to such practices.

We are nevertheless of the view that the public sector in Greenland is too vulnerable to irregularities and ultimately corruption. The public sector faces huge challenges and are lacking in financial and human resources, and this impacts on the quality of legislation. In many areas, such as the fishing industry and housing, legislation is incoherent and not sufficiently well prepared. We are of the view that Greenland legislation in the areas investigated points in all directions and is open to interpretation. This makes it possible for politicians to interfere in individual decisions of the public administration. In addition, too much power is concentrated in the mineral resource area without sufficient control mechanisms. This is particularly the case because there are no strong Greenland civil society organisations to hold them accountable and because the Bureau lacks transparency.

6.1 Wearing too many hats

The public authorities generally wear too many hats. This applies in the mineral resource area, for example, where the Bureau of Minerals and Petroleum singlehandedly markets Greenland's mineral resources to private business partners, processes their applications, assesses the environmental and social consequences and deals with any complaints.

In general, effective, independent complaints bodies are lacking in Greenland. The complaints bodies are parts of the administration in question, which can result in so-called 'two-party incompetence'. Procurement by the Self-Government is, for example, governed by a Procurement Circular, but as this is an internal circular, there is no independent complaints body. In addition, the public administration is not very good at telling the citizens where to go with their complaints. In the housing area, for example, there are different complaints options, but it is often difficult for the citizens to find their way around and understand the rules.

This leads to situations where citizens and companies contact politicians directly instead. Politicians are seen as more approachable than the public administration and able to handle cases more promptly and effectively. Politicians take on many individual cases and try to influence decisions or have them set aside. This has an impact on the independence of the public sector and makes it vulnerable to corruption. The examples highlighted in this report involved politicians who tried to influence procurement decisions by the public administration

in order to benefit society in general. Politicians have a right to decide that social considerations should be taken into account in the procurement of the Self-Government due to Greenland's special economic situation, but the system becomes vulnerable if the rules are not laid down in legislation. If politicians can interfere in the decisions of the public administration without corresponding legal provisions, the system becomes vulnerable to corruption. In the cases mentioned in this report, the interference was motivated by social considerations, but the next time it happens it might be because a politician is motivated by personal gain.

6.2 Too much guesswork based on poor legislation

Too much is left to the discretion and interpretation of individual case handlers because important parts of the legislation point in different directions. As mentioned in this report, this applies to fishing, social services and housing.

In addition, public servants are forced to make up their minds on the basis of insufficient understanding of the legislation. Until recently, legislation on fishing has been very complex and with a large number of exceptions to the rules. We point out, however, that the amendment of the Fisheries Act was an important step towards reducing the number of exceptions. In addition, there is no consolidated legal code that provides an overview of existing acts in Greenland, and a consolidated and reviewed Fisheries Act also remains outstanding.

There is also a high rate of staff turnover in the public sector. This high rate of turnover results in a lack of continuity in the public administration, with the result that the Case Processing Act is not always applied and that special rules about third party hearings and access to documents are not always complied with in practice. The hearing deadlines for new bills are also very short, making it difficult for NGOs and, in particular, civil society organisations, which often have limited resources, to provide quality input.

When newly graduated employees are responsible for administering complex and confusing legislation pointing in many directions without the help of a legal code or proper archives, the result will often be arbitrary decisions. This negatively affects the legal protection of the citizens and makes the system vulnerable to corruption. Case handlers wishing to benefit friends, family or fellow party members can conceal their actions due to the general level of arbitrariness and by referring to different acts.

6.3 A lack of watchdogs

The public sector plays a dominant role in Greenland without much counterweight from politicians, the private sector or civil society organisations. The public sector is deeply involved in the whole of the Greenland society and especially in the business sector. Every year, the Greenland business sector receives large subsidies and payments from the Self-Government for providing special services in areas where normal market forces fail to operate.

The public sector is also the main customer of many private companies. The Self-Government runs most of Greenland, including the energy sector, harbours, airports, Air Greenland, the Royal Arctic Line and telecommunication services. They own the shops in the settlements and half of all homes in Greenland. As a result, the few truly private companies become very vulnerable if they criticise the public sector.

Traditionally, politicians in the Greenland Parliament have not presented much of a counterweight to the public sector. This is gradually changing, and the Finance and Audit Committees, in particular, increasingly assume their roles as controlling bodies.

In Greenland, there is no tradition for holding people in power accountable. People are reluctant to criticise, and there is no tradition for raising the alarm when witnessing irregularities or abuse of power. This applies to the citizens in general but also to public sector employees. There are examples of employees who have been transferred or dismissed because they were too critical, and there is no proper protection of so-called whistleblowers.

6.4 A lack of transparency

There is no transparency as regards the acceptance of gifts by public servants. There is no code of conduct. In our opinion, there is no problem with acceptance of tangible gifts, but an increasing number of international companies are coming to Greenland so it would be a good idea to develop a set of rules for the acceptance of entertainment gifts (dinners, concerts, travels). A set of rules can help prevent companies from unfairly obtaining advantages through ‘greasing’ and prevent any doubt about the impartiality of public servants.

It is not always easy to get access to public information. As an example, it is difficult to find out where information about the outcome of public tenders is published. The rules on access to public documents are not always adhered to. Deadlines are not complied with and cases take too long to process. Neither the Greenland Parliament nor the general public can get access to the *individual agreements* entered into by the Bureau of Minerals and Petroleum with prospecting and exploration companies. In general, the Bureau of Minerals and Petroleum is regarded as too closed and with a management that is too top down, according to many informants in the study. We are of the view that it would be in Greenland’s interest if the Bureau of Minerals and Petroleum was more transparent and it was easier for the Greenland Government, the public and other authorities (e.g. in the area of the environment) to hold the Bureau accountable.

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7. Interview matrix

#	Interviewees	Position	Date
1	Mikkel Mørch	Acting Head of Unit, the Ministry of Industry and Labour (he retired as Acting Head of Unit the day after the interview)	25/8 2011
2	Steffen Lynge	Head of Unit, the Ministry of Infrastructure, Climate and Energy	25/8 2011
3	Jan Pedersen	Head of Unit, the Ministry of Finance	25/8 2011
4	Tine Pars	Rector of Ilisimatusarfik, University of Greenland	25/8 2011
5	Martha Labansen	Director of KANUKOKA, the National Association of Local Authorities in Greenland	25/8 2011
6	Anders Meilvang	Attorney at Law, INA:NUNA, Chairman of IKIU, the Greenland Legal Aid organisation	25/8 2011
7	Emanuel Rosing	Head of Unit, the Ministry of Fisheries, Hunting and Agriculture	26/8 2011
8	Jørn Skov Nielsen	Head of the Bureau of Minerals and Petroleum (appointed Acting Head of Unit, the Ministry of Industry and Labour on the evening of 26 August)	26/8 2011
9	Henrik Sørensen	Chairman of the Board of the Employers' Association of Greenland and Managing Director of IF Insurance	26/8 2011
10	Focus group interview with Preben Kold Larsen and Inaluk Brandt	Managing Director of Permagreen, member of the Board of the Employers' Association of Greenland, HR Manager of Permagreen	26/8 2011
11	Per Jansen	Partner of Deloitte	26/8 2011
12	Mads Dollerup	Journalist at Sermitsiaq	26/8 2011
13	Britta Keldsen	The law firm Paulsen og Keldsen	26/8 2011
14	Lisbeth Frederiksen	Case handler in Greenland's teachers' union, IMAK	26/8 2011
15	Daniel Gottrup	HR Manager in the Economy and Personnel Agency, the Ministry of Finance	26/8 2011
16	Birgit Gedionsen	The Confederation of Professional Associations in Greenland	26/8 2011
17	Focus group interview with	Ombudsman and Legal Manager at the	26/8 2011

	Vera Leth and Michael Mikkelsen	Ombudsman's Office	
18	Søren Søndergård Hansen	High Court Judge	27/8 2011
19	Ole Christiansen	President, CEO at Nunaminerals A/S	29/8 2011
20	Ove Karl Berthelsen	Minister for Industry and Labour	29/8 2011
21	Michael Binzer	CEO of Air Greenland	29/8 2011
22	Peter Schriver	The law firm Nuna Advokater	29/8 2011
23	Focus group interview with Henrik Leth and Anita Hoffer	CEO and Attorney at Law, the Employers' Association of Greenland	30/8 2011
24	Henrik Skydsberg	HS Analysis ApS	30/8 2011
25	Jens B. Frederiksen	Deputy Prime Minister and Minister for Housing, Infrastructure and Transport	30/8 2011
26	Kim Neumann Nielsen	Office Manager, the Tax Agency	30/8 2011
27	Focus group interview with Sonja Feldthaus and Mads Trolle Nedergaard	Office manager in the Department of Fisheries and Fishing Licence Inspector for the Greenland Fishing Licence Control (GFLK)	30/8 2011
28	Focus group interview with Lissi Olsen, Line Frederiksen and Naja Klejst Stork	Chairman of Kalaallit Røde Korsiat (the Red Cross of Greenland) in Nuuk and Attorney at Law in the law firm Ina:Nuna Advokat ApS; Meeqqat Inuunerissut/Bedre Børneliv (MIBB) and Save the Children Greenland	30/8 2011
29	Focus group interview with Mariia Simonsen and Naja Paulsen	Chairman of Tusagassiuinermi Sulisut Peqatigiiffiat, TP (the association of media workers in Greenland) and Head of the Department of Journalism at Ilisimatusarfik, University of Greenland	31/8 2011
30	Elna Egede	Freelance journalist and former journalist at AG	31/8 2011
31	Focus group interview with Bjørn Bay and Morten Nielsen	Chief Constable and Deputy Chief Constable	31/8 2011
32	Naaja Nathanielsen	Greenland Parliament member for Inuit Ataqatigitt	31/8 2011
33	Jan Mikkelsen	The Procurement Department under the Ministry of Finance	31/8 2011
34	Peter Schultz	Head of Unit, the Premier's Office	31/8 2011

35	Kenneth T Hansen	Managing Director of INI A/S	31/8 2011
36	Kuupik Kleist	Greenland Prime Minister, Minister for Foreign Affairs	2/9 2011
37	Martin Kviesgaard	CEO of the Bank of Greenland	12/9 2011
38	Lars Bjørknæs	Editor of www.aviisii.gl	6/10 2011
39	Parnuna Egede	Environmental Adviser at ICC	19/10 2011