



# Justitsministeriet

## Civil- og Politiafdelingen

Kontor: Politikontoret  
Sagsnr.: 2005-945-0009  
Dok.: ADY40976

## Guidelines on Access to and Conditions for Travelling in Certain Parts of Greenland

### 1. Introduction

An enabling provision was inserted into section 132 of the Penal Code for Greenland by Act No. 335 of 16 May 2001 amending the Penal Code for Greenland (Violation of the international obligations of the State and access to and conditions for travelling in certain parts of Greenland).

Pursuant to section 132(1) of the Penal Code for Greenland, the Minister of Justice may lay down rules on the access to and conditions for travelling in certain parts of Greenland, including on the inland ice, in the National Park in North and East Greenland and to and from defence areas established under the Agreement of 27 April 1951 between the Governments of Denmark and the United States of America on the Defence of Greenland, as subsequently amended. Pursuant to section 132(2) of the Penal Code for Greenland, rules on the imposition of sanctions under section 85 of the Penal Code may also be laid down for intentional or negligent violation of provisions in regulations laid down pursuant to section 132(1) of the Penal Code.

According to the explanatory notes to the Bill on which the amendment of the Penal Code was based, the purpose of the enabling provision is to provide legal authority for updating the rules in this field and, in that connection, to expand the authorities' right to regulate expedition activities in Greenland, particularly to limit the number of incidents when search-and-rescue operations (SAR operations) are required and to facilitate the implementation of such SAR operations.

According to the explanatory notes, the Ministry of Justice also considers it necessary to be able to determine by executive order what areas should be comprised by general travelling restrictions and what authorities should be authorised to grant exemptions from the rules and on what criteria exemptions may be granted. It must also be possible to specify who will have access to defence areas in Greenland, what authorities have competence in this connection and how far such competence extends. Finally, it must be possible to lay down rules on, for example, payment of application fees and the imposition of sanctions for violation of any travel restrictions or conditions stipulated in permits.

As authorised by the enabling provision of section 132 of the Penal Code for Greenland, the Ministry of Justice has drafted Executive Order No. 1230 of 7 December 2006 on Access to and Conditions for Travelling in Certain Parts of Greenland.

Executive Order No. 39 of 22 February 1967 on travels to and in Greenland as amended by Executive Order No. 266 of 21 May 1976 was repealed at the entry into force of the above Executive Order.

The previous Order contained not only a regulation of expedition activities in Greenland, but also health and environmental aspects. As the health and environmental fields have now been transferred to the Greenland Home Rule, health and environmental aspects have been omitted from the Order.

## **2. Travel permit for the areas listed in section 1 of the Order**

Under the Order, a permit is required for travelling in various parts of Greenland with no public access. The areas, which are listed in section 1 of the Order, comprise the whole of the inland ice with the glaciers issuing from it, the whole of the National Park in North and East Greenland and the adjoining sea territory, the ice-free area in East and Southeast Greenland until the Lindenow Fjord and the ice-free area in North Greenland north of latitude 78° N.

However, pursuant to section 2 of the Order, no permit is required for travelling in a limited area north of the town of Qaanaaq and the towns of Tasiilaq and Illoqqortoormiit with pertaining hamlets. The purpose of this limitation is to avoid impeding the local trekking tourism and touring activities near the inhabited areas.

In addition, out of regard for the local tourism in the entire rim area of the inland ice, no permit is required for trips of less than 24 hours' duration. This implies that, for example, expedition

participants will be able to stay at the localities listed in section 1 of the Order without applying for a permit if their stay lasts less than 24 hours, cf. section 3 of the Order.

However, it should be noted that a permit from the Greenland Home Rule Government is always required for travelling in the National Park pursuant to Executive Order No. 7 of 17 June 1992 on the National Park in North and East Greenland, even though the trip lasts less than 24 hours.

Pursuant to section 3(2) of the Order, a permit is required for sailing in the area referred to in section 1 of the Order, regardless of the duration of the trip. In practice, this means that cruise vessels and other vessels sailing closer than 3 nautical miles from the baseline off the National Park in North and East Greenland must have a travel permit before they sail into the area. This applies whether or not the trip lasts less than 24 hours.

Moreover, no permit is required for ordinary traffic and travelling on the occasion of usual fishing and hunting activities in the areas listed in section 1 of the Order and carried out by persons permanently residing in Greenland, cf. section 4 of the Order.

According to section 5 of the Order, travelling in the areas listed in section 1 of the Order in connection with the exploration or production of mineral resources does not fall within the scope of Part 1 of the Order. The reason for this is that such activities are governed by exploration and production concessions, cf. the Act on Mineral Resources in Greenland, administered by the Bureau of Minerals and Petroleum under the Greenland Home Rule.

Finally, according to section 13 of the Order, the rules of Part 1 do not apply to NATO's military authorities, Danish military authorities or other Government authorities, the authorities of the Home Rule Government or municipal authorities in Greenland. The Order thus lays down no restrictions on the exercise of authority, nor does the Order lay down restrictions on the right of access enjoyed by persons associated with the U.S. military presence in the defence area at Thule Air Base.

For safety reasons, including any SAR operations required, the Danish Polar Center must be notified by the authorities listed in section 13(1) of the Order whenever any such authority is travelling in the areas listed in section 1 of the Order before the authority commences its trip in the area. However, this duty of notification does not apply to military activities, cf. section 13(3) of the Order.

Annex 1 is a map indicating the areas listed in section 1 of the Order.

### **3. Application procedure**

The Danish Polar Center has prepared a form to be used for applying for a travel permit for the areas listed in section 1 of the Order. The form is available from the Danish Polar Center, Strandgade 102, 1401 Copenhagen K, Denmark, tel.: +45 32 88 01 00, fax: +45 32 88 01 01 or e-mail: dpc@dpc.dk. The form is also available from the website of the Danish Polar Center at: www.dpc.dk.

The application must be submitted to the Danish Polar Center and must reach the Polar Center at least 12 weeks before the anticipated start of the trip. Persons residing in Greenland may send the application to the Chief Constable of Greenland, P.H. Lundsteensvej 1, P.O. Box 1006, 3900 Nuuk, Greenland, who will re-forward the application to the Danish Polar Center. However, this must be done so early that the application will reach the Danish Polar Center at least 12 weeks before the anticipated start of the trip.

The application must provide particulars on the time and place of departure and arrival of the expedition, travel route, purpose of the trip, including whether it is a sports expedition, a scientific expedition or other expedition, and possibly information on supplies, equipment, etc., so that the authorities may obtain a clear picture of the activity plans.

In accordance with section 7(2) of the Order, the Danish Polar Center must specify what particulars are necessary to determine whether a permit will be granted. The listing of relevant information in the Order is thus not exhaustive.

Moreover, section 7(2) of the Order provides that the Danish Polar Center may demand documentation of the fitness of one or more participants for accomplishing the trip, if deemed necessary. This may be the case, for example, if a participant is elderly or has a documented illness or disability. In such case, it may be reasonable to consider whether such person is able to accomplish the trip in an adequate manner, cf. section 9(1) of the Order.

#### **4. Conditions stipulated for the permit**

The possibility of stipulating conditions for a travel permit for the areas listed in section 1 of the Order is governed by section 8 of the Order.

The purpose of requiring a prior travel permit is, in particular, to make it possible to stipulate relevant conditions for the permit, including conditions that can prevent any SAR operations or facilitate the completion of such operations.

The Danish Polar Center has notified the Ministry of Justice that travel permits for the areas listed in section 1 of the Order will basically be subject to the following general conditions and recommendations:

- Travelling in a few parts of the areas listed in Section 1 of the Order may be **restricted in time**, for example so that the inland ice may not be crossed from 15 October to 1 April. The reason is that rescue operations during this period may imply very great risks.
- The expedition must include **at least two persons** for safety reasons.
- The leader of the permitted trip must promptly **notify the start and end** of the trip to the relevant authorities indicated by the Danish Polar Center in the permit. Any changes in the composition of the expedition team or the travel route or travel times planned must also promptly be notified to the Danish Polar Center or the authority indicated by the Danish Polar Center in the permit. This also applies to information about the non-completion of the trip.
- An **emergency radio** capable of covering the entire expedition area must be brought along during the entire stay. Proof of a radio permit issued for this purpose must reach the Danish Polar Center at least three weeks before the start of the trip. If other means of communications, such as satellite telephones or the like, are also brought along, the registration numbers thereof and their call numbers must be notified to the Danish Polar Center by the same deadline.
- It is recommended to bring firearms **or another deterrent** as self-defence when travelling in North and North East Greenland. If firearms are brought into the National Park, a valid **firearms licence** must reach the Danish Polar Center at least three weeks before the start of the trip.
- Cruise vessels sailing in the sea territory in the National Park or landing in the areas listed in section 1 of the Order for more than 24 hours are required, upon recommendation from the Greenland Home Rule authorities, to take along **authorised local guides/observers**.
- At the end of the trip, the expedition must prepare a **travel report**, accounting for the handling of rubbish, observations along the way, etc. The report must be submitted before the end of the year in which the trip was made.

- In connection with the trip, it is a requirement that **insurance be taken out or security be provided** to cover the costs of any SAR operation. As regards insurance and security, the regulated area is divided into two zones (cf. Annex 2):
  - Zone 1, where no insurance or security is required
  - Zone 2, where a search-and-rescue insurance policy is required.

Documentation proving that insurance has been taken out must reach the Danish Polar Center in connection with the issue of the permit.

## **5. Refusal or revocation of travel permit**

In accordance with the rules previously applicable, refusal of an application for a travel permit for the areas listed in section 1 of the Order, or a possible subsequent revocation of a permit, will in principle only become relevant if the trip is deemed manifestly reckless or implies a violation of the rights of the State, the Home Rule Government or a third party.

Section 9 of the Order lists the situations in which an application for a travel permit for the areas listed in section 1 of the Order may be refused.

Under section 9(1) of the Order, a travel permit may be refused if the applicant is deemed unfit to accomplish the trip.

Under the Order, the applicant is obliged, upon request, to produce documentation for his or her fitness for accomplishing the trip, including a medical health certificate. The reason for this is that it will be uncertain whether persons with physical or mental weaknesses, disabilities or infirmity due to age can cope with the hardships of desolate areas that are difficult to access due to their climate. If the applicant cannot produce adequate documentation of his or her fitness, or if it is dubious on the basis of the information available whether the applicant is fit to accomplish the trip in an adequate manner, the Danish Polar Center may refuse a travel permit upon an overall assessment. The assessment must take into account the measures taken by the applicant to counter any problems of illness, disability or infirmity due to age.

Pursuant to section 9(2)(i) of the Order, a travel permit may be refused if the application does not arrive in due time, that is, 12 weeks before the anticipated start of the trip. Under section 9(2)(ii) of the Order, an application may furthermore be refused if the application does not provide the particulars requested.

The reason for these provisions is that the authorities must have a reasonable possibility of performing a thorough examination of whether the trip will be safe. The purpose of the

provisions is thus not to make it possible to refuse an application solely with reference to failure to comply with deadlines and formalities.

If a sufficiently thorough assessment of the trip can be performed even though the application was submitted too late, and if the trip is deemed not to be manifestly reckless or to violate the rights referred to in section 9 of the Order, the authorities cannot refuse permission solely with reference to the late submission of the application, cf. section 9(2)(i) of the Order.

Likewise, it will only be possible to refuse an application under section 9(2)(ii) of the Order if the particulars are essential for the assessment of the trip applied for, and it is not possible to assess on the basis available, for example, whether the trip can be accomplished safely.

Under section 9(2)(iii) of the Order, a travel permit may also be refused if the applicant is not prepared to comply with the conditions stipulated for the permit.

If the applicant thus notifies the Danish Polar Center that he or she is not prepared to comply with a condition made by the Danish Polar Center pursuant to section 8 of the Order, or if there is no documentation of compliance with a condition, the permit may be refused.

Reference is made in that connection to the examples of conditions for a travel permit listed above.

A permit may also be refused under section 9(2)(iv) of the Order if the applicant has previously failed to comply with conditions stipulated in connection with a trip in an area listed in section 1 of the Order. An application should only be refused if the condition not complied with is considered essential or if the applicant failed to comply with several conditions.

Finally, a permit may be refused under section 9(2)(iv) of the Order if the applicant has previously failed to comply with the rules generally applicable to trips in the areas listed in section 1 of the Order. An application should only be refused to the extent that the previous violation of the rules applicable to the area is considered essential or in case of repeated violations. The violation might be, for example, violation of the preservation rules.

The Danish Polar Center will consult relevant authorities in connection with its examination of the application. The authorities consulted may recommend the Danish Polar Center to refuse permission with reference to one or more of the grounds for refusal listed in section 9 of the Order.

It should be noted that even if a travel permit for the areas listed in section 1 of the Order is issued, this does not mean that the trip can be carried out without any risk to the participants. This applies even though the conditions stipulated for the trip are complied with.

The authorities that have taken part in the examination of the application therefore, in principle, accept no liability in damages for personal injury or damage incurred in connection with the trip as a consequence of the permission to travel.

A travel permit may be revoked at any time under section 11 of the Order by the Danish Polar Center or the Chief Constable of Greenland under the same conditions as may constitute grounds for a refusal under section 9(1) of the Order, for example, if new essential information is brought to light which makes it manifestly uncertain whether the trip can be carried out safely, or information documenting violation of the rights of the State, the Home Rule Government or a third party.

Such essential information may be if, immediately before the start of or during the trip, the relevant authorities receive information on extreme weather conditions in the area, inadequate or defective equipment or supplies, or information on other circumstances causing increased risk if it becomes necessary to evacuate one or more participants of the expedition through a SAR operation. In such case, the Danish Polar Center or the Chief Constable of Greenland will decide whether the trip may continue or the permit is to be revoked.

## **6. Intervention in connection with unlawful travelling**

Travelling without a permit in the areas listed in section 1 of the Order, travelling contrary to a permit and the pertaining conditions and travelling after revocation of a permit may be terminated under section 12 of the Order by decision of the Chief Constable of Greenland. In the National Park, the SIRIUS Patrol or Station North will perform this task as they have been granted police authority in this area.

In connection with evacuation as referred to in section 12 of the Order, the authorities involved are allowed to leave the participants' luggage and equipment and have dogs put down, cf. section 12(2) of the Order.

According to section 12(3) of the Order, any appeal of the decision of the Chief Constable of Greenland pursuant to section 12(1) and (2) of the Order does not suspend enforcement of the decision. The reason for this provision is that a decision to interrupt an expedition and possibly evacuate the participants must be complied with without delay as delays in the relevant areas may have catastrophic consequences to the rescue team and expedition participants.

## **7. Examination of applications for travel permits and appeals**

The Danish Polar Center examines and decides applications for travel permits, cf. section 6 of the Order. The application will be examined upon consultation of the relevant authorities in Greenland and in Denmark. These authorities are primarily Greenland Home Rule authorities – the Ministry of Nature and the Environment, the Chief Constable of Greenland, the Greenland Command and, if the trip involves the National Park, the Defence Command.

Pursuant to Executive Order No. 7 of 17 June 1992 issued by the Greenland Home Rule Government, a permit is also required from the Greenland Home Rule Government for travelling in the National Park.

In case of applications for travel permits for the areas listed in section 1 of the Order, the Danish Polar Center, on behalf of the applicant, will apply to the Greenland Home Rule Government for permission to enter the areas pursuant to Executive Order No. 7 of 17 June 1992 issued by the Greenland Home Rule Government and will re-forward the entry permit issued by the Home Rule Government to the applicant together with the travel permit of the Danish Polar Center for the trip applied for under the Order.

A travel permit will be issued at least two weeks before the planned activity provided that due documentation has reached the Danish Polar Center in advance. The Danish Polar Center will notify the authorities involved of the permit at the same time. Notification is made by forwarding a copy of the permit. The authorities to be notified of the permit are:

The Chief Constable of Greenland, including the local police districts in Greenland  
Greenland Command

High Commissioner of Greenland

Naviair (*Flyvesikringstjenesten*), Kangerlussuaq

Greenland Home Rule, Ministry of Nature and the Environment

SIRIUS Patrol in North and North East Greenland (when the permit implies activities in the National Park)

Greenland co-ordinator at Aalborg Air Base (when the permit implies activities out of/into Station North)

Entry and exit municipality in Greenland

Decisions by the Danish Polar Center in cases comprised by Part 1 of the Order may be appealed to the Chief Constable of Greenland under section 11 of the Order. The appeal must reach the Chief Constable of Greenland within eight weeks of the decision.

The Chief Constable of Greenland will decide the appeal upon consultation with the Danish Polar Center and other relevant authorities. The Chief Constable's decision may be appealed to the Ministry of Justice as the superior authority.

The Chief Constable's decision to terminate a trip, etc., under the rules of section 12(1) and (2) of the Order may be appealed to the Ministry of Justice under section 12(3) of the Order. The appeal must reach the Ministry of Justice within eight weeks of the decision.

## **8. Rules for transiting, entering and exiting defence areas in Greenland**

On 27 April 1951, the Agreement pursuant to the North-Atlantic Treaty between the Governments of the Kingdom of Denmark and the United States of America on the Defence of Greenland (the Defence Agreement) was signed.

The Defence Agreement includes rules on access to selected defence areas in Greenland, and currently only one such defence area exists in Greenland: Pittufik (Thule Air Base).

Thule Air Base is a military area, for which reason civilians are normally not admitted on the base area.

The access to Thule Air Base is governed by Part 5 of the Order, which has been drafted on the basis of the Defence Agreement and the Agreement of 19 January 1995 between the Governments of the United States of America and the Kingdom of Denmark (including the Home Rule Government of Greenland) concerning the transiting of tourists and other visitors through Thule Air Base, Greenland (the Transit Agreement) and the practice which has developed in connection with trips in the area made by persons registered in the Civil Registration System as residents of Qaanaaq municipality.

Section 14 of the Order provides that, with the exceptions referred to in section 15 of the Order, it is prohibited to transit, enter and exit the defence area. "Enter" and "exit" are to be understood in conjunction with a stay in the area for a certain period, while "transit" means situations where the air base only acts as a transit airport.

The establishment of the airport at Qaanaaq has resulted in a considerable reduction in the need to issue permits solely for transiting Thule Air Base compared to previously. However, the existing transit scheme is maintained as there are still situations in which the transit scheme is relevant.

Section 15(1)(i) to (vi) of the Order lists the groups of persons who are free to transit, enter and exit Thule Air Base. They comprise members of NATO forces if their presence in Greenland is necessary in connection with activities pursuant to the Defence Agreement or other NATO arrangements and the family members of such persons (paragraph (i)). Also comprised are civilian personnel and their family members if the civilian personnel have been seconded by the U.S. military authorities or a private company in the United States of America upon authorisation from the military authorities (paragraph (ii)). The presence of the civilian personnel must also be necessary in connection with activities pursuant to the Defence Agreement or other NATO arrangements.

According to Article II(3)(b) of the Defence Agreement, the use of Thule Air Base implies no restrictions on the natural right of *competent Danish authorities* to travel everywhere in Greenland. In view of the fact that the Greenland Home Rule Government has by now taken over a number of official functions previously carried out solely by Danish authorities, the concept of *competent Danish authorities* must now be taken to include the Greenlandic authorities as well. Section 15(1)(iii) of the Order accordingly provides that also representatives of the Danish and Greenlandic authorities are free to transit, enter and exit Thule Air Base.

Under section 15(1)(iv) of the Order, also persons whose civil register address is in Qaanaaq municipality – that is, local residents of the Thule area – are free to transit, enter and exit the defence areas. This provision corresponds to the current practice on local residents' access to Thule Air Base.

Finally, persons granted access by specific authority from the Danish or the U.S. Government are free to transit, enter and exit the defence area, cf. section 15(1)(v) and (vi) of the Order.

According to section 15(2) of the Order, civilian personnel seconded from Denmark or from countries other than the United States of America and whose presence is necessary in connection with activities pursuant to the Defence Agreement or other NATO arrangements may transit, enter and exit the defence area referred to in section 15 of the Order with prior permission from the Danish Ministry of Foreign Affairs.

Pursuant to section 15(3) of the Order, persons outside the scope of section 15(1) and (2) of the Order and who are not Danish nationals residing in Greenland must, before entry and exit from the defence areas referred to in section 14 of the Order, obtain permission from the Ministry of Foreign Affairs or another authority authorised by the Ministry of Foreign Affairs before each individual trip to the areas. In cases where, for example, weather conditions make it necessary for air traffic to use Thule Air Base as a secondary airport, the Ministry of Foreign Affairs will

authorise the liaison officer of the Greenland Command at Thule Air Base to issue the necessary transit permits.

Moreover, in certain cases the U.S. military authorities will have to permit entry to and exit from the said areas. In connection with applications for permission under section 15(3) of the Order, the Ministry of Foreign Affairs will inform the applicant whether a permit from the U.S. military authorities in Greenland has to be obtained as well, and the Ministry of Foreign Affairs will also give advice on the practical procedure in connection with the submission of such application. Usually, the application will have to be submitted to the U.S. Base Commander of Thule Air Base.

According to section 15(4) of the Order, the rules described above also apply to persons comprised by the Transit Agreement, except that permission from the U.S. military authorities will always be required for persons comprised by the Transit Agreement. The Transit Agreement thus specifies that the purpose of the Agreement is to regulate the passage of tourists and other visitors to northern Greenland through Thule Air Base – except travellers approved by the Government of the United States of America or Denmark – who are not residents of Greenland and who are not involved in U.S. military activities in Greenland.

Finally, section 15(5) of the Order stipulates that Danish nationals residing in Greenland who are not comprised by section 15(1) and (2) of the Order need permission from the High Commissioner of Greenland before transiting, entering or exiting the said area. In addition, in certain cases persons comprised by section 15(5) of the Order need permission from the U.S. military authorities to enter and exit the said area.

Section 16 of the Order describes the deadlines for applying for a permit by the various groups of persons described in section 15(2) to (5) of the Order. Applications must be submitted to the Ministry of Foreign Affairs unless the case concerns Danish nationals residing in Greenland who fall outside the scope of section 15(1) and (2) of the Order, in which case the application must be submitted to the High Commissioner of Greenland.

The applications that require permission from the Ministry of Foreign Affairs must be submitted to the Ministry of Foreign Affairs, Office of the Nordic countries, the Faroe Islands, and Greenland, telephone +45 33 92 00 00 and fax +45 32 54 05 33.

Special application forms have been made. Pursuant to section 16(1) of the Order, an application must reach the Ministry of Foreign Affairs at least one week before departure to the area. Applications from the persons listed in section 15(3) and (4) of the Order must reach the Ministry of Foreign Affairs at least three weeks before departure as such approval is given in

collaboration with the U.S. military authorities in certain cases. This particularly applies to persons who want to enter at and exit from Thule Air Base and for tourists who want to transit Thule Air Base.

The Ministry of Foreign Affairs will forward a copy of the permit to the U.S. authorities, the liaison officer of the Greenland Command at Thule Air Base and Air Greenland.

Applications to the High Commissioner of Greenland must be sent to the High Commissioner of Greenland, Indaleeqqap aqq. 3, P.O. Box 1030, 3900 Nuuk, Greenland, telephone +299 32 10 01, fax +299 32 41 71. An application form may also be obtained by e-mail: [riomgr@gl.stm.dk](mailto:riomgr@gl.stm.dk) or from [www.rigsombudsmanden.gl](http://www.rigsombudsmanden.gl). Applications must reach the High Commissioner for Greenland at least one week before the departure to the area, cf. section 16(2) of the Order.

The High Commissioner of Greenland will forward a copy of the permit to the liaison officer of the Greenland Command at Thule Air Base and to Air Greenland.

Pursuant to the Defence Agreement, the United States of America issues permits to transit, enter and exit the defence areas in Greenland to their own military forces and to a number of persons classified as “United States Government sponsored travellers”.

The Danish Polar Center forwards applications for transit permits for expeditions to the proper authority, and the Center also sends the decision to the applicants.

## **9. Sanctions and entry into force**

Under section 18 of the Order, travelling in the areas listed in section 1 of the Order without the requisite permit and failure to comply with conditions and orders stipulated pursuant to section 8 of the Order implies liability to payment of a fine. The same applies to transit of, entry to and exit from the defence area without the permits referred to in section 15 of the Order and violation of conditions imposed under section 15 of the Order. Both violation of the relevant provisions and of the conditions stipulated may imply liability to payment of a fine if the violation was intentional or negligent. Moreover, in case of violation of the said provisions, tools, etc., may be confiscated.

The Executive Order on Access to and Conditions for Travelling in Certain Parts of Greenland enters into force on 1 January 2007.

Ministry of Justice, 7 December 2006

Lene Espersen

/Jens Kruse Mikkelsen