

**Bill for: Landsting Act No. 18 of 19. November 2007 on the preservation of cultural monuments****Part 1***Objectives and definitions*

**Section 1.** The Act shall protect cultural monuments with their distinctive character and variation as part of Greenland's cultural heritage and as a contribution to an understanding of Greenland's cultural history. These cultural monuments bear testimony to human activity over several millennia. They help to create a link between the past and the present and to cast light on the societies that created them.

*Subsection 2.* The Act is part of the national responsibility to look after the cultural monuments as a cultural resource, as a scientific source material and as a permanent basis for current and future generations' experience, self-perception, well-being and activity.

*Subsection 3.* The Act takes into account that Greenland's cultural heritage is an important part of world and human history, and through an active conservation effort Greenland attends to its share of the global cultural heritage.

**Section 2.** Cultural monuments are understood in this Act to be ancient sites and monuments, buildings and cultural heritage sites.

**Part 2***Ancient sites and monuments*

**Section 3.** The rules in this part apply to ancient sites and monuments on land and maritime territory and are also applicable to buildings that are more than 100 years old and no longer in use.

**Section 4.** Ancient sites and monuments are understood to be physical traces of human activity left from earlier times, and the context in which they are placed.

**Section 5.** The Greenland National Museum rules on the preservation of disused churchyards, tent rings from the period after colonisation, cairns, fields and stone walls erected around the latter, whose conservation is, due to their historical value, of material importance.

*Subsection 2.* Other ancient sites and monuments are protected.

*Subsection 3.* Preservation means that the protected monuments must not be damaged, altered or moved, either in whole or in part.

*Subsection 4.* Agricultural activities can take place within a distance of 20 metres from the ancient site or monument, and paths may be established leading to the ancient site or monument in question. Agricultural activities comprise surface cultivation of the soil with harrowing down to a depth of 15 cm, the use of fertiliser, planting and utilisation of the area for grazing. The Greenland National Museum can grant permission for other agricultural activities, including the removal of stones and the erection of information boards, litterbins and other items appropriate to public access to these ancient sites.

*Subsection 5.* No activities may take place within a distance of 2 metres from the ancient sites or monuments.

**Section 6.** The Greenland National Museum can grant dispensation from the provisions of section 5, subsections 3-5.

**Section 7.** Users with land allocation, municipal councils, public authorities and authorised local museums can submit a proposal for preservation with regard to ancient sites or monuments, as well as the amendment or annulment hereof. Furthermore, the Greenland National Museum can submit a proposal for preservation in this regard on its own initiative.

*Subsection 2.* The Greenland National Museum decides on the preservation of ancient sites and monuments, as well as the amendment or annulment hereof.

*Subsection 3.* Before the Greenland National Museum makes a decision according to subsection 2, a consultation process shall take place for users with land allocation and the municipal council in the municipality in which the ancient monument is located. The Greenland National Museum can also involve other parties in such a consultation process.

*Subsection 4.* The decision must be made public.

**Section 8.** The Greenland National Museum keeps a register of ancient sites and monuments, including which of these are protected.

*Subsection 2.* The Greenland National Museum carries out the supervision of the most important protected sites and monuments within the scope of the funding granted in the Landsting's adopted Budget.

*Safeguarding of ancient sites and monuments in connection with the physical planning and preparation of earthworks*

**Section 9.** Through collaboration with the planning and mineral authorities and others that are involved in the exploitation of the country's resources, the Greenland National Museum must act to ensure that ancient sites and monuments, in addition to the information they provide, are safeguarded for posterity.

*Subsection 2.* Planning and mineral authorities must involve the Greenland National Museum when drawing up planning material and in the processing of permits that can affect ancient sites and monuments.

*Subsection 3.* The developer must involve the Greenland National Museum in the planning process when carrying out major earthworks.

*Subsection 4.* The Greenland National Museum carries out archival verification of the existence of ancient sites and monuments in the relevant area when involved pursuant to subsections 2 and 3.

**Section 10.** The developer, or the entity at whose expense a feasibility study or earthworks are to be carried out, can apply to the Greenland National Museum for an archaeological inspection (a survey) of an area prior to commencing work. The developer, or the entity at whose expense a feasibility study or earthworks are to be carried out, defrays the expenses of such an inspection.

*Subsection 2.* In the event that the Greenland National Museum believes that there are ancient sites or monuments in the area, the Greenland National Museum can decide that an archaeological excavation of the area should be carried out. An archaeological excavation must be carried out within 18 months unless special circumstances apply.

*Subsection 3.* The developer, or the entity at whose expense a feasibility study or earthworks are to be carried out, defrays the expenses of an archaeological excavation. The Greenland National Museum draws up a budget for the performance of the survey prior to commencing the survey itself.

*Subsection 4.* In the event of earthworks on a smaller scale, the Greenland Home Rule Government can defray, either in whole or in part, the expenses of the archaeological excavation *cf.* subsections 2-3, if the expenses impose an unreasonable burden on the private builder.

**Kommenterede [c1]:** Oprindeligt stod der "survey"; det skal være excavation.

**Kommenterede [c2]:** Survey erstattet med excavation

**Kommenterede [c3]:** Survey er erstattet med excavation

**Kommenterede [c4]:** Survey er erstattet med excavation

*Subsection 5.* The Greenland National Museum determines whether the earthworks can be commenced to a degree that does not affect the ancient monuments or the archaeological excavation. When arriving at this decision, weight is attached to the protection of the ancient sites or monuments, ensuring the performance of the archaeological excavation, the possibility for commencement of the earthworks and significant business interests.

Kommenterede [c5]: Survey er erstattet med excavation

Kommenterede [c6]: Survey er erstattet med excavation

#### *Ancient sites and monuments discovered when carrying out earthworks*

**Section 11.** If an ancient site or monument is discovered whilst carrying out earthworks, the developer shall immediately report the discovery to the Greenland National Museum, and work that affects the site or monument must be suspended. The Greenland National Museum decides whether an archaeological excavation should be performed, cf. section 10, subsections 2-4, or whether a proposal for preservation should be submitted, cf. section 5.

Kommenterede [c7]: Survey er erstattet med excavation

**Section 12.** The Greenland National Museum can grant permission for the excavation of ancient sites or monuments and archaeological finds to other institutions or scientific organisations and can also stipulate the conditions for such permission.

### **Part 3**

#### *Buildings and cultural heritage sites*

**Section 13.** The Greenland National Museum rules on the listing of buildings and protection of cultural heritage sites whose conservation is, due to their historical or architectural value, of material importance.

*Subsection 2.* Listing of buildings can consist of:

- 1) The whole building.
- 2) The exterior of the building.
- 3) Individual elements of the building.

*Subsection 3.* Protection of cultural heritage sites includes the context that exists between a number of cultural monuments or an area with which particular events are associated. The Greenland Home Rule Government can lay down the preservation provisions for cultural heritage sites.

*Subsection 4.* Preservation can also include the immediate surroundings of a building or a cultural heritage site to the extent that these surroundings are part of the whole that is worthy of preservation.

**Section 14.** Owners must keep a listed building or a protected cultural heritage site in sound condition with due regard to the preservation ruling. Routine maintenance must take place using the same materials, methods and colours as hitherto and in accordance with the maintenance of the condition and appearance of the listed building or the protected cultural heritage site at the time at which the preservation ruling came into effect.

*Subsection 2.* All building work concerning a listed building and a protected cultural heritage site requires permission from the Greenland National Museum if the work concerns the elements of the building that are covered by the listing and if the work goes beyond routine maintenance. The Greenland National Museum can attach conditions to such permission.

*Subsection 3.* The Greenland National Museum can decide on receiving an application whether expenses in connection with maintenance or building work on a listed building or a protected cultural heritage site are to be defrayed in whole or in part within the funding granted in the Landsting's adopted Budget.

**Section 15.** The Greenland National Museum keeps a register of buildings and cultural heritage sites that are protected pursuant to section 13.

*Subsection 2.* The Greenland National Museum carries out supervision of listed buildings and protected cultural heritage sites within the scope of the funding granted in the Landsting's adopted Budget.

#### *Council for Cultural Heritage*

**Section 16.** Greenland's Minister of Culture sets up the Council for Cultural Heritage consisting of 3 members whose job it is to represent architectural, archaeological and cultural historical insight. The Council for Cultural Heritage is appointed every 4 years. The Minister of Culture will appoint the members of the Council for Cultural Heritage for the first time immediately after this Act comes into force.

*Subsection 2.* The Council for Cultural Heritage shall submit a recommendation concerning a proposal for preservation, cf. section 17, and must be consulted in connection with permits pursuant to section 14. In addition, the Council for Cultural Heritage has an advisory function in connection with the listing of buildings and protection of cultural heritage sites and other related matters.

*Subsection 3.* The Greenland National Museum places secretariat assistance at the disposal of the Council for Cultural Heritage.

#### *Preservation procedure*

**Section 17.** Owners, users with land allocation, the state, municipal authorities, local museums and associations which have been authorised by the Greenland National Museum in this regard, can submit a proposal for preservation, as well as an amendment or annulment hereof. Furthermore, the Greenland National Museum can submit a proposal for preservation in this regard on its own initiative.

*Subsection 2.* Before the Greenland National Museum makes a decision on preservation or an amendment or annulment hereof, the general public, the owner, users with land allocation and the municipal authority in which the building or cultural heritage site is located must be notified. The notification period must be 3 months, during which time the aforementioned parties have the opportunity to put forward any comments they may have. The Council for Cultural Heritage must also submit its recommendation, cf. section 16, subsection 2.

*Subsection 3.* From the time at which the notification is given, no action may be taken which may hinder or complicate the intended preservation.

*Subsection 4.* The Greenland National Museum rules on proposals for preservation and on the amendment or annulment hereof.

**Section 18.** The Greenland National Museum publishes preservation rulings and the amendment or annulment hereof within 14 days following its decision in this regard. The owner, users with land allocation and the municipal authority in which the building or cultural heritage site is located are notified directly.

*Subsection 2.* Rulings on the listing of buildings are registered by the High Court of Greenland at the request of the Greenland National Museum. The High Court of Greenland must notify the Greenland National Museum of any change of ownership.

*Subsection 3.* The preservation must be respected by all rightsholders of the building and the cultural heritage site, regardless of when the right in question was established.

### **Part 4**

#### *Expropriation and appeals procedure*

**Section 19.** The Greenland Home Rule Government is empowered to acquire property through expropriation if deemed necessary to implement preservation in accordance with this legislation. Expropriation must take place according to the rules of the legislation on expropriation.

**Section 20.** The Greenland National Museum's rulings in relation to this legislation can be appealed in writing to the Greenland Home Rule Government.

*Subsection 2.* The parties eligible to appeal are:

- 1) The party to whom the ruling applies.
- 2) Any party which is considered to have an individual or material interest in the outcome of the matter.

*Subsection 3.* The appeal deadline is 4 weeks from the date on which the decision was notified to the party to whom the ruling applies. An appeal lodged within this time limit has a delaying effect on the ruling under appeal unless the appeals authority decides otherwise.

*Subsection 4.* The Greenland Home Rule Government's ruling cannot be brought before another administrative authority.

## **Part 5** *Sanctions*

**Section 21.** Violation of section 5, subsections 3-5, section 11, 1<sup>st</sup> paragraph, section 14, subsections 1 and 2, and section 17, subsection 3, can result in a penalty.

*Subsection 2.* If the violation is committed by an enterprise that is either in whole or in part owned by a government authority, Greenland Home Rule, a municipal authority or a municipal association subject to legislation on municipal councils and settlement councils, etc., a limited liability company, private limited company, cooperative society or similar legal entities, criminal liability can as such be imposed on the enterprise, etc. The same applies if the violation is committed by Greenland Home Rule, a municipal authority or a municipal association subject to legislation on municipal councils and settlement councils, etc.

*Subsection 3.* If there is no confiscation of the financial proceeds accrued by means of the violation, the economic benefit obtained must be taken into particular consideration when deciding on the size of the penalty.

## **Part 6** *Commencement, etc.*

**Section 22.** This Act comes into effect on 1 January 2008. At the same time, Landsting Act no. 5 of 16 October 1980 on the preservation of ancient monuments and buildings, Regulation no. 118 from 1948 concerning the preservation of ancient monuments in Greenland and Circular of 11 November 1948 to district officials concerning the conservation of ancient monuments are revoked.

**Section 23.** Preservations of cultural monuments that are not superseded by preservations of cultural monuments pursuant to this Act remain in effect until they are annulled.

*Greenland Home Rule Government, xx 2007*

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