

When Truth Commission Models Travel: Explaining the Norwegian Case

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ABSTRACT[∞]

This article explores ‘late justice’ in the context of settler democracies with a history of racism, using Norway as a case study. It examines the background for the Norwegian Truth and Reconciliation Commission (TRC), established by the Norwegian Parliament in 2018 to investigate the consequences of historical and ongoing assimilation of the indigenous Sami people and two national minorities. I argue that although the Norwegian TRC was established in direct response to an initiative from the Sami Parliament, its successful creation was a result of political negotiations involving a series of actors, including Sami activists, mainstream politicians and various interest organizations. The protagonists pushing for a truth commission were in turn encouraged and inspired by a global focus on transitional justice, truth commissions and indigenous rights. Based on a desk study, interviews and media reports, and applying a theoretical framework emphasizing agency and norm diffusion, I argue that while the Norwegian TRC has explicitly used truth commissions elsewhere in the world – particularly the Canadian TRC – as models, it is quite unique in terms of mandate and design.

KEYWORDS: Indigenous rights, Norway, reconciliation, Sami, truth commissions

INTRODUCTION¹

Norway is one of the wealthiest and most egalitarian societies in the world. It has a self-perception and international reputation as a peace negotiator and protagonist for human rights. It therefore came as a surprise to many when in September 2018, the Norwegian Parliament established a Truth and Reconciliation Commission (hereafter the TRC)² to investigate a long history of

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² Original Norwegian name: ‘Kommissjonen for å granske forsoningspolitikk og urett overfor same, kvener og norskfinner’ (Sannhets- og forsoningskommissjonen). See <https://www.Sannhets-og-forsoningskommissjonen-stortinget.no> (accessed 15 May 2022). English translation ‘The Commission to Investigate the Norwegianisation Policy and Injustice Against the Sami and Kven/Norwegian Finnish Peoples’ (The Truth and Reconciliation Commission). A third minority group, the Forest Finns (*Skogfinnene*), were later included in the mandate.

repressive state policies towards the Indigenous Sami and two national minorities (the Kven and Norwegian Finns), the repercussions of which are still felt today. The Norwegian TRC is a late-comer in the global universe of truth commissions, but it is, nevertheless, only fourth in the small but emerging group of non-transitional national commissions established in western democratic states to investigate historical wrongs exercised by states against their own indigenous populations, after Australia, Canada and Greenland. Similar TRCs have since been established in Finland (October 2021) and Sweden (November 2021). The Norwegian TRC thus forms part of a new trend in the empirical universe of truth commissions, raising important theoretical questions regarding why and how such commissions have come about, and how they fit into the transitional justice framework, which has post-authoritarian and post-civil war contexts as its chief domains.

This article addresses the following puzzle: Over the past four decades, the Sami in Norway have moved from a position of political marginalization to one of political empowerment. Sami rights have been strengthened in many areas. The popularly elected Sami Parliament has a consultation agreement with the Norwegian Government; legislation comprising Sami rights in different fields has been adopted; and the King has offered a public apology to the Sami for past policies. Likewise, the Kven and Norwegian Finns (that is, people of Finnish descent in Northern Norway) have gained status as national minorities and have seen a linguistic and cultural revival in recent years. Why and how, then, has a truth commission been established in Norway now, long after the Norwegian state formally abandoned its assimilation policies and moved on to effectuate a range of efforts of reconciliation between the Sami and the Kven on the one hand, and the Norwegian state and the majority population on the other?

From a majority perspective, the state has already discontinued its harmful practices, as narrowly defined by official assimilation policies, and made amendments for these historical wrongdoings. From a Sami and Kven perspective, however, assimilation policies are not only historical; they are still ongoing. This is reflected also in the Norwegian TRC's mandate. The purpose of its investigation is:

to lay the groundwork for the recognition of the experiences of the Sámi and Kven/Norwegian Finns while this policy was being enforced by the Norwegian authorities, and the consequences these experiences have had for them as groups and individuals. The aim is to establish a common understanding of how Norwegian authorities and society treated the entirety or parts of the Kven and Sámi population and their culture.

The TRC will do so by carrying out a historical mapping, investigating the impacts of the Norwegianization policy today and proposing measures for reconciliation.³

Although the lingering grievances of the Sami, Kven and Norwegian Finns and the *need/desire* for a truth commission can clearly be explained from a settler colonial perspective, this scholarly literature, in my opinion, has to date not come up with convincing theoretical explanations for *how* grievances translate action and push for a truth commission. To answer the question of *how* the Norwegian TRC actually came about, I therefore explore the following sub-questions: (1) Where did the initiative to establish a truth commission initially come from? (2) Which actors were involved? (3) What was the process shaping the mandate and composition of the TRC? When exploring these questions, I situate the Norwegian TRC in a global transitional justice context and assess the importance of potential role models, particularly that of the Canadian TRC.

³ See the TRC's home page: https://uit.no/kommisjonen/mandat_en (accessed 15 May 2022).

The article is based on a combination of desk study, semi-structured qualitative interviews with central actors involved in the TRC process, government documents, and media reports. Applying a theoretical framework emphasizing agency and norm diffusion, and using process tracing, I argue that, although established in direct response to an initiative from the Norwegian Sami Parliament demanding recognition of historic cultural and economic repression, the successful creation of the TRC was a result of political negotiations involving a series of actors, including Sami activists, mainstream politicians and various interest organizations. The protagonists pushing for a truth commission were in turn encouraged and inspired by a global focus on transitional justice, truth commissions and indigenous rights. While openly seeking inspiration both from truth commissions in the global south and indigenous commissions established in the global north, the Norwegian TRC is first and foremost adopted to the Nordic context and border-crossing challenges facing indigenous people.

This article is divided into seven parts. Following this general introduction, the next part gives a brief overview of historical repression against the Sami, Kven and Norwegian Finns; the grassroots mobilization against repressive policies; and the Norwegian state's attempts at reconciliation. Part three situates the Norwegian TRC in a larger global transitional justice context. The fourth part outlines a framework for understanding when and why truth commissions are established in non-transitional contexts, emphasizing the role of various actors and the diffusion of transitional justice norms. Part five provides a brief historical background to the Norwegian commission, showing how its establishment is a product of opposing interests and political compromises between various sectors of Norwegian society. The sixth part analyses the models inspiring the Norwegian TRC's design, mandate and composition. In the conclusions I suggest that the Norwegian TRC may very well be constituting an emerging Nordic TRC model.

REPRESSION, RESISTANCE AND REPARATIONS

To understand the demands for a truth and reconciliation commission in Norway, and the Norwegian states' positive, albeit politically split, response to this demand, we need to take a brief glance at the history laying the foundations for the grievances that led to demands for truth and reconciliation.

Assimilation Policies: 'Norwegianization'

'Norwegianization,' a formal state assimilation policy, was adopted in the 1850s, was at its peak before the Second World War and was formally abolished in the late 1950s.⁴ The core of this policy was to make the indigenous Sami and minority groups, such as the Kven and the Norwegian Finns, into 'true' Norwegians; that is, to make them use the Norwegian language, assimilate into Norwegian culture and live as Norwegians. Common for these groups is that they are cross-border peoples, sharing language, culture and ways of life across the borders of four nation states. The Sami are an Indigenous people whose culture is based on hunting, fishing, gathering and reindeer herding. There are an estimated 100,000 to 150,000 Sami in the Arctic regions of Finland, Sweden, Norway and western Russia – the Sami homeland collectively referred to as *Sápmi*. The Kven or Norwegian Finns denominate a group of people who have lived in *Nordkalotten* (i.e., the northern areas of Norway, Sweden, Finland and Russia) since 'times immemorable'.⁵ Due to the loss of language and culture, there are no reliable figures of how many people are

⁴ See Henry Minde, 'Språk, etnisitet og fornorskning i nord fram til 1940. Utredning om tapt skolegang. Rapport fra et arbeidsutvalg vedr. samersom har tapt skolegang under 2. verdenskrig.' Kommunal- og arbeidsdepartementet (1993), and 'Assimilation of the Sami-Implementation and Consequences,' *Gáldu Cála, Journal of Indigenous Peoples Rights* 20(2) (2003): 121–146.

⁵ I follow the official term Kven / Norwegian Finns, adopted by the Norwegian Parliament in 2011. See official note on 'Kvener/Norskfinner' at https://www.udir.no/globalassets/filer/laringsmiljo/nasjonale-minoriteter/nasjonale_minoriteter_kvener_norskfinner.pdf (accessed 22 March 2019).

Kven or Norwegian Finns. Although the Norwegianization policy was directed at, and similarly negatively affected, these different groups of people, there are still some important historical differences.

The Sami were viewed as inferior, and the Norwegianization process was thus portrayed as a civilizing task.⁶ By contrast, the Kven and Norwegian Finns were regarded as a cultured people, but who had to be Norwegianized due to security policy considerations. This was often referred to as ‘The Finnish Threat’ (*Den finske fare*) in the first half of the 20th century, when Finland was considered a security threat to Northern Norway.⁷ State repression of the Sami, Kven and Norwegian Finns infiltrated all areas of Norwegian society, particularly language and the deprivation of Sami land rights.⁸ Assimilation was justified through the argument of increased inclusion of the Sami, Kven and Norwegian Finns in the Norwegian public welfare system. Although the Norwegian state officially abandoned its policy of forced assimilation almost 70 years ago, the lingering effects on contemporary political, social and economic structures remain.

Resistance

As a result of Norwegianization and repressive policies, many individual Sami, Kven and Norwegian Finns – even entire communities – have lost their language and the connection to their cultures. However, issues related to Sami, Kven and Norwegian Finns traditions and identities have motivated rights mobilization among these communities, across the Nordic countries.⁹ Mobilization against the Norwegian state assimilation policy has been different between the two groups. The Sami started fighting for their rights and political representation at the start of the 19th century, intensifying through the 1960s and 1970s.¹⁰ By contrast, the Kven and Norwegian Finns mobilized much later and formed their first interest organizations in the 1980s. Importantly, there have been different responses from different Sami communities. While the Alta uprising in the 1970s drew international attention when Sami reindeer herders protested against the Norwegian state destroying one of the largest rivers in Norway, the Sami fisher population / coastal Sami population carried out less verbal, though important, resistance.¹¹

Reparations

The frustrations expressed by Sami, Kven and Norwegian Finns gradually gained resonance within the Norwegian state. The state started to respond with a series of acts which within the transitional justice literature are commonly referred to as reparations.¹² Sami political rights were acknowledged through the establishment of the Sami Parliament in 1989. Although this is a consultative body, it has been an important arena for political issues and has helped to front Sami political, economic and cultural issues also at the national level.¹³ The Sami were officially

⁶ See, for example, Cathrine Baglo, ‘På Ville Veger? Levende Utstillinger av Samer i Europa og Amerika’ (PhD diss., University of Tromsø, 2011); Bjørg Evjen, Teemu Sakari Ryymin and Astri Andresen, eds., *Samenes Historie fra 1751 til 2010*, vol. II (Oslo: Cappelen Damm Akademisk, 2021); Hugo Lauritz Jenssen, *En Samisk Verdenshistorie – Hvordan et Arktisk Urfolk Erobrer Verden, Kolliderte med Rasismen og Blandet Blod med Kapitalismen* (Oslo: Cappelen Damm, 2019).

⁷ See Knut Einar Eriksen and Einar Niemi, *Den Finske Fare: Sikkerhetsproblemer og Minoritetspolitikk i Nord 1860–1940* (Universitetsforlaget, 1981); Minde, supra n 4.

⁸ Henry Minde, ‘Sami Land Rights in Norway: A Test Case for Indigenous Peoples,’ *International Journal on Minority and Group Rights* 8(2) (2001): 107–125.

⁹ See Ragnar Nilsen, ‘From Norwegianization to Coastal Sami Uprising,’ in *Indigenous Peoples: Resource Management and Global Rights*, ed. Svein Jentoft, Henry Minde and Ragnar Nilsen (Delft: Eburon Academic Publishers, 2013), 163.

¹⁰ Evjen, Ryymin and Andresen, supra n 6.

¹¹ Nilsen, supra n 9.

¹² Pablo de Greiff, ‘Repairing the Past: Compensation for Victims of Human Rights Violations,’ in *The Handbook of Reparations*, ed. Pablo De Greiff (Oxford: Oxford University Press, 2006), 1–20.

¹³ See Torvald Falch, Per Selle and Kristin Strømsnes, ‘The Sámi: 25 Years of Indigenous Authority in Norway,’ *Ethnopolitics* 15(1) (2016): 125–143; Eva Josefsen, ‘The Sami and the National Parliaments. Direct and Indirect Channels of Influence,’

granted status as indigenous people according to international law after Norway in 1990 ratified the ILO Indigenous and Tribal Peoples Convention of 1989. A public apology was offered to the Sami by King Harald on behalf of the state in 1997. This apology falls in line with a series of public apologies for past wrongs issued by heads of state across the world.¹⁴ In 2000, the Norwegian Parliament allocated a Sami Peoples' Fund (*Samefolkets fond*) to collectively compensate for the damage the Norwegianization policy had inflicted on the Sami people.¹⁵

The Kven have not been offered reparations in the same way. However, the Norwegian state in 1998 granted the Kven the status of a national minority, as one of five minority groups who all have been subject to racism and assimilation policies.¹⁶ The Kven language was given the status of its own language in 2005, and Norwegian-Finns were officially accepted in the same way as Kven in 2011.¹⁷ However, despite these multiple efforts at correcting past wrongs, there has been a widespread perception among Sami as well as among Kven that the reconciliation job is not yet done.¹⁸

Lingering Consequences of the Norwegianization Policy

'As an indigenous people, the Sami have been exposed to discrimination and prejudice as the consequences of colonization and forced assimilation.'¹⁹ The loss of language and culture is deeply mourned and the subject of daily debate, principally in the north of Norway. Studies show that suicide rates among Sami were on the rise in the 1970s to 1980s; that violence against women is more widespread in Sami communities than in the mainstream populations; and that the prevalence of psychological distress and its association with ethnic discrimination is higher among Sami and Kven than ethnic Norwegians.²⁰ A report released by the Norwegian Institute for Human Rights in July 2022 documents that Sami are still disproportionately subject to racism and hate speech.²¹ With respect to the indigenous right to their lands and to exercise one's own culture, the clashes between Sami traditional ways of reindeer herding and the state's access to natural resources (like mining and wind craft) have resulted in bitter struggles between the Sami and the Norwegian State.²² In a 2021 judgement regarding the establishment of a wind-mill park in a reindeer-herding area, the Norwegian Supreme Court for the first time in history sided with the Sami claimant on the indigenous right to land. Many will therefore rightly argue that although the formal policy of Norwegianization ended almost half a century ago, the many-faceted negative consequences of these policies are still deeply felt today. But why establish a truth commission?

in *Challenging Politics: Indigenous Peoples' Experiences with Political Parties and Elections*, ed. Kathrin Wessendorf (Copenhagen: International Work Group for Indigenous Affairs (IWGIA), 2001), 64–93.

¹⁴ Danielle Celermajer, *The Sins of the Nation and the Ritual of Apologies*, vol. 72 (New York: Cambridge University Press, 2009); Mark Gibney, Rhoda E. Howard-Hassmann, Jean-Marc Coicaud, Niklaus Steiner, *The Age of Apology: Facing up to the Past* (University of Pennsylvania Press, 2008).

¹⁵ Minde, supra n 4 at 6.

¹⁶ The other four groups are Jews, Roma, Romani/Gypsies and Forest Finns. Norway has ratified the Council of Europe's Framework Convention for the Protection of National Minorities (see Framework Convention for the Protection of National Minorities (coe.int)) and the European Charter for Regional or Minority Languages. The latter is the European convention for the protection and promotion of languages used by traditional minorities (coe.int) (accessed 15 September 2021). See also Norway's fifth report, including for the first time reporting on Kven matters: 16809f9f59 (coe.int) (accessed 2 January 2023).

¹⁷ See Kvensk/norskskinn historie | Varanger museum (accessed 15 September 2021).

¹⁸ For a list of demands regarding language and culture issued by the Norwegian Kven Association, see Kven language and culture (En) - Norske kveners forbund (accessed 15 September 2021).

¹⁹ Ketil Lenert Hansen and Tore Sørli, 'Ethnic Discrimination and Psychological Distress: A Study of Sami and Non-Sami Populations in Norway', *Transcultural Psychiatry* 49(1) (2012): 26–50.

²⁰ For studies on suicide rates, see A. Silvik, Tor Haldorsen and Siv Kvernmo, 'Suicide among Indigenous Sami in Arctic Norway, 1970–1998', *European Journal of Epidemiology* 21(9) (2006). For violence against Sami women, see Astrid Margrethe Anette Eriksen, 'Omfang Av Vold Og Seksuelle Overgrep Blant Samer Og Ikke-Samer', in *Vold I Nære Relasjoner I Et Mangfoldig Norge*, ed. H. Eggebo and A. M. A. Eriksen I A. Bredal (Oslo: Cappelen Damm Akademisk, 2020). For ethnic discrimination, see Hansen and Sørli, supra n 19.

²¹ Norges institusjon for menneskerettigheter (NIM), 'Holdninger Til Samer Og Nasjonale Minoriteter I Norge' (Oslo: NIM, 2022).

²² United Nations Declaration on the Rights of Indigenous Peoples, Articles 29 and 31.

of the broader societal goals traditionally associated with truth commissions in transitional settings, such as contributing to peace, building the rule of law, reinforcing trust in democratic institutions etc. Rather, non-transitional truth commissions typically have a much narrower societal goal: reconciliation.

Second, non-transitional commissions are tasked specifically with addressing *historical repression* rather than violations committed during a particular authoritarian, non-democratic regime, or a civil war. This has several implications: (i) The main violations have usually taken place in the distant past – many decades, sometimes even centuries, before the commission is established. (ii) From the perspective of settler colonialism, though, these grievances may be ongoing.²⁸ (iii) Regardless of the perspective of past or ongoing grievances, or both, the mandate period of non-transitional truth commissions typically covers a much broader time period than transitional and post-transitional truth commissions. Although these non-transitional commissions may qualify as what is typically called ‘late justice’ in the mainstream transitional justice literature, they are not part of what is called *post-transitional justice*, which requires a political transition.²⁹ Notably, post-transitional justice is not uncommon, whether narrowly defined as one electoral cycle or more after the transition, or more broadly defined as the pursuit of justice some time after the transition.³⁰ Two classic examples of post-transitional justice from Latin America include Brazil’s truth and reconciliation commission and the ongoing mega-trials for dictatorship crimes in Argentina.³¹

Third, these non-transitional commissions *focus exclusively* on the violations carried out against *indigenous populations or minority populations/groups*. This makes them different from truth commissions established after military authoritarianism or internal armed conflict, which may partially, directly or indirectly, examine violations committed against indigenous people as part of a wider internal armed conflict (like in Guatemala, El Salvador, Ecuador or Peru) or during a military dictatorship (like in Chile), both in mandate and purpose. Importantly, the types of violations suffered by indigenous people in these very different contexts tend to be of a different character.

Fourth, and closely related to the foregoing point, non-transitional commissions typically investigate wholly or in part different types of human rights violations, committed not by the military or the police or armed opposition groups, but by *bureaucrats or employees working in or on behalf of the state* in seasoned democratic countries. This implies that non-transitional commissions are not tasked with collecting evidence of human rights violations that can identify individual wrong-doers and thus seen as a first step to facilitate prosecutions (like in Argentina) or a supplement to criminal justice. Rather, they are more focused on repressive structures and policies carried out by the state over often extensive periods of time.

Finally, given the differences on the four dimensions elaborated above, we may expect the *recommendations* made by non-transitional commissions to be quite distinct both in purpose and content from recommendations made by commissions set up after (or during, as in Colombia)

are, I argue, sufficiently distinct from truth commissions investigating historical repression in well-established democracies so as not to include them in the category of non-transitional commissions that I use here.

²⁸ Rauna Kuokkanen, ‘Reconciliation as a Threat or Structural Change? The Truth and Reconciliation Process and Settler Colonial Policy Making in Finland,’ *Human Rights Review* 21 (2020): 293–312; Lorenzo Veracini, ‘Settler Colonialism,’ *The Palgrave Encyclopedia of Imperialism and Anti-Imperialism*, ed. I. and Z. Cope Ness, vol. 10 (Houndmills: Palgrave Macmillan, 2019).

²⁹ Cath Collins, ‘The End of Impunity? “Late Justice” and Post-Transitional Prosecutions in Latin America,’ in *Critical Perspectives in Transitional Justice*, ed. Nicola Palmer, Phil Clark and Danielle Granville (Cambridge, Antwerp and Portland: Intersentia, 2012).

³⁰ For different conceptualizations and definitions of post-transitional justice, see Elin Skaar, *Judicial Independence and Human Rights in Latin-America: Violations, Politics and Prosecution* (New York: Palgrave Macmillan, 2011) and Cath Collins, *Post-Transitional Justice: Human Rights Trials in Chile and El Salvador* (University Park: Pennsylvania State University Press, 2010).

³¹ See Marcelo Torelly, ‘Assessing a Late Truth Commission: Challenges and Achievements of the Brazilian National Truth Commission,’ *International Journal of Transitional Justice* 12(2) (2018): 194–215, and Francesca Lessa, *The Condor Trials: Transnational Repression and Human Rights in South America* (Yale University Press, 2022).

conflict. Since most non-transitional truth commissions have not yet completed their work, this remains to be empirically investigated.

While the vast bulk of scholarly literature on truth commissions focuses on the establishment, work and impact of truth commissions in transitional and post-transitional contexts, there is an embryonic but growing literature on truth commissions in non-transitional contexts, specifically on those established in western democracies with a narrow focus on violations of indigenous rights. Most of this recent scholarly attention has been lavished on non-transitional truth commissions that have finalized their work and published a final report: Australia, Canada and Greenland.³² Reflections have been published on commissions that are in the process of being established, such as those of Finland and Sweden, and the recently established commission in Norway, whose work is still ongoing at the moment of writing.³³ Many of these case studies are chiefly empirical in character and are framed within the literature on settler colonialism.³⁴ These studies have typically been linked to scholarly fields of indigenous rights and/or to the (vast) reconciliation literature. They offer descriptive accounts of the truth commissions rather than providing theoretical explanations for why truth commissions appear in these new non-transitional contexts.

So far, there is very little systematic comparative analysis of this new type of truth commission, though there are a couple of notable exceptions. Comparative work on truth commissions in the Nordic countries has just started and is still scarce.³⁵ There have been scholarly attempts at cross-comparative analysis of non-transitional truth commissions and the more traditional type of truth commission, such as comparing the Canadian TCR to the more well-known South African Truth and Reconciliation Commission; or the truth commissions efforts addressing violations against indigenous people in non-transitional versus post-armed conflict settings. A recent edited volume compares the truth commissions in South Africa, Canada and Norway.³⁶ The literature on these truth-finding newcomers is often linked to the topic of apologies, education or reconciliation.

In short, the idea and praxis of truth commissions have in recent years been extended to contexts we normally associate with stable democracies and high degrees of inclusion and rights

³² For case studies, see, for example, Damien Short, 'Reconciliation, Assimilation, and the Indigenous Peoples of Australia,' *International Political Science Review* 24(4) (2003): 491–513; Ravi de Costa, 'Discursive Institutions in Non-Transitional Societies: The Truth and Reconciliation Commission of Canada,' *International Political Science Review* 38(2) (2017): 185–199; Margery Fee, 'The Truth and Reconciliation Commission of Canada,' *Canadian Literature* 215 (2012): 6–10; Rosemary Nagy, 'The Truth and Reconciliation Commission of Canada: Genesis and Design,' *Canadian Journal of Law & Society/La Revue Canadienne Droit et Société* 29 (2014): 199–217; Ronald Niezen, *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools* (North York: University of Toronto Press, 2017); Kim Stanton, 'Canada's Truth and Reconciliation Commission: Settling the Past?' *International Indigenous Policy Journal* 2(3) (2011); Kirsten Thisted, 'The Greenlandic Reconciliation Commission: Ethnonationalism, Arctic Resources, and Post-Colonial Identity,' in *Arctic Environmental Modernities* (Springer, 2017): 231–246.

³³ Reflections on recently established commissions are made by Kuokkanen, supra n 28; Norlin Björn and David Sjögren, 'Educational History in the Age of Apology: The Church of Sweden's "White Book" on Historical Relations to the Sami, the Significance of Education and Scientific Complexities in Reconciling the Past,' *Educare-Vetenskapliga skrifter* (1) (2019): 69–95; and Sidsel Saugestad, 'Sannhetskommissjoner. Om Institusjonalisert Kunnskap, Kritisk Distanse Og Andre Antropologiske Utfordringer,' *Norsk Antropologisk Tidsskrift* 30(1) (2019): 7–19. See also Tore Johnsen, 'Negotiating the Meaning of "TRC" in the Norwegian Context,' ed. S. Guðmarsdóttir, P. Regan, D. Solomons, E. Baron, S. Henkeman, T. Johnsen, J. Klaasen, S. Lightfoot, D. Lindmark, D. MacDonald, *Trading Justice for Peace? Reframing Reconciliation in TRC Processes in South Africa, Canada and Nordic Countries* (Cape Town: AOSIS Publishing, 2021), 19–40.

³⁴ For case studies on truth commissions drawing on settler colonialism, see Kuokkanen, supra n 28; Saugestad, supra n 33; and Thisted, supra n 32.

³⁵ For emerging comparative work on indigenous truth commissions, see Julie Cassidy, 'The Stolen Generations-Canada and Australia: The Legacy of Assimilation,' *Deakin Law Review* 11(1) (2006): 131–177 and Agnieszka Szpak and Dawid Bunikowski, 'Saami Truth and Reconciliation Commissions,' *The International Journal of Human Rights* (2021).

³⁶ For studies comparing indigenous truth commissions and more traditional truth commissions, see Rosemary Nagy, 'Truth, Reconciliation and Settler Denial: Specifying the Canada–South Africa Analogy,' *Human Rights Review* 13(3) (2012); Jeff Cornstassel and Cindy Holder, 'Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala, and Peru,' *Human Rights Review* 9(4) (2008); and Sigríður Guðmarsdóttir, Paulette Regan, Demaine Solomons, Eugene Baron, Stanley Henkeman, Tore Johnsen, John Klaasen, Sheryl Lightfoot, Daniel Lindmark, David B MacDonald, eds., *Trading Justice for Peace? Reframing Reconciliation in TRC Processes in South Africa, Canada and Nordic Countries* (Cape Town: AOSIS Books, 2021).

protection. The core feature of these non-transitional truth commissions is that they focus *exclusively* on *indigenous populations or minority populations/groups*. How do we explain why and how they have come about?

TRUTH COMMISSION MODELS AND NORM DIFFUSION

Key explanations for the occurrence of truth commissions after political transition include the political power balance between the old and new regime; the relevance of domestic advocacy groups and international actors; and norm diffusion.³⁷ Empirical evidence supports the relevance of norm diffusion, domestic advocacy groups and international actors.³⁸ Convincing arguments have been made for the development of a truth commission norm, propelled by the South African TRC.³⁹ It is argued that truth commissions may be created with growing frequency ‘because of a normative consensus that they are beneficial and appropriate.’⁴⁰ Are these theories and findings relevant for non-transitional contexts? If so, what explains the uptake of such global truth commission norms?

The establishment of truth commissions in non-transitional contexts is of relative recent origin and consequently under-theorized. While much of the seminal research on recent truth commissions addressing historical wrongs committed against indigenous people typically frames its analysis in the literatures on settlement and colonialism, these studies focus mainly on the harms themselves, are largely descriptive and typically do not offer much in terms of theoretical or empirical explanations for when and how grievances connected to historical injustices/harm translate into action that leads to the establishment of truth commissions. A notable exception is Kuokkanen’s detailed study of the background for a TRC in Finland. Kuokkanen, a highly respected Sami scholar, carefully traces the actors and factors that lead to the TRC’s establishment. However, as her main undertaking is to use settler colonial theory to explain how reconciliation, although seemingly progressive, signifies a continuation of colonialism in Finland, she too fails to present an analytical or explanatory framework for understanding the TRC’s genesis.⁴¹ In a modest attempt to start amending this knowledge gap, I find it useful to draw on two literatures, namely the broader transitional justice literature and theories of norm diffusion, when proposing a theoretical framework for explaining late justice truth commissions in well-established democracies trying to come to grips with historical wrongs.

There are two main issues at stake: power struggles and norm diffusion. While the balance of power between incoming (more democratic) and outgoing regimes (responsible for human rights violations) is not an issue in contexts with no regime transition, other forms of political struggle over whether or not to establish truth commissions are still likely to take place. To systematize our thinking around transitional justice actors and their strategies, I here find it useful to draw on a theoretical framework developed by Skaar and Wiebelhaus-Brahm, which privileges

³⁷ There is a large literature on each of these explanations. On the balance of power, see, for example, David Pion-Berlin and Craig Arceneaux, ‘Tipping the Civil-Military Balance: Institutions and Human Rights Policy in Democratic Argentina and Chile,’ *Comparative Political Studies* 31(5) (1998); Elin Skaar, ‘Truth Commissions, Trials – or Nothing? Policy Options in Democratic Transitions,’ *Third World Quarterly* 20(6) (1999); José Zalaquett, ‘Balancing Ethical Imperatives and Political Constraints: The Dilemma of New Democracies Confronting Past Human Rights Violations,’ *Hastings Law Journal* 42(6) (1992). For international actors, see Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca and London: Cornell University Press, 1998). For norm diffusions, see Michal Ben-Josef Hirsch, ‘Agents of Truth and Justice: Truth Commissions and the Transitional Justice Epistemic Community,’ in *Rethinking Ethical Foreign Policy: Pitfalls, Possibilities and Paradoxes*, ed. David Chandler and Volker Heins (New York: Routledge, 2007); ‘Ideational Change and the Emergence of the International Norm of Truth and Reconciliation Commissions,’ *European Journal of International Relations* 20(3) (2014).

³⁸ Hun Joon Kim, ‘Why Do States Adopt Truth Commissions after Transition?’ *Social Science Quarterly* 100(5) (2019): 1485–1502.

³⁹ Hirsch, supra n 37.

⁴⁰ Wiebelhaus-Brahm, supra n 25 at 251.

⁴¹ See Kuokkanen, supra n 28.

agency as the focal point of analysis and where the main task is to conceptualize ways in which actors promote, or obstruct, transitional justice.⁴²

This multi-level framework focuses on how diverse actors employ their various capabilities (defined as the kind of power and resources that they command, for example economic or normative) and are affected by values as well as interests when advancing their transitional justice preferences. The four-step framework (1) identifies relevant actors; (2) examines their preferences, capabilities and norms; (3) identifies important aspects of the environmental constraints under which they operate; and (4) observes changes longitudinally. A central premise in this framework is that actors' preferences, capabilities and norms are in part shaped by – and also actively shape – the national and global environment in which they operate. Importantly, today's global legal and normative environment is highly supportive of transitional justice; a development referred to as 'the justice cascade.'⁴³ It has not always been that way. Global norms supporting transitional justice, we know, have changed over time. The timing of transitional justice processes is therefore crucial when explaining the interaction between actors' preferences and the absence/presence of transitional justice norms and debates, both at the national and international levels.

Empirical analysis should pay attention to two types of time: 'national time' and 'world time.' 'National time' refers to the changes that arise in the context of unfolding conflict dynamics, and efforts to promote peace and democratization processes (or, as in the context of this article: truth and reconciliation processes) within the country in question. 'World time' here denotes the historical period in which the given conflict either ended or was in the process of ending. Specifically, 'world time' which transitional justice is initiated in matters in several ways, including the role of the then-prevailing global political context (such as before, during and after the Cold War); particular institutional contexts (such as the existence of regional or international courts); and a prevailing global ideological and normative human rights climate (as reflected in legal frameworks and normative debates). In a nutshell, 'world time' represents the complex global environment in which transitional justice initiatives are framed, promoted or obstructed.⁴⁴ For the purposes of this article, 'world time' is particularly important for capturing changes in the global ideological and normative human rights climate, as well as for the development of new legal frameworks and institutions.

As documented in the previous section, truth commissions are an international practice that has gradually gained traction over decades. How do truth commission ideas and models travel, then? Dolowitz and Marsh emphasize diffusion as a process, as opposed to an outcome development of policies, administrative arrangements, institutions and ideas in another political system.⁴⁵ According to Fabrizio Gilardi, norm diffusion does not occur only at the international level, nor are national governments the only relevant units; and it is not only specific policies that diffuse.⁴⁶ Diffusion can take place also within countries, among a wide range of public and private actors, and it can lead to the spread of all kinds of things, from specific instruments, standards and *institutions*, both public and private, to broad policy models, *ideational frameworks* and institutional settings. Gilardi identifies four different ways in which diffusions may occur:

⁴² Elin Skaar and Eric Wiebelhaus-Brahm, 'The Drivers of Transitional Justice: An Analytical Framework for Assessing the Role of Actors,' *Nordic Journal of Human Rights* 31(2) (2013): 127–148. Although this framework was developed to explain the emergence of different kinds of transitional justice mechanisms in contexts of systematic grave human rights violations committed in non-democratic contexts, the essence of the argument can also be applied to or tested in non-transitional settings.

⁴³ Ellen Lutz and Kathryn Sikkink, 'The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials,' *Chicago Journal of International Law* 2(1) (2001): 1–33.

⁴⁴ Skaar and Wiebelhaus-Brahm, *supra* n 42.

⁴⁵ David P. Dolowitz and David Marsh, 'Learning from Abroad: The Role of Policy Transfer in Contemporary Policymaking,' *Governance* 13(1) (2000): 5–23.

⁴⁶ Fabrizio Gilardi, 'Transnational Diffusion: Norms, Ideas, and Policies,' in *Handbook of International Relations*, ed. Thomas Risse Walter Carlsnaes and Beth Simmons (Thousand Oaks: SAGE Publications, 2012), 2–3.

by coercion, competition, learning and emulation.⁴⁷ For the purposes of the argument made in this article, norm diffusion with respect to truth commissions has mainly taken place through the process of *learning*. Combining the actor-focused framework in the global context of concern with indigenous rights and the spread of truth commission norms, the next section tries to trace how the process of learning and uptake of global human rights norms has played out in the Norwegian case.

Methodology

For the empirical analysis, I use a combination of desk study, semi-structured qualitative interviews, government documents and media reports issued before and after the establishment of the TRC. I have conducted around 15 semi-structured in-depth interviews between April 2021 and April 2022 with Sami politicians, national politicians, bureaucrats, academics and people holding central positions in Sami and Kven interest organizations for this article. The informants were selected for their involvement as central actors in the TRC process, from the government side, the Sami political side, in the consultation process and political negotiations that resulted in the establishment of the TRC. To ensure different perspectives from interest groups on the process leading up to the establishment of the TRC, I interviewed members of NGOs representing the Sami, Kven and Norwegian Finns. For further information on the use of truth commission models, I interviewed the head of the Norwegian TRC and the head of the TRCs Secretariat. Informants include both women and men of different ages. All interviews were conducted in Norwegian. Due to Covid, all but three of the interviews were conducted on Zoom. Where the informant gave consent, interviews have been recorded and professionally transcribed. Also where the informant gave consent, their full name has been used; where the informant preferred to remain anonymous, this has been respected. Only the author has so far had access to the interview material. I have analysed the interviews by simply listening to sound files and reading transcribed text, not using any particular software. Interviews have been used and stored according to GDPR rules. The project adheres to the ethical guidelines developed by the Norwegian National Committee for Research Ethics in the Social Sciences and the Humanities (NSD).

Applying a theoretical framework emphasizing agency and norm diffusion, the next part zooms in on the background for the establishment of the Norwegian TRC, taking a closer look at how norms and ideas travel, as well as the uptake and articulation of norms.

MOBILIZING FOR A TRUTH COMMISSION IN NORWAY

To the best of my knowledge, state-sponsored truth commissions are never established on the initiative of the state alone. Rather, their establishment is usually a response to demands raised by concerned interest groups or citizens, and then a series of negotiations between the state and civil society usually follows. The Norwegian case is no exception. To understand why the demand for a truth commission in Norway was made and how this demand, after many twists and turns, ultimately resulted in the establishment of a truth commission, it may be useful to take a closer look at how, where and why Sami, and later Kven and Norwegian Finns, framed their demands for a truth commission. As argued by Skaar and Wiebelhaus-Brahm:

The power of victims and civil society groups depends on their numbers, but also on their ability to construct a historical narrative with an argument for an approach to TJ that is compelling.⁴⁸

The call for a truth commission in Norway and the process leading to its establishment in 2018 was relatively short and swift. However, the idea of a truth commission had been circulating in the Sami communities in Norway as well as in neighbouring Sweden and Finland for

⁴⁷ Ibid., 11.

⁴⁸ Skaar and Wiebelhaus-Brahm, *supra* n 42 at 140.

some years.⁴⁹ The next section uses process tracing to dig further into where the idea of a truth commission came from, how it was received and what steps were taken from when the first seed of a truth commission was planted until the commission was formally established by the Norwegian Parliament. Who were the actors and what were the factors shaping the process leading up to the parliamentary decision?

Articulating Demands for a Truth Commission in Norway: Some Details

Árja was the first political party in Norway to suggest that a commission be established to investigate the Norwegianization policy carried out by the Norwegian state. Árja, the third largest Sami party in Norway, made this proposal in the Norwegian Sami Parliament in 2014. The person launching the initiative was Láilá Susanne Vars, then head of Árja. In an interview with the author, she explains how she had become exposed to the idea of a truth commission through her international travels in connection with her training as a jurist and her international work for indigenous human rights through the UN system.⁵⁰ Vars' engagement built on a longstanding Sami from Norway's active role in promoting indigenous rights internationally. Ole Henrik Magga, a prominent Sami politician, co-founded the World Council of Indigenous Peoples in 1975 and was the first chair of the United Nations Permanent Forum on Indigenous Issues (UNPFII) from 2002 to 2004. Norway was the very first signatory of the Indigenous and Tribal Peoples Convention in 1989 (an International Labour Organization Convention, also known as ILO Convention 169 ILO). By 2014, indigenous rights were firmly on the global political agenda as well as on the national Sami political agenda in Norway.

By contrast, although truth commissions were definitely a global phenomenon, most Norwegians' knowledge of truth commissions was limited to the South African TRC – a happening far away in the global south, dealing with completely different kinds of struggles from those the Sami held close at heart. This was to change when the Canadian TRC was established in 2008 and mandated to investigate abuses committed against indigenous children in federal residential schools. In an interview with the author, Vars recalls that she first thought of the possibility of a commission to investigate historical wrongs committed by the Norwegian state against the Sami around 2012, after becoming familiar with the work of the Canadian TRC during a trip to Canada. The Canadian TRC was half-way through its work at this point, and Vars was enthused after personal conversations with commissioner Chief Wilton Littlechild. Directly inspired by these conversations, she brought the idea back to Norway and tabled her proposal for a truth commission in Norway in the Sami Parliament in 2014. Initially, Vars proposed a commission with a narrow mandate to investigate residential schools for indigenous children and their negative implications for Sami language and culture – very much along the lines of the Canadian TRC. However, the time was not yet ripe for this kind of idea in Norway, and Vars' proposal was initially met with silence rather than enthusiasm in the Sami Parliament. Vars did not interpret this silence as necessarily a negative reaction, though, but more as an expression of Sami parliamentarians not quite knowing what to think of it. After consulting with groups in the Sami Parliament, in particular the Council of Elders, Vars became convinced that an investigative commission was the way to go to deal with the long history of Norwegianization policies, and she kept pushing for such a commission. In 2014, there was political room for negotiations between a parliamentary minority government (headed by the main Sami party, the NSR) and the opposition party, Árja. Through horse-trading, Árja succeeded in securing an agreement on a new section in the Sámi parliament budget for 2015, where the parliament supported the proposal of

⁴⁹ Kuokkanen, *supra* n 28 at 294.

⁵⁰ Personal interview, Láilá Susanne Vars, former head of Árja, currently Rector at Samisk hogskole (Sami University of Applied Sciences), 21 March 2022 (on Zoom).

establishing a process or public commission of inquiry on historical wrongs committed against the Sami.⁵¹ This is how and when the truth commission ball started rolling in Norway.

However, to cite Vars, ‘the idea needed to mature.’ The initial idea of a truth commission floated by Vars in 2014 had been met with mixed reactions from the Sami Parliament. Some claimed that a truth commission was necessary to make progress in the ongoing reconciliation process, while others thought it better to bury the past and look to the future – a classic dilemma in many transitional justice debates. Another concern raised by certain members of the Norwegian Sami Parliament was the reluctance to engage in a truth commission process similar to that of South Africa – a well-known truth commission and a popular point of reference in discussions about truth commissions also in the global north. Some Sami felt that their struggle for rights and recognition in Norway had little in common with the black majority struggle for independence in South Africa and were reluctant to claim the same kind of suffering as blacks in South Africa had gone through during the apartheid era.⁵² Gradually, though, as Sami learned more about the Canadian TRC, the idea of a truth commission became more nuanced and gained traction. Learning about the assimilation of indigenous people in another far-away country struck a chord of recognition among many Sami: they were sharing the same kind of struggle and could possibly use the same kind of solution.

Following a long internal political debate, the Sámediggi Council in its Annual Report of 2016 stated its desire to establish a truth commission regarding the Norwegianization policy of the Sami in Norway, in consultation with the Norwegian authorities and relevant research and academic communities.⁵³ The aim would be to document and disseminate facts about, and the consequences of, the Norwegianization policy, and thus contribute to a greater understanding of Sami rights and Norwegian Sami policy. This would then form the basis for future solutions that remedy the consequences of Norwegianization policy and contribute to real equality between the Sami and Norwegian society.

A series of public hearings regarding a potential truth commission, spearheaded by the Sami Council, were subsequently held among the Sami communities in Troms and Finnmark, in the northernmost part of Norway. People were mobilized. Although most Sami were in favour of such a commission, prominent Sami voices in the public debate also went against such an idea. One of the persons sceptical about the establishment of a truth commission was a well-known Norwegian historian, Einar Niemi, who in 2017 wrote in an op-ed that ‘There may be good reasons to problematize the establishment of a truth commission, its composition, methodological challenges, and its legitimacy.’⁵⁴ Interestingly, Niemi was the following year appointed as one of the commissioners to the Norwegian TRC. More importantly, one of the gurus in Sami politics, Ole Henrik Magga, was openly sceptical about a truth commission and did not think any good could come of a truth-finding process. In 2017, Magga, who was the first President of the Sami Parliament (1989–97) and also the former leader of The United Nations Permanent Forum on Indigenous Issues (UNPFII), told the Norwegian press that he did not see the need for further examination of the Norwegianization policy against the Sami.⁵⁵ Given Magga’s strong position in the Sami community, many now seem willing to admit that Magga’s initial negative position

⁵¹ Ibid. The Sami Parliament’s budget for 2015 was approved in December 2014: https://sametinget.no/_f/p1/if6553bbf-d8ef-4086-a145-ff0056160b69/sametingets-budsjett-2015-vedtatt-5122014-norsk.pdf (for information on the proposed commission on inquiry, see page 35, point 4.5).

⁵² Personal interview, Runar Myrnes Balto, representative at the Sami Parliament (for the NSR) and member of the Sámediggi Council, who has the Norwegian TRC in his portfolio, 24 March 2022 (on Zoom).

⁵³ Brev fra Sametinget til KMD 16. mai 2015, Sametingsrådets årsberetning for 2016. [sametingets-arsmelding-2016-vedtak-norsk.pdf](https://sametinget.no/_f/p1/ifs1fa780-a9b3-4f69-9884-f045ecf69801/sametingets-arsmelding-2016-vedtak-norsk.pdf) (regjeringen.no) https://sametinget.no/_f/p1/ifs1fa780-a9b3-4f69-9884-f045ecf69801/sametingets-arsmelding-2016-vedtak-norsk.pdf (accessed 2 January 2022).

⁵⁴ Translated by author from Norwegian original text in Einar Niemi’s article in a local newspaper, ‘Sannhetskommisjon, politikk og kampen om fortida,’ *Nordlys*, 11 May 2017.

⁵⁵ See Ole Henrik Magga til *Nordlys*: – Ikke behov for sannhetskommisjon – NRK Sápmi – samiske nyheter, kultur og underholdning (accessed 2 January 2023). Note that Magga later changed his position on a truth commission and is now in favour.

may have slowed down the process of getting the Sami people on board with the idea of a truth commission.

Despite these initially critical prominent voices, the Sami Parliament almost unanimously adopted the decision to go for a truth commission and forwarded a proposal for a truth commission to the Norwegian government. The proposal was turned down – orally – by Jan Tore Sanner, then Minister of Local Government and Modernization in Erna Solberg's right-wing government.⁵⁶ The right-wing government was against the establishment of a commission to investigate historical wrongs against the Sami, as expressed in a secret internal government document already in June 2016.⁵⁷ There were unofficial rumours initially (later made public) that somebody had warned that if the Norwegian Parliament agreed to set down a truth commission to investigate historical wrongs against the Sami, they would have to expect similar claims for a commission from the Kven.⁵⁸ Appalled by the Norwegian government's negative response, which fitted into a long history of indifference towards Sami concerns, Sanner's response provoked two representatives from the Socialist Left Party (SV) into action. After much lobbying and consultations with people they trusted, Kirsti Bergstø and Torgeir Knag Fylkesnes, both leading left-wing parliamentarians from the Socialist Left Party and both from the north (from Finnmark and Troms respectively), finally brought an official request for a truth commission before the Norwegian Parliament in December 2016.⁵⁹ This proposal was for a truth commission to look into the Norwegianization policy not only against the Sami but also against the Kven and Norwegian Finns. A strong political alliance consisting of the Sami Parliament, representatives from the Norwegian political left and interest organizations including both indigenous Sami and minority groups had been formed.

The proposal was generally well received by the Norwegian Parliament's Control and Constitution Committee (*Kontroll- og konstitusjonskommitte*). This Committee, consisting of representatives from several political parties (but not the Socialist Left Party, which had initiated the truth commission process), invited a number of non-governmental organizations and interest groups to an open public parliamentary hearing on 15 May 2017.⁶⁰ Many strong and engaged statements made during this full-day event probably helped sway the opinion of those present at this meeting in favour of a truth commission.⁶¹ Fylkesnes and Bergstø, who had jointly forwarded the proposal, thought that the support from the leader of this committee, Martin Kolberg of the Labour Party (*Arbeiderpartiet*), and the way he organized this public hearing 'was absolutely key' in swaying the opinion of the Parliament's Control and Constitution Committee in favour of a truth commission.⁶² A month later, the Parliament's Control and Constitution Committee sent a formal proposal to the Norwegian Parliament requesting the establishment of a truth commission, along the lines suggested by Bergstø and Fylkesnes in their Supervisory Board proposal

⁵⁶ Personal interview, Torgeir Knag Fylkesnes, deputy leader of the Socialist Party, 1 April 2022 (on Zoom).

⁵⁷ <https://www.nrk.no/sapmi/hemmelig-notat-avslorer-hvordan-regjeringen-vil-unngaa-granskning-av-fornorskningen-1.13437879> (accessed 2 June 2021).

⁵⁸ For a detailed account of these events, see also Johnsen, *supra* n 33.

⁵⁹ Kirsti og Torgeir Knag Fylkesnes Bergstø, 'Representantforslag 30 S (2016–2017) Representantforslag Om En Sannhetskomisjon for Fornorskningpolitikk Og Urett Begått Mot Det Samiske Og Kvenske Folk I Norge,' Dokument 8:30 S (2016–2017). See <https://www.stortinget.no/globalassets/pdf/representantforslag/2016-2017/dok8-201617-030s.pdf> (accessed 5 January 2020).

⁶⁰ The event, which lasted a full day, was streamed and is publicly accessible at the Parliament's home page. For official programme and participants, see *Høringsprogram – stortinget.no*. For streamed event, see *Videarkiv – stortinget.no* (both accessed 5 January 2022).

⁶¹ Personal interviews with Hilja Huru, representative of the Norsk Kven Forening (NFK), and Inger-Eline Eriksen Fjellgren from the Norwegian Sami Parliament, former member of the Sámediggi Council (*Sametingsrådet*), on 4 March 2022 and 6 March 2022 respectively (both on Zoom). Both Huru and Fjellgren were present and gave statements on behalf of their respective organizations at the public hearing on 15 May 2017.

⁶² Personal interview with Torgeir Knag Fylkesnes, deputy leader of the Socialist Party, 1 April 2022 (on Zoom) and with Kirsti Bergstø, constituted leader of the Socialist Party, 3 May 2022 (in the Norwegian Parliament, Oslo).

(Kontroll- og konstitusjonskomiteen 2017). Subsequently, on 22 June 2017, the Norwegian Parliament passed a law opening up for the establishment of a truth commission.⁶³

A year later, in June 2018, a deeply split Norwegian Parliament adopted a bill with a majority of 53 against 47 votes that established a TRC. The two right-wing parties who were then part of the sitting conservative government (the right-wing party *Høyre* and the right-wing liberal party *Fremskrittspartiet*) voted against. Commissioners of the TRC were subsequently appointed and the TRC is now more than three-quarters through its work/mandate period. Its final report was originally due in June 2022, but due to Covid slowing down the TRC's work the mandate period has been extended until June 2023.

THE NORWEGIAN TRC: MODELS, MANDATE AND COMPOSITION

The state is usually in the driver's seat when setting the terms of a truth commission, such as defining the mandate and deciding the composition of the commission, without much external involvement. The process leading to the establishment of the Norwegian TCR was quite different. The first phase was very much a consultative process. Scholars as well as various people interviewed for this project who were actively involved in the establishment of the Norwegian TRC claim that already from the design stage it was modelled upon the Canadian and South African TRCs.⁶⁴ The Canadian TRC, in particular, has often been flagged in both Norwegian and international media as 'the source of inspiration' for the Norwegian TCR. Yet, as I will argue below, the Norwegian TRC ended up very different in terms of mandate and composition due to a series of negotiations and compromises. The influence of the Canadian TRC on the Norwegian TRC seems to have been strongest at the early idea stage. After that, the idea was moulded, developed and adjusted to the Norwegian context.

We know that the person who first launched the initiative of a TRC in Norway, Vara, was directly inspired by the Canadian TRC. Furthermore, the Canadian TRC featured centrally in the formal proposal for a TRC in Norway presented by Bergstø and Fylkesnes to the Norwegian Parliament in 2016, and also in the background documents to the Norwegian TRC's mandate.⁶⁵ The Head of the Norwegian TRC, Dagfinn Høybråten, in an interview with the author mentioned both the Canadian and South African TRCs as sources of inspiration. Yet, according to Høybråten and the Head of the Secretariat of the Norwegian TRC, Liss-Ellen Ramstad, with the benefit of hindsight these TRC models were arguably used more as sources of inspiration than as actual models, since the contexts in which they operated and the focus for their mandates were very, even radically, different from those of the Norwegian TRC.⁶⁶ Whereas the Canadian TRC was established in response to one of the largest economic compensation claims in Canadian legal history, the Norwegian TRC was the result of careful political negotiations. This includes not only its establishment but also its name and mandate. Everything seems to have been up for debate.

Deciding the Name of the Commission

There was widespread disagreement among the various Sami, Kven and Norwegian Finns interest organizations as to what the commission should be called. Several names were proposed, with and without the words 'Norwegianization,' 'reconciliation,' 'Sami' and 'Kven.' Inger Lise

⁶³ See 'Norwegian Parliament Passes Law to Create Sami, Kven Truth Commission,' *ArcticToday*, 22 June 2017 (accessed 5 January 2022).

⁶⁴ See, for example, Johnsen, *supra* n 33; Kuokkanen, *supra* n 28; Saugestad, *supra* n 33. The Greenland Reconciliation Commission too is occasionally mentioned, but rather in a by-the-way manner and never substantiated. I will therefore leave this commission out of the discussion here.

⁶⁵ Representantforslag 30 S (2016–2017).

⁶⁶ Interviews conducted by author with Norwegian TRC leader Dagfinn Høybråten, 30 April 2021, and head of the TRC secretariat, Liss-Ellen Ramstad, 29 April 2021. Both interviews were conducted on Zoom.

Fjellgren, representing the Sami Parliament in the public hearings prior to the Commission's establishment, noted that for her the name was not that important: whether it was called a commission of inquiry or a truth commission did not make much difference, as long as it focused on the Norwegianization policy committed against the Sami.⁶⁷ However, the commission was not only about the Sami; it was also about two other groups. The long and cumbersome name finally decided on by the Presidency in the Norwegian Parliament (*Presidentskapet*) after a series of negotiations with various interest organizations was: '*Kommisjonen for å granske fornorskingspolitikk og urett overfor samer, kvener og norskfinner*' (*Sannhets- og forsoningskommisjonen*) (The Commission to Investigate the Norwegianization Policy and Injustice against the Sámi and Kvens / Norwegian Finns). The full name has some important buzzwords that were to send signals to the interest groups regarding what was at stake: investigate, Norwegianization policy, injustice, Sami, Kven and Norwegian Finns. Note that a fourth minority group, the Forest Finns (a tiny group living in the southern part of Norway, close to the Swedish border) was included in the commission's name and mandate only *after* the TRC was formally established by the Norwegian Parliament, upon request from the Forest Finns themselves. Importantly, though, the commission quickly came to be known as the Norwegian Truth and Reconciliation Commission. This final name reflects the mandate that was finally agreed upon.

TRC Mandate

In the initial proposal made by Vars and the Sami political party Árja to the Sami Parliament, the suggestion was to establish a commission of inquiry to look into the Norwegianization policy against the Sami only. Vars was particularly concerned with the loss of language and culture. Since the loss of Sami language was closely linked to sending Sami children to residential schools from an early age, where they were forced to speak Norwegian and prohibited from speaking their mother tongue, Sami, she thought it a good idea to focus narrowly on the residential schools. This idea was clearly inspired by the Canadian TRC's focus on cultural 'Canadization' of indigenous children forced to live in residential schools. Vars' close dialogue with Chief Wilton Littlechild, one of the Canadian commissioners, and her own personal experience with the Romani commission, a commission in Norway which had investigated violations against a minority group, made her wary of the problems that a broad mandate could potentially create.⁶⁸

However, the initially narrow mandate proposed by Vars was gradually broadened and expanded through internal discussions, first in the Sami Parliament in the period 2014–16, and later in dialogue with the Norwegian Parliament and various interest organizations who were gradually involved in the process. When the Sami Parliament raised the issue with the Norwegian Parliament in 2016, it was framed as a truth commission to look into a wider set of issues than residential schools only. Subsequently, the Kven and Norwegian Finns were brought into the discussions. When Fylkesnes and Bergstø presented their Supervisory Board Proposal to the Norwegian Parliament's Control and Constitution Committee in 2016, the proposal included the Kven / Norwegian Finns. The TRC mandate was further subject to negotiations between the Control and Constitution Committee and the various Sami, Kven and Norwegian Finns interest organizations.

The final TRC mandate adopted by the Norwegian Parliament is threefold. First, to scrutinize Norwegian politics and injustices committed against Sami and Kven / Norwegian Finns in three areas: the rights to practise their own language, culture and traditional ways of life. The mandate stresses that the Commission will assess the role of the education system. Second, in

⁶⁷ The streaming of the hearing was made public. See n 60.

⁶⁸ Preceding the TRC, another commission looked into Norwegian assimilation policies against another officially recognized minority group, the Roma, resulting in an Official Norwegian Report, *Reconciliation Processes in Norway: Romanes* (NOU 2017:7). Personal interview with Vars. See n 50.

addition to conducting a historical mapping of past injustices, the commission will examine current effects of the assimilation policy on the groups mentioned in the commission's name as well as among the majority population. Third and finally, the TRC shall propose reconciliation measures.⁶⁹ In short, the aim of the TRC's investigation is to recognize past and ongoing assimilation experiences and consequences, and lay a foundation for a continuing reconciliation in Norway.

The Commissioners: Selection and Appointment Procedures

According to its mandate, the Norwegian TRC was to be composed of 12 members, including the head of the commission. The main idea behind this relatively high number of commissioners seems to have been to secure some form of geographical and ethnic representation, despite the head of the commission repeatedly claiming in public that it is *not* a representative commission but a commission of experts. The commissioners were appointed by The Presidency of the Norwegian Parliament (*Presidentskapet*). But prior to the formal appointment of the commissioners, the Control and Constitution Committee engaged in a long process of hearings with the Sami Parliament and the main Sami and Kven interest organizations. Parallel to the process of commenting on the TRC's mandate, each organization was further invited to suggest names of worthy candidates of potential commissioners. The organizations were also solicited on who should head the commission. But at this point in the proceedings, the Presidency of the Norwegian Parliament tasked with setting up the commission had boiled the list of potential candidates for the TRC's leadership down to two: Dagfinn Høybråten, a well-known former politician and former minister for the Christian Democratic Party, and a second, much less well-known politician with a dual Sami and Kven background.⁷⁰ Both the Kven organizations and the Sami Parliament voted for Høybråten, who was then appointed head of the commission. He had 11 high-profile figures sitting on the commission. Three-quarters of them were academics with prominent portfolios relevant to the investigations that the commission was to undertake.⁷¹ The Norwegian TRC, the result of repeated rounds of political negotiations and compromises with civil society actors and with a mandate and composition both far from its initial model source of inspiration, was finally ready to embark on its work, stipulated to take four years.

CONCLUSIONS

Ideas always come from somewhere. For global transitional justice models existing 'out there' to be taken up and implemented in a new context, concrete action is required. This article has explored how the truth commission model, developed in contexts of political transitions after authoritarian rule and internal armed conflict, has gained traction in non-transitional contexts. Specifically, I have examined the will to address historical wrongs committed against indigenous people and/or minority groups in a context of well-established electoral democracy.

Using Norway as a case study, I have shown how the idea of a truth commission can 'travel' and be adopted in new settings. For this to happen, somebody must be exposed to the idea, learn from it and want to implement it. Modifications and moulding of the original model happen on the way when the seed is planted in new soil. Although the initial idea for a truth commission in Norway can directly be attributed to Sami politician Vars' contact with the Canadian TRC and her subsequent lobbying in the Sami Parliament for a similar commission in Norway, the Norwegian TRC ended up being very different in terms of mandate and composition from its role

⁶⁹ Stortinget (The Norwegian Parliament), 'Innst. 408 S: Innstilling Til Stortinget Fra Stortingets Presidentskap' (Oslo: Stortinget, 2017–2018).

⁷⁰ Personal interview with informant who prefers to stay anonymous.

⁷¹ For an overview of the commissioners and their professional backgrounds, see the home page of the Norwegian TRC https://uit.no/kommisjonen/medlemmer_en (accessed 1 December 2021).

model due to a series of negotiations and political compromises between Sami and Norwegian political actors, and a wide range of interest groups and individuals.

Drawing on a transitional justice framework highlighting agency and literature on norm diffusion, this article has shown how the Norwegian TRC is arguably the fruit of local political struggles for Sami rights and recognition, where the Kven and Norwegian Finns joined forces with the Sami in their demands. These political struggles had been ongoing for some time nationally, in a global context where indigenous rights were firmly on the agenda. Only well into the 2010s, though, was the time 'ripe' for Norwegian Sami to embrace the idea of a truth commission; a well-established transitional justice tool extensively used in other countries and contexts but only sparingly used to address grievances of the kind that the Sami were concerned with. What was needed in Norway was a truth commission model that the Sami, and later other minority groups, could identify with and seek inspiration from.

To sum up, this Norwegian case study illustrates that historical and ongoing grievances alone do not necessarily lead to bottom-up demands for a truth commission, nor do demands for a truth commission necessarily lead to its establishment. The idea of a truth commission was first met with reluctance and a fair amount of scepticism, but it gradually gained traction, first within the Sami Parliament and later in the Norwegian Parliament due to the persistence of a handful of engaged politicians and civil society actors. It was the demand for recognition of indigenous rights, the existence of global norms and (appropriate) truth commission models, the drive of individual actors, as well as getting stakeholders (individual and interest groups) on board that ultimately led to the successful establishment of a TRC in Norway, against the will of the sitting government. Although initially directly inspired by the Canadian TRC, the Norwegian TRC found its own way (including its name, mandate and composition) and ended up being very much tailored to the Nordic context. Due to its timing and close connection with other Nordic countries, the Norwegian TRC – a 'late' non-transitional commission in a global context but an early bird among the Nordic countries – may arguably become a role model for the truth commissions that have recently been established in Sweden and Finland to investigate the assimilation of the Sami.⁷²

⁷² Elin Skaar, 'The Nordic Truth and Reconciliation Commissions: A New TRC Model for Resolving Historic and Ongoing Violations of Indigenous Rights' (paper presented at *ReconTrans conference 'Reconciliation Without the Majority?'* Oslo, June 2022) (to be published in an edited volume, 2023).