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# Conceptualizing the Legitimacy of Non-Transitional Truth Commissions: Norway and Canada Compared

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## ABSTRACT

Recent years have seen a new trend in the transitional justice field, as Western democracies establish truth commissions (TCs) to address harms against Indigenous and national-minority populations. The first, most prominent, and now archetypal of these “non-transitional” TCs emerged in Canada. The most recent have been in the Nordic countries, with Norway leading the way. We suggest that to be effective, these TCs face a distinctive challenge: securing legitimacy not only among victim groups but also among the still-dominant national majorities under investigation for the wrongs in question. How can this be done? To find out, we first construct a model for conceptualising TC legitimacy. Per this model, TCs need legitimacy at three stages: their foundational, operational, and conclusory stages. New, “non-transitional” TCs must also secure legitimacy with two groups: victims and the majority. We test this model against the Canadian and Norwegian cases, using existing research, media analysis, and primary data to study four ways these TCs sought legitimacy: through their genesis, the design and interpretation of their mandates, the choice and behaviour of their commissioners, and the publicity of their fact-finding processes. Our comparative analysis shows that Norway’s TC fell short and reveals where.

## ARTICLE HISTORY

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## KEY WORDS

Truth commissions;  
legitimacy; Indigenous  
rights; historic repression;  
Canada; Norway

## 1. Introduction<sup>1</sup>

*Credible commissions are persuasive ...  
to change beliefs and attitudes as a process of societal transformation ...*

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*it must capture the attention of ordinary people, and be perceived as a credible source of both information about the past and guidance about political activity in the future.*<sup>2</sup>

The forced assimilation of Indigenous and other minority-nation peoples into a majority culture may seem like a thing of the past, but this is not the case. In the United States, numerous boarding schools for Native American children were operated well into the 20<sup>th</sup> century, aiming to “kill the Indian to save the man.”<sup>3</sup> In Australia, Aboriginal and Torres Strait Islander children were forcefully removed from their parents into the 1970s. In Greenland, the Danish government sent Inuit children to Denmark to become ‘little Danes’ until the 1960s. In Canada, ‘Indian residential schools’ persisted into the 1990s. And in Norway, though the official policy of Sami and other minority-nation assimilation was abolished by the mid-1950s, the last residential school for Sami children closed only in 1996.

These are but a few examples of relatively recent efforts by Western democracies to wipe out Indigenous and minority languages and cultures through forced assimilation. Today such policies are sometimes characterized as ‘cultural genocide’,<sup>4</sup> but for decades they enjoyed democratic support by national majorities, who justified assimilation as necessary for security, social cohesion, and even to help lift the targeted minorities out of poverty, ill-health, and ‘backwardness’. The means of assimilation were often brutal, involving psychological and physical abuse. Victims were left subject to shame, depression, mental illness, addiction, suicide, and lateral violence. Beyond those individual impacts has been the collective trauma of lost languages, cultures, practices, and identities. These effects have reverberated through generations, enduring today.

In many of these countries, demands have been made in recent years for the parties responsible for such policies of assimilation to interrogate their actions, apologize, and make amends. Several states—first and most prominently Canada, followed by Greenland, Norway, Australia, Sweden, and Finland—acted on these demands, by establishing truth commissions.<sup>5</sup>

Before this development, truth commissions operated almost exclusively in the Global South, set up in the wake of regime transitions to examine wrongs perpetrated usually by actors no longer in power. The establishment of truth commissions in Western democracies is thus novel.<sup>6</sup> These new, ‘non-transitional’ truth commissions face a distinctive challenge: they must address wrongs committed by, or at least under the watch of, the

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<sup>2</sup>James L Gibson, ‘On Legitimacy Theory and the Effectiveness of Truth Commissions’ (2009) 72 *Law & Contemporary Problems* 25.

<sup>3</sup>Lisa K Neuman, ‘Selling Indian Education: Fundraising and American Indian Identities at Bacone College, 1880-1941’ (2007) 31 *American Indian Culture and Research Journal* 51, 51.

<sup>4</sup>Cultural genocide is the systematic destruction of traditions, values, language, and other elements that make one group of people distinct from another. See G Treglia ‘Cultural genocide’ in J Mackenzie (ed.), *Encyclopedia of Empire* (Wiley 2016).

<sup>5</sup>Freeman defines a truth commission as ‘an ad hoc, autonomous, and victim-centred commission of inquiry set up in and authorised by a state for the primary purposes of (1) investigating and reporting on the principal causes and consequences of broad and relatively recent patterns of severe violence or repression that occurred in the state during determinate periods of abusive rule or conflict, and (2) making recommendations for their redress and future prevention’. Mark Freeman, *Truth Commissions and Procedural Fairness* (Cambridge University Press 2006), 18. For a slightly different and also widely used definition, see Priscilla B Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (Routledge 2011).

<sup>6</sup>See Elin Skaar, ‘When Truth Commission Models Travel: Explaining the Norwegian Case’ (2023) 17 *International Journal of Transitional Justice* 123. <https://academic.oup.com/ijtj/article/17/1/123/7023533?login=true> (accessed 20th June 2024).

enduring democratic majority. To be effective, such truth commissions must thus be seen as legitimate not only by those who were victimized but also by those arguably responsible for the victimization. Because they take place while the perpetrators are still in power, non-transitional truth commissions potentially pose a legitimacy issue.<sup>7</sup> In what might seem like a zero-sum contest, can legitimacy in the eyes of both groups be achieved, and if so, how?

Given the recency of this new kind of truth commission and the corresponding research questions it poses, as argued by Gawerc, ‘Comparative studies would [...] be beneficial for identifying and theorizing the similarities and differences across commissions related to origins, approaches, challenges, problematics, and outcomes’.<sup>8</sup> This paper undertakes an analysis of the Norwegian Truth and Reconciliation Commission (hereafter the Norwegian TRC), studying it through the lens of the Canadian non-transitional truth commission archetype. While the Canadian Truth and Reconciliation Commission (hereafter the Canadian TRC) published its final report in 2015, the Norwegian TRC wrapped up its work in summer 2023.<sup>9</sup> For analytical purposes, it is useful to divide the work of truth commissions into three stages: (i) the founding stage (or the establishment of the truth commission); (ii) the operations stage (covering the period when the truth commission is functioning), and (iii) the concluding stage (the release of the truth commission’s final report and implementation of its recommendations). Drawing on a combination of existing research, media analysis, survey data, and interviews, we focus on the two first stages and various means through which these two TRCs accrued, or could have accrued, legitimacy: through their founding (which includes their backgrounds and their mandates) and through their operations (which includes the selection of commissioners, how they interpret the mandate, and the publicity of the commissions’ fact-finding processes). Assessed on these dimensions, the Norwegian TRC falls short of the Canadian TRC. Note that because the Norwegian TRC only recently published its final report, we have left out analysis of the public reception of the two TRCs’ reports and the implementation of their recommendations.

The paper has five parts. Following this introduction, we provide an overview of the literature concerning political legitimacy generally and truth commission legitimacy specifically—a novel entry-point for studying truth commissions—and then, based on that literature, propose a model for studying truth commission legitimacy. In the third part we justify our focus on the Canadian and Norwegian TRC cases, provide a brief background of those cases, and outline the data and methods we used to study them. In the fourth part we comparatively analyse the creation, mandates, commissioners, and publicity strategies of the two commissions before offering some concluding remarks in the fifth and final section.

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<sup>7</sup>Drawing on Matt James, ‘A Carnival of Truth? Knowledge, Ignorance and the Canadian Truth and Reconciliation Commission’ (2012) 6 *International Journal of Transitional Justice* 182, cited in Michelle I Gawerc, ‘Truth Commissions in the Established Democracies of the Global North: Theoretical and Practical Perspectives’ (2024) 18 *Sociology Compass* 1, 7-8.

<sup>8</sup>Gawerc (n7).

<sup>9</sup>The original timeframe for the Norwegian TRC was 2018-2022. However, due to the Covid pandemic, the commission was granted a one-year extension. The TRC’s final report was handed over to the Norwegian Parliament on 1<sup>st</sup> June 2023. For the full report in Norwegian, see the ‘Sannhets- og forsoningskommisjonen sluttrapport’ < <https://www.stortinget.no/globalassets/pdf/sannhets--og-forsoningskommisjonen/rapport-til-stortinget-fra-sannhets--og-forsoningskommisjonen.pdf> > accessed 15th June 2023.

## 2. Theory and Literature Review: Truth Commissions and Legitimacy

### 2.1. Legitimacy

Legitimacy is a political quality that is considered at once essential and highly abstract. Because of this dualism, scholars have given legitimacy considerable attention, grappling especially with how to conceptualize it, how it is acquired, and why exactly it matters. Here, we focus on European and US-American scholarship.

Conceptually, some scholars have focused on legitimacy as a normative quality: for example, as a morally justifiable ‘right to rule’.<sup>10</sup> Others have conceptualized it more descriptively. Lipset famously called legitimacy the ‘capacity of a political system to engender and maintain the belief that political institutions are the most appropriate and proper ones for the society’.<sup>11</sup> Echoing Lipset, other prominent descriptions tend to link legitimacy with belief: ‘If people hold the opinion that existing institutions are ‘appropriate’ or ‘morally proper,’ then those institutions are legitimate’.<sup>12</sup>

How is legitimacy acquired? Hobbes, Locke, and other liberal contractarians have seen political legitimacy as deriving from an essential ‘input’, namely popular consent, and/or from an essential process, that is, the securing and maintaining of that consent.<sup>13</sup> Conversely, utilitarians like Bentham have maintained that political legitimacy hinges on ‘outputs’, such as the production of general welfare or public satisfaction.<sup>14</sup> Weber discussed three other possible sources of legitimacy. First, he suggested, it can derive from the respect political subjects hold for longstanding political traditions.<sup>15</sup> Second, it may in certain cases accrue to leaders who win their subjects’ faith, as through charisma. Finally, it may exist if subjects trust that a political system is in line with the rule of law.

Wherever legitimacy comes from, it clearly matters. As Rousseau observed, power-seekers depend on it: ‘The strongest is never strong enough to be the master forever unless he transforms strength into right and obedience into duty’.<sup>16</sup> Even more importantly, legitimacy matters not simply for clinging to power but effectuating political results. Indeed, according to Gilley, among all the variables in politics, legitimacy ‘may be the most important factor determining outcomes.’<sup>17</sup> If a political undertaking is not considered legitimate, it is highly likely to fail.

### 2.2. Truth commissions and legitimacy

Because they seek to effectuate particular political results, truth commissions require legitimacy. Yet while significant scholarship exists on the societal relevance and impact of truth commissions,<sup>18</sup> few studies have examined them in connection with the

<sup>10</sup>Joseph Raz, *The Morality of Freedom* (Oxford University Press 1986).

<sup>11</sup>Seymour Martin Lipset, *Political Man* (Doubleday and Company 1960), 64.

<sup>12</sup>Mattei Dogan, ‘Testing concepts of legitimacy and trust,’ in H E Chehabi and Alfred Stepan (eds.) *Politics, Society and Democracy* (Westview 1995), 57.

<sup>13</sup>Thomas Hobbes, *Leviathan*, Edwin Curley (ed) (Hackett, 1668 [1994]).

<sup>14</sup>Jeremy Bentham, ‘Anarchical Fallacies,’ in Jeremy Waldron (ed.) *Nonsense Upon Stilts* (Taylor and Francis, 1843 [1987]).

<sup>15</sup>Max Weber, ‘Politics as a Vocation,’ in H H Gerth and C Wright Mills (eds.) *From Max Weber: Essays in Sociology* (Routledge 1918 [1991]).

<sup>16</sup>Jean-Jacques Rousseau, *On the Social Contract. Reprint 1988* (Hackett, 1762 [1988]), 17.

<sup>17</sup>Bruce Gilley, *The Right to Rule: How States Win and Lose Legitimacy* (Columbia University Press 2009), xii.

<sup>18</sup>See, for example, Onur Bakiner, ‘Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society,’ (2014) 8 *International Journal of Transitional Justice* 6; Colleen Duggan, ‘“Show Me Your Impact”: Evaluating Transitional Justice in Contested Spaces,’ (2010) 35 *Journal of Planning and Program Evaluation* 199; Anita Ferrara, *Assessing the Long-Term Impact of Truth Commissions: The Chilean Truth and Reconciliation Commission in Historical*

subject of legitimacy. The little work that exists in this area has moreover focused almost exclusively on the legitimacy of ‘normal’ transitional truth commissions, typically established after (liberal) political transitions or as part of peacebuilding processes following civil war or internal armed conflict. Since the world’s first recognized truth commission handed over its report to the newly democratic government of Argentina in 1984 following a brutal era of human-rights violations, more than 45 and by some counts over 100 such truth commissions have been established across the globe.<sup>19</sup>

Discussing the legitimacy of such ‘normal’, transitional truth commissions, Bakiner argues that they ‘sometimes legitimate the incoming regime by employing a liberal democratic discourse of nonviolence and tolerance’.<sup>20</sup> Nichols argues that ‘authority demonstrated by a strong mandate, a clean break with the past signalled by a new regime, and transparency via public hearings and published reports are the key characteristics associated with improvements in respect for human rights and decreases in violence’.<sup>21</sup> Although Nichols’ main concern is with impact, ‘authority’ can here possibly be understood as a synonym for ‘legitimacy’.

Bakiner and Nichols’s findings are based on the realities of post-conflict scenarios, which are no longer the only sort of scenario in which truth commissions arise. Recent years have seen the emergence of truth commissions in a new context: in Western institutionalized democracies with a history of repressive policies against their own Indigenous and other minority populations. To date, a handful of such commissions have been established—in Canada (2008), Greenland (2014), Norway (2018), Australia (2020),<sup>22</sup> Sweden (2020 and 2022), and Finland (2022).<sup>23</sup> Rather than grapple with gross and systematic violations of physical-integrity rights committed during a limited time period (commonly during a military dictatorship or internal armed conflict), these non-transitional TCs focus on historical policies of cultural repression and assimilation—often involving racism and segregation—carried out by the

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*Perspective*, Transitional Justice Series (Routledge 2014); Jeremy Sarkin, *The Global Impact and Legacy of Truth Commissions*, vol. 24 (Intersentia Cambridge 2019); Hugo van der Merwe, Victoria Baxter, and Audrey Chapman (eds.), *Assessing the Impact of Transitional Justice. Challenges for Empirical Research* (United States Institute of Peace Press 2009). For the importance of the recommendations made by truth commissions in their final reports and the TRCs’ subsequent potential long-term impact, see Elin Skaar, Jemima García-Godos, and Cath Collins (eds.), *Transitional Justice in Latin America: The Uneven Road from Impunity Towards Accountability* (Routledge 2016); Elin Skaar, ‘Transitional Justice for Human Rights: The Legacy and Future of Truth and Reconciliation Commissions,’ in Gerd Oberleitner (ed.) *International Human Rights Institutions, Tribunals, and Courts* (Springer Singapore, 2018); Elin Skaar, Eric Wiebelhaus-Brahm, and Jemima García-Godos, *Exploring Truth Commission Recommendations in a Comparative Perspective: Beyond Words Vol. 1* (Intersentia/ Cambridge University Press 2022); Elin Skaar, Eric Wiebelhaus-Brahm, and Jemima García-Godos (eds.), *Latin American Experiences with Truth Commission Recommendations: Beyond Words Vol. 2* (Intersentia/Cambridge University Press 2022).

<sup>19</sup>Onur Bakiner, ‘Truth Commission Impact on Policy, Courts, and Society,’ (2021) 17 *Annual Review of Law and Social Science* 74. Numbers vary depending on which definition is used.

<sup>20</sup>Onur Bakiner, *Truth Commissions: Memory, Power, and Legitimacy* (University of Pennsylvania Press 2016), 57.

<sup>21</sup>Angela D Nichols, *Impact, Legitimacy, and Limitations of Truth Commissions* (Springer 2019), 25.

<sup>22</sup>On 11<sup>th</sup> July 2020 the Australian state government of Victoria announced it would work with Indigenous communities to establish Australia’s first truth and justice process to formally recognize historical wrongs and address ongoing injustices against First Nations peoples. For more details, see Caitlin Reiger, ‘Australia’s First Truth Commission: Transitional Justice to Face Colonial Legacies,’ *Justice Info*, 30<sup>th</sup> July 2020. Note that in the 1990s the government of Australia had established official commissions of inquiry to look into issues such as Aboriginal deaths in state custody and assimilation policies that forcibly removed Aboriginal children (now known as the ‘stolen generation’) from their families. These processes, according to Reiger, largely failed to generate concrete justice outcomes.

<sup>23</sup>There are also a number of truth commissions in the USA, but not at the federal level. For a good overview of commissions established at the community or state level, see for example Gawerc (n7).

democratic state (typically settler states), often over an extended period, sometimes centuries.<sup>24</sup>

We hypothesize that legitimacy is especially challenging to acquire for this new generation of non-transitional truth commissions, as it must be achieved not only among victim groups but also among the ostensibly culpable, enduring, democratic majority. Among the very few scholars to capture this unique, non-transitional legitimacy challenge is Gibson: '[T]he effectiveness of truth commissions is dependent upon two crucial factors: (1) whether the commission is able to attract the attention of its constituents and (2) whether the commission is perceived as legitimate among members of the mass public'.<sup>25</sup> Gibson developed this argument in the context of South Africa's transition from apartheid to democratic, multi-ethnic rule, and it is arguably even more applicable in the case of non-transitional truth commissions such as those of Canada and Norway, where Gibson's 'constituents' are the victim groups and the 'mass public' is the democratic majority.

### **2.3. Conceptualizing legitimacy for non-transitional truth commissions**

As noted, truth commissions seek to effectuate particular political results; to do this they require legitimacy. Yet based on the various and sometimes conflicting conceptualizations of legitimacy discussed above, *we hypothesize that non-transitional truth commissions face distinct challenges in securing legitimacy*. Here, we lay out a model for conceptualizing non-transitional truth commission legitimacy, addressing the challenge of securing three stages of legitimacy (foundational, operational, and conclusory legitimacy) with two different and potentially opposed groups (victims and the majority).

#### **2.3.1. Foundational, operational, and conclusory stages of legitimacy**

Per liberal-contractarian understandings of legitimacy, truth commissions must be founded for reasons and through processes that are perceived to be legitimate, in effect imbuing them with the 'right to rule'. Once founded, they must maintain procedural legitimacy, operating in a manner that sustains the belief that they remain 'appropriate' and 'morally proper'. Per utilitarian thought, the legitimacy of truth commissions also hinges on the results they produce once their investigations are over and their findings are released. Of course, these three stages of legitimacy should not be thought of as mutually exclusive or to exist in isolation from each other. For example, a truth commission suffering from tenuous foundational legitimacy (perhaps because it was instantiated without majority buy-in) may consequently struggle to maintain operational legitimacy (for example, due to lack of funding, media attention, and so forth). Conversely, a reconciliation movement that champions unrealistic objectives, and is thus seen as having little conclusory legitimacy, may thus struggle foundationally, failing even to be formally instantiated.

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<sup>24</sup>For a fuller discussion of the differences between transitional and post-transitional truth commissions on the one hand and truth commissions established in non-transitional contexts on the other, see Skaar (n6).

<sup>25</sup>James L Gibson, 'On Legitimacy Theory and the Effectiveness of Truth Commissions', (2009) 72 *Law and Contemporary Problems* 123, 125.

**Figure 1.** Assessing the legitimacy of non-transitional truth commissions.

	As perceived by the <b>victim group</b>	As perceived by the <b>majority group</b>
<b>foundational legitimacy</b> (the basis for launching the TC in the first place)	Yes/no	Yes/no
<b>operational legitimacy</b> (what the TC does, & how it does it, once it is launched)	Yes/no	Yes/no
<b>conclusory legitimacy</b> (what results the TC findings & recommendations produce)	Yes/no	Yes/no

Source: Authors

**2.3.2. Victim-group and majority-group legitimacy**

In addition to the aforementioned three stages of legitimacy challenges faced by all truth commissions, non-transitional truth commissions face distinct legitimacy challenges. Per Gibson’s observations, such truth commissions exist to address the demands not of the democratic people writ large, nor even of popular majorities, but rather those of small and/or disempowered minorities. Even more of a challenge, those minority concerns relate to harms likely caused by the majority, or that at least occurred under the majority’s watch, and for which the majority could be held to account. For such truth commissions to succeed, it would seem the ‘accused’ majority must be convinced, in effect, to put itself on trial and serve whatever sentence is handed down.

Thus, in our conceptualization of non-transitional truth commission legitimacy challenges, such commissions need ideally to accrue legitimacy at three different phases with two different groups. A scheme for assessing such legitimacy is visually depicted in Figure 1.

**2.4. Investigating truth commission legitimacy**

In this article we will (loosely) employ the model above to investigate the legitimacy of the Norwegian versus Canadian TRCs. Operationalizing this model is of course not straightforward. First, as noted previously, because the Norwegian TRC has only recently completed its work, we do not seek to measure or assess either of the TRCs with regards to the third phase of legitimacy, conclusory legitimacy. To examine their foundational legitimacy, we explore why and how the two respective TRCs were instantiated and what mandates they were given. To study their operational legitimacy, we examine them along two dimensions: (1) the selection and behaviour of commissioners, and (2) the publicity of the commissions’ fact-finding processes.



### 2.4.1. Foundational legitimacy: the genesis and mandate of the truth commission

Before undertaking an analysis of legitimacy, we need to determine who wanted the truth commission in the first place, why they wanted it, and how their wishes were fulfilled. Was there a wide public claim or push among civil society for a truth commission, or was the idea advanced by just a few people? Was the truth commission politically controversial or not? We hypothesise that truth commissions that enjoy widespread public and/or political support from their inception are more likely to be perceived as legitimate.

Once the decision of creating a truth commission had been made, how was the mandate formulated? Once established, was there agreement on and public support for the mandate?<sup>26</sup> Public support may affect legitimacy in at least three ways. First, we propose that where the mandate is settled through a participatory/consultative process, truth commissions enjoy more legitimacy than where mandates are defined without the involvement of interest-groups (what Gibson calls ‘the constituents’). There is a caveat, though: extensive consultative processes may also have a splitting effect if the actors involved have very divergent views/opinions. Second, and relatedly, we suggest that legitimacy depends on whether affected groups (constituents) agree with the mandate. Third, we propose that legitimacy increases where commissioners interpret their mandate in line with public expectations, especially those of affected groups (i.e., constituents). While these three factors are closely interconnected, the latter point—i.e., how the commissioners interpret the mandate they are given—is part of the truth commission’s operations and will be discussed further below.

### 2.4.2. Operational legitimacy: the truth commission process

#### (1) *The selection and behaviour of truth commission commissioners*

We know that the identity of those appointed to truth commissions matters,<sup>27</sup> as does the appointment process itself.<sup>28</sup> As suggested by Weber in 1918, leadership is particularly important. This has been given too little attention by scholars working on truth commissions.<sup>29</sup>

Just as we expect public involvement in the formulation of truth commission mandates to matter for legitimacy, we have the same expectation of public participation in appointment procedures of commissioners. Were appointment procedures closed or open? If open, who were allowed to participate? Who were excluded? Which voices were listened to? *We hypothesise that although open appointment processes involving*

<sup>26</sup>This presupposes knowledge of both the commission itself and more detailed engagement with the mandate.

<sup>27</sup>Dietlinde Wouters, ‘Who Are the Members of Truth Commissions?’ in Briony Jones and Ulrike Lühe (eds.) *Knowledge for Peace* (Edward Elgar Publishing 2021). Note that there is also a scholarly literature on commissioners more generally, i.e. not in the context of truth commissions. See, for example, Andy Smith, ‘Why European commissioners matter’ (2003) 41 *JCMS: Journal of Common Market Studies* 137 and A Wonka, ‘Technocratic and independent? The appointment of European Commissioners and its policy implications,’ (2007) 14 *Journal of European Public Policy* 169.

<sup>28</sup>Kimberly Lanegran, ‘The Kenyan Truth, Justice and Reconciliation Commission: The Importance of Commissioners and Their Appointment Process,’ (2015) 1 *Transitional Justice Review* 41.

<sup>29</sup>Kimberly Lanegran, ‘The Importance of Truth Commission Leadership: The Cautionary Tale of Kenya’s Truth Justice and Reconciliation Commission,’ in Andrew H Campbell (ed) *Global Leadership Initiatives for Conflict Resolution and Peacebuilding* (IGI Global 2018).

*the public are likely to boost legitimacy, they are also likely to create disappointment among those groups whose voices are not heard.*

Once the commissioners are appointed and the truth commission becomes operational, the commissioners need to get the job done. Who they are, how they interpret the commission's mandate, and how they move in the public sphere are going to impact how they are perceived—and in turn how the commission's operations are perceived. Drawing on Gibson's discussion of legitimacy and on other scholars, we ask: Are the selected commissioners well-respected? Are they seen as charismatic, wise, and relatable? Are they perceived—especially by interest groups—to be good choices? In particular, are the groups/communities that the commissions direct themselves to happy with the choice of commissioners? Are the commissioners controversial? Are they perceived to be just and even-handed in their interpretation of the mandate? Where there is more than one victim group, does the commission treat all groups even-handedly? And with respect to the leadership: Is the head of the commission a well-known and respected person? Are they seen to exercise good leadership? The more we can provide affirmative answers to these questions, the higher the legitimacy of the truth commission.

## *(2) The publicity of truth commission fact-finding processes*

One of Gibson's core points is that truth commission must be perceived as legitimate by the mass public. As noted, this poses particular challenges for non-transitional truth commissions. We propose to investigate this empirically by answering two questions: First, does the public know about the existence of the truth commission? (We assume this to be a precondition for assessing its legitimacy.) And second, do people have faith in the truth commission process? We will answer these questions mainly using survey data, supplemented with interview data. Important insights are also to be gained from analysing how the truth commission actually works. Can public visibility and transparency be a proxy for legitimacy? Does the truth commission have an effective communication strategy/policy? Which groups does the truth commission give attention to? Which groups are under-prioritized? Is the majority/the public involved in public meetings?

### **2.4.3. Conclusory legitimacy**

Once the truth commission concludes its work, it submits its final report containing a set of recommendations to be followed up by the government, usually with the aim of fostering reconciliation. How the government handles the report, interprets, and implements these recommendations in the follow-up phase has big consequences for the short- and long-term impact of the truth commission, as well as on the truth commission's legacy.<sup>30</sup> In terms of securing legitimacy for this process, the public reception and dissemination of the report's findings are crucial. Are people generally happy with the findings, i.e., do they trust the 'truth' that the commissioners document in the final report? When analysing truth commission processes, the question of whether the report is perceived as conveying the 'truth' in a fair and effective manner is pertinent.

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<sup>30</sup>For a thorough discussion of this third stage of truth commissions, see Skaar, Wiebelhaus-Brahm and García-Godos (n18).

Since analysing the reception of the truth commission's report and the follow-up on recommendations is a complicated process that may take decades and falls outside the scope of this study, suffice it to say that we expect the legitimacy secured/earned by the truth commission through its establishment and operations is likely to affect the reception of its final report. In other words, we expect short-term legitimacy to be important for long-term legitimacy.

### 3. Case Selection, Case Background, Methodology

A large gap needs filling within the literature on new non-transitional truth commissions. Again, as Gawerc has noted, studying such commissions comparatively may help fill it. In this study, we examine the Canadian TRC and Norwegian TRC comparatively, using the former as a 'lens' through which to explore if, and by what means, the latter accrued legitimacy.

#### 3.1. Case selection

We choose to juxtapose this pair of cases for five reasons. First, the Canadian TRC was by far the earliest of the new generation of non-transitional truth commissions, while the Norwegian TRC is the most recent to wrap up. For now, these two cases thus bookend the era of non-transitional truth commissions. Second, the Canadian case is by far the most academically and publicly prominent of the non-transitional truth commissions, having been the subject of many hundreds of article- and book-based studies<sup>31</sup> and thousands of media reports. The Norwegian TRC, on the other hand, has seen comparatively little study beyond our own, although several publications are underway.<sup>32</sup> The existing data on the Canadian case can thus serve as a baseline against which to compare what we have learned from the Norwegian case. Third, the Canadian case has been arguably the most politically impactful of the new-generation truth commissions,<sup>33</sup> which may be evidence that it enjoyed at least some success in achieving legitimacy. Fourth,

<sup>31</sup>On the Canadian TRC, see for example Julie Cassidy, 'The Stolen Generations-Canada and Australia: The Legacy of Assimilation,' (2006) 11 *Deakin Law Review* 131; Margery Fee, 'The Truth and Reconciliation Commission of Canada,' (2012) 215 *Canadian Literature* 6; David B MacDonald, 'Canada's Truth and Reconciliation Commission: Assessing Context, Process, and Critiques,' (2021) 29 *Griffith Law Review* 150; Rosemary Nagy, 'The Truth and Reconciliation Commission of Canada: Genesis and Design,' (2014) 29 *Canadian Journal of Law & Society* 199; Ronald Niezen, *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools* (University of Toronto Press 2017); Paulette Regan, *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada* (UBC Press 2010); Kim Stanton, 'Canada's Truth and Reconciliation Commission: Settling the Past?,' (2011) 2 *International Indigenous Policy Journal* 1.

<sup>32</sup>On the Norwegian TRC, see for example Else Grete Broderstad and Eva Josefsen, 'The Norwegian TRC: Truth, Reconciliation, and Public Engagement,' (2023) *International Journal on Minority and Group Rights* <[https://brill.com/view/journals/ijgr/31/2/article-p205\\_002.xml](https://brill.com/view/journals/ijgr/31/2/article-p205_002.xml)> accessed 7<sup>th</sup> May 2024; Tore Johnsen, 'Negotiating the Meaning of "TRC" in the Norwegian Context,' in S Guðmarsdóttir et al. (eds.) *Trading Justice for Peace? Reframing Reconciliation in TRC Processes in South Africa, Canada and Nordic Countries* (AOSIS Publishing 2021); Sidsel Saugestad, 'Sannhetskommisjonen. Om Institusjonalisert Kunnskap, Kritisk Distanse og Andre Antropologiske Utfordringer,' (2019) 30 *Norsk Antropologisk Tidsskrift* 7; Anne Margrethe Sønneland and Carola Lingaas, 'Righting Injustices Towards the Sámi: A Critical Perspective on the Norwegian Truth and Reconciliation Commission,' (2023) *International Journal on Minority and Group Rights* <[https://brill.com/view/journals/ijgr/30/4/article-p588\\_003.xml?language=en](https://brill.com/view/journals/ijgr/30/4/article-p588_003.xml?language=en)> accessed 7<sup>th</sup> May 2024.

<sup>33</sup>Political impactfulness is of course challenging to quantify. In Canada, the most commonly used measure of the TRC's impactfulness is the degree of fulfilment of the TRC's 94 "Calls to Action." According to media watchdogs, as of April 2024, 13 of those calls were fulfilled, 32 were in the process of fulfilment, 31 were the subject of plans for fulfilment, and 18 had not yet been addressed. See CBC News Beyond 94 <<https://www.cbc.ca/newsinteractives/beyond-94?&cta=94>> accessed 7 May 2024.

officials in Norway repeatedly and explicitly identified the Canadian TRC as an inspiration and model for the Norwegian TRC. Fifth, the Canadian TRC also inspired the subsequent Swedish and Finnish truth commissions, as well as unprecedented US investigations into ‘Indian boarding schools’ there. For all of these reasons, the Canadian TRC stands out as the paradigmatic non-transitional truth commission, against which any other non-transitional truth commission to date can be productively assessed.

### **3.2. Case background and founding of the Canadian and Norwegian TRCs**

#### **3.2.1. The Canadian TRC**

Canada’s ‘Indian Residential School’ system was launched soon after the country’s founding in 1867. Over the decades the system encompassed roughly 140 boarding schools, all funded by the Canadian government but typically operated by religious organizations, especially the Catholic and Anglican churches. Approximately 150,000 Indigenous students attended these schools. There, separated from their families and communities for months or even years at a time, they were pressured to abandon their traditional languages, cultures, and values in favour of those of white Canadian society. Most students experienced shame, strict discipline, and emotional neglect. Many suffered from cold, hunger, and dangerous housing conditions. A shockingly large proportion were sexually abused. The consequences of these wrongs have not just been personal but also communal and intergenerational, with shockwaves of residential-school-related trauma, addiction, and violence reverberating throughout Canada to this day.

By the time the last residential school closed in 1997, thousands of former students had begun to file legal claims, charging the Canadian government and the churches with abuse. These claims were consolidated into a class-action suit and eventually resolved through a negotiated settlement, the largest in Canadian history.<sup>34</sup> Under the 2006 Indian Residential Schools Settlement Agreement, Canada was required to pay nearly C\$2 billion to the 80,000 residential-school students still alive, to pay billions more to those who could prove physical and sexual abuse, and to fund an Aboriginal Healing Foundation and various commemorative projects. Canada was also required to establish the Truth and Reconciliation Commission, the first of its kind in a Western developed democracy.

The TRC was initially given a C\$60 million budget and a five-year mandate. Its task was to document the history and lasting impacts of the Canadian Indian Residential School system on Indigenous students and their families, and to facilitate reconciliation among former students, their families, their communities, and all Canadians.<sup>35</sup> It began its work in 2008, and in 2015 issued its conclusions in the multivolume *Final Report of the Truth and Reconciliation Commission of Canada*.<sup>36</sup>

#### **3.2.2. The Norwegian TRC**

In Norway, official efforts to assimilate the state’s Sami Indigenous people, as well as the Kven, Norwegian Finn, and Forest Finn minorities, began in the 1850s and continued

<sup>34</sup>For details, see the Indian Residential Schools Settlement Agreement <<https://www.rcaanc-cirnac.gc.ca/eng/1100100015576/1571581687074>> accessed 29<sup>th</sup> November 2023.

<sup>35</sup>For details of the Canadian TRC’s mandate, see the CPY Document <[https://www.residentialschoolsettlement.ca/SCHEDULE\\_N.pdf](https://www.residentialschoolsettlement.ca/SCHEDULE_N.pdf)> accessed 20<sup>th</sup> January 2023.

<sup>36</sup>The text of the final report is available through the National Centre for Truth and Reconciliation <<https://nctr.ca/records/reports/>> accessed 29<sup>th</sup> November 2023.

until at least the Second World War. During this period of *fornorsking*, or Norwegianization, minority cultural manifestations, such as traditional clothing and musical styles, were discouraged. In much of Norway, settlers were permitted and even encouraged to expand into Sami lands. Sami were denied landownership unless they displayed fluency in, and active use of, Norwegian.<sup>37</sup> Sami and other minority children were educated solely in Norwegian, sometimes in assimilative and abusive residential schools.<sup>38</sup> In general, ethnic Norwegians looked down on ethnic-minority members and were sometimes openly discriminatory. Unsurprisingly, the number of people admitting or even perceiving themselves to belong to minority groups plunged.<sup>39</sup> Likewise, use of minority languages dramatically declined.<sup>40</sup>

The last residential school for Sami children remained open until 1996.<sup>41</sup> Sami rights only reached the national policy agenda in 1980, following the Alta Uprising, when Sami protested state plans to dam the Alta River, flood reindeer pasturelands, and inundate an iconic Sami village. A series of reconciliatory and reparatory measures commenced thereafter. The Sami Parliament was opened in 1989, and in 1997 the king of Norway apologized to the Sami on behalf of Norwegian authorities. In part due to state support, Sami language, music, and arts have experienced a cultural revival. To a much lesser and more recent extent, the same may be said of Kven and Norwegian Finn culture.

Unlike in Canada, the establishment of Norway's TRC was, to many, sudden and surprising. The Norwegian Parliament announced its creation in 2018. Our previous research shows that, although the TRC was established in direct response to an initiative from the Norwegian Sami Parliament demanding recognition of historical cultural and economic repression, its successful creation was a result of political negotiations involving a series of actors, including Sami activists, mainstream politicians, and various interest organizations.<sup>42</sup> While initially discussed as a parliamentary commission of inquiry, it soon came to be known as the Truth and Reconciliation Commission—perhaps partly because its full name in Norwegian was cumbersome: *Kommisjonen for å granske fornorskingspolitikken og urett overfor samer, kvener og norskfinner* (the Commission to Investigate the Norwegianization Policy and Injustice against the Sámi and Kvens/Norwegian Finns).

While the Canadian TRC concentrated on the Indigenous residential-school experience, the mandate of the Norwegian TRC was much broader. It was assigned to study the treatment of an Indigenous people, the Sami, but also the experiences of the Kven and Norwegian Finn minorities. A third national minority, the Forest Finns, was added to the mandate a year into its operations. Notably, the TRC was also tasked with looking not only at residential schools but at other assimilative practices and institutions. The commission's stated purpose was to recognize the experiences of the subject peoples while Norway's assimilation policy was in place, to understand the consequences since then, and to propose paths for reconciliation.

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<sup>37</sup>Anne Julie Semb, 'From "Norwegian Citizens" Via "Citizens Plus" to "Dual Political Membership"? Status, Aspirations, and Challenges Ahead,' (2012) 35 *Ethnic and Racial Studies* 1654.

<sup>38</sup>Henry Minde, 'Assimilation of the Sami-implementation and consequences,' (2005) 3 *Journal of Indigenous Peoples Rights* 1.

<sup>39</sup>Torvald Falch and Per Selle, 'Samisk myndighet og territorialitet' (2016) 32 *Norsk statsvitenskapelig tidsskrift* 4.

<sup>40</sup>Einar Eypósson, *Sjøsamene Og Kampen Om Fjordressursene* (CálliidLágádus 2008).

<sup>41</sup>Ingjerd Tjelle, *Internatliv - Den Unike Historien Om Skoleinternatene I Finnmark* (CálliidLágádus 2022).

<sup>42</sup>For details on the process leading up to the establishment of the Norwegian TRC and the various actors involved, see Skaar (n6).

### 3.3. Methodology

To assess the degree of foundational and operational legitimacy achieved by the Canadian and Norwegian TRCs respectively, we focus on three dimensions: 1) the foundation and mandate of the TRCs; 2) the composition of each commission and the commissioners' operationalization of the TRC mandates and subsequent actions; and 3) the TRCs' respective processes of fact finding and public communication.

We used a series of different sources of data to shed light on each of these dimensions. A review of existing scholarly literature on the two truth commissions has been supplemented with media reports, findings from national surveys, and interviews with key actors in the two TRC processes.

The TRUCOM research project, of which this article forms a part, followed the Norwegian TRC closely during three of its five years of operation (2020–23), providing a unique opportunity for real-time observation/process tracing. For the empirical analysis of this TRC, we studied existing scholarly literature, government documents, and media reports issued before and after the establishment of the TRC, alongside primary data collected specifically for this project: national survey data, semi-structured qualitative interviews, and personal participation in open public meetings convened by the TRC as part of its outreach activities. During the COVID pandemic, some of the more important public meetings were streamed and made publicly available.<sup>43</sup>

Four national surveys were carried out as part of the Norwegian Citizen Panel by DIGSSCORE at the University of Bergen, Norway, in close collaboration with one of the authors of this article.<sup>44</sup> A representative selection of 2000 Norwegians participated in each survey, which tried to gauge knowledge and expectations regarding the Norwegian TRC across the Norwegian population (with its ethnic, geographic, gender, and age diversity) and across time. That data was supplemented by 15 semi-structured in-depth interviews conducted by one of the authors of this text between April 2021 and April 2022 with Sami politicians, national politicians, bureaucrats, academics, and people holding central positions in Sami and Kven interest organizations.<sup>45</sup> The interviews allowed us to dig deeper into certain important questions connected to legitimacy, adding depth and nuance to our analysis.

As discussed, to sharpen our analysis of the Norwegian TRC, we explored it through the lens of the Canadian TRC. Empirical information on the Canadian TRC was drawn primarily from published sources. These included academic assessments, media articles, and other reports composed during all three stages of the TRC's work: in its early, foundational period, during its fully operational phase, and after its final report was issued. This research was supplemented by our analysis of public-opinion data produced by two Canadian polling organizations, Environics Research Group and Angus Reid Institute, and by analysis of internal TRC documents (some final, others preliminary)

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<sup>43</sup>Note that the TRC took the webpage down when the Commission handed over its report to the Norwegian Parliament on 1<sup>st</sup> June 2023.

<sup>44</sup>The surveys took place in May 2021, May 2022, October 2022, and May 2023. For details on the Norwegian Citizen Panel, see DIGSSCORE, University of Bergen <<https://www.uib.no/en/digsscore>> accessed 28<sup>th</sup> May 2023. A fifth national survey was carried out in October 2023, but the data was, as of March 2024, not yet available and hence does not form part of our analysis.

<sup>45</sup>For more details on interviews, see Skaar (n6).

supplied to us by the Residential Schools Archive of Canada's National Centre for Truth and Reconciliation.

## 4. Comparative Analysis

Based on the literature review above and on the embryonic scholarly work on truth commissions and legitimacy, we singled out four factors that jointly may contribute to a TRC's legitimacy: (i) why and how it was founded; (ii) how its mandate is formulated; (iii) who the commissioners are, how they are appointed, how they interpret the TRC mandate, and how they perform their roles; and (iv) the degree of openness and publicity of the TRC's fact-finding process. Each of these four factors will now be explored for the Canadian and Norwegian truth commissions respectively.

### 4.1 Foundational legitimacy: comparing the genesis and mandates of the Canadian and Norwegian TRCs

#### 4.1.1 The genesis and mandate of Canada's TRC

As noted, Canada's TRC was the product of a legal settlement between residential-school survivors and those in charge of the schools. In settling the lawsuit, those in charge acknowledged and admitted responsibility for the harm residential schools caused. The purpose of the subsequent TRC was thus not to prove harm or assign responsibility. Rather, it was to chronicle, commemorate, and 'give voice to' the residential-school experience, and to propose paths forward. That purpose was captured in the TRC's seven-part mandate, laid out in the settlement agreement. The commission was directed to: acknowledge the experiences and consequences associated with residential schools; provide a setting for survivors and their families and communities to come forward to the commission; host community- and national-level TRC events; educate Canadians at large about the schools; compile and preserve a history of the system; commemorate former students and their families; and produce a final report detailing and making recommendations to address the system, its impacts, and its consequences. Based on this mandate, Canada's TRC has been called a 'hybrid' model, emphasizing both empirical documentation conducted by experts as well as grassroots, survivor- and community-driven 'witnessing' and support.<sup>46</sup> Although the mandate itself was a direct outcome of a lawsuit, the claim for truth and compensation for ill-treatment and abuse at residential schools across Canada came from those who raised the lawsuit on the behalf of thousands of residential-school survivors.

#### 4.1.2. The genesis and mandate of Norway's TRC

The Norwegian TRC originated from a Sami initiative that gradually transformed into a broader political process. This was not without contestation. From the very start, the Sami communities were divided over whether they wanted a truth commission or not.<sup>47</sup> The political elite also lacked a consensus on the question. It was a deeply split

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<sup>46</sup>Nagy (n31).

<sup>47</sup>Prominent Sami politicians, like Ole Henrik Magga, did not find such a commission necessary. He initially argued that the Norwegianization policy had already been documented; that the King of Norway had offered a public apology; and

Norwegian Parliament that in June 2018 finally adopted a bill, with a slim majority of 53 against 47 votes, that established the TRC.<sup>48</sup> While this parliamentary decision had been preceded by public hearings among affected Sami, Kven, and Norwegian Finnish communities, and by intense political lobbying, these processes were little known among the general public. The involvement of the majority population in the truth commission was thus negligible from the start.

While the Canadian TRC focused quite narrowly on the federal residential schools for Indigenous people, the Norwegian TRC mandate was much broader. Following extensive consultations first with affected Sami and later with Kven/Norwegian Finnish communities and interest organizations (but not representatives of the majority population), the final TRC mandate adopted by the Norwegian Parliament was three-fold. First, it was to scrutinize Norwegian politics and injustices committed against Sami and Kven/Norwegian Finns in three areas: the rights to practice their own language, culture, and traditional ways of life. Second, it was to investigate the impact of the Norwegianization policy on the groups mentioned as well as among the majority population up to the present. Third, it was to propose reconciliation measures.<sup>49</sup>

While the Canadian TRC was established as part of a lawsuit, the Norwegian TRC was part of a political compromise, that is, a democratic process. The commission was established with a small majority vote in the Parliament, where two of the main political parties (both right-wing) were opposed to the TRC's establishment.<sup>50</sup> The national political elite was split on the issue from the very beginning. The Parliament tried to create legitimacy for the TRC mandate by inviting victims' groups (the TRC's constituents, to use Gibson's phrase) into the discussion through public hearings. The participatory process preceding the formulation of the mandate arguably lent legitimacy to the commission in the eyes of victim groups, anchoring it in affected communities—but not in the majority population. The resulting mandate has been criticized by various groups for being too broad thematically, encompassing too many groups (both Indigenous Sami and national minorities), and for covering too long a time period (from the mid-1850s to the present). This created huge expectations that were hard for the commission to deliver on.

#### **4.2. Operational legitimacy: comparing the TRC commissioners in Canada and Norway**

According to Hayner, 'Perhaps more than any other single factor, the person or persons selected to manage a truth commission will determine its ultimate success or failure'.<sup>51</sup> Indeed, in the eyes of the public, commission leaders are often so central to their

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that the Sami should look to the future, not the past. Summary comments from article in the Norwegian newspaper "Nordlys", 23 May 2017.

<sup>48</sup>Skaar (n6). See also Saugestad (n32) and Johnsen (n32).

<sup>49</sup>Stortinget (The Norwegian Parliament), 'Innst. 408 S: Innstilling Til Stortinget Fra Stortingets Presidentskap,' Stortinget, 2017–2018). For a detailed analysis of the discussions that went into the formulation of the mandate and the positions taken by different interest groups, see Amalie Drage Habbestad, 'From Ideas to Final Mandate: An Analysis of the Process of Formulating the Norwegian TRC Mandate and the Idea Systems at Play,' M.A. thesis, the Arctic University of Norway, 2023.

<sup>50</sup>Skaar (n6).

<sup>51</sup>Hayner (n5), 15.



commissions that their names become synonymous with the endeavour.<sup>52</sup> The roles of commission leaders can be seen as decisive: the achievements of the world's best-known truth commission, the South African Truth and Reconciliation Commission, are frequently linked to its leader, Bishop Desmond Tutu. Conversely, challenges experienced by other TCs have been attributed to 'weak management by commissioners'.<sup>53</sup> For this reason commissioners must be selected carefully, with an eye toward a range of qualities they may bring to the commission. Appointees who are already respected public figures, and who embody a commitment to dispassionate fact-finding, may facilitate broad societal buy-in and dissuade dissenters from writing off the truth commission as a 'kangaroo court'.<sup>54</sup> Commissioners clearly empathetic toward the victim group, or with a cultural connection to them, may help victims shed their shame and mistrust and speak out to the commission and to the public at large, thus validating the truth commission in the eyes of subaltern communities. Commissioners who are charismatic and relatable may of course help foster the commission's visibility. In a deeply divided society, a large commission, with representatives from all sides of a conflict, may help ensure broad support. On the other hand, small commissions, consisting of just one or handful of capable figures, may prove more flexible, accountable, and relatable, giving the truth commission a public persona instead of shrouding it in a bureaucratic guise.

#### 4.2.1 Canada's TRC commissioners and leadership

In Canada, the residential-schools legal settlement required that the TRC be comprised of three commissioners, one as chair. At least one commissioner was to be Indigenous. All were to be 'persons of recognized integrity, stature and respect'. Candidates were to be nominated by the settlement parties, with Canada's most influential Indigenous organization, the Assembly of First Nations, participating in the final selection. Despite this clear framework, the process was initially fraught. The first three appointees resigned within a year, citing internal conflicts. Also, early on, the Inuit community criticized the TRC for its lack of Inuit representation.

Operations became smoother after 2009, when three new commissioners were named, all of whom would see the TRC through to the end. All three bore deep and evident personal connections to the residential-school issue and all three were relative outsiders, having achieved prominence beyond, or by blazing new paths into, Canada's political, bureaucratic, and academic mainstream. They were Marie Wilson, a non-Indigenous journalist married to a prominent leader and residential-school survivor from Canada's Northwest Territories; Wilton Littlechild, a residential-school survivor, lawyer, and Cree chief from Alberta; and, as chief commissioner, Murray Sinclair, a trail-blazing Anishinaabe court justice from Manitoba whose father had attended a residential school.

Sinclair quickly became the face of the TRC. Given the commission's initial troubles, he was credited with rescuing the process, and was broadly lauded for the role he

<sup>52</sup>Jula Hughes, 'Instructive Past: Lessons from the Royal Commission on Aboriginal Peoples for the Canadian Truth and Reconciliation Commission on Indian Residential Schools,' (2012) 27 *Canadian Journal of Law and Society* 101.

<sup>53</sup>Mark Freeman and Priscilla B Hayner. 'Truth telling' in David Bloomfield, Teresa Barnes, and Luc Huyse (eds.) *Reconciliation after Violent Conflict: A Handbook* (International Institute for Democracy and Electoral Assistance 2003).

<sup>54</sup>Eric Brahm, 'Uncovering the Truth: Examining Truth Commission Success and Impact,' (2007) 8 *International Studies Perspectives* 16.

played throughout the commission's lifetime. Having served since 1988 as the first Indigenous judge in Manitoba, and having previously led public inquiries in that province, Sinclair was already a pathbreaking public figure when he joined the TRC. He brought a solemn, wise, and emotive approach to his work, emphasizing listening, interpersonal understanding, and forgiveness while '[r]ejecting the more drily forensic approach of the ideal-typical perpetrator-centred commission'.<sup>55</sup> Citing inspiration from Canada's transformative Berger Inquiry of the 1970s, which had familiarized Canadians with the potential impacts of industrial development on Indigenous peoples in the Far North, Sinclair vowed 'to bring the hearings into the living rooms of the people'.<sup>56</sup> His role as chair was sometimes personally wrenching: during the TRC's work, he discovered that his own late father had been sexually abused at residential school, unmasking a deep family secret. After completing the TRC, Sinclair was bestowed with multiple awards and honorary positions, and was appointed to Canada's Senate. The *New York Times* deemed him 'a bridge between Indigenous people and the rest of Canada'.<sup>57</sup>

#### 4.2.2. Norway's TRC commissioners and leadership

Norway opted for a much larger truth commission: twelve commissioners, including the head of the commission. Three-quarters were academics with prominent portfolios relevant to the investigations that the commission was to undertake.<sup>58</sup> Importantly, all major Sami and Kven interest organizations were consulted in a thorough process prior to the TRC's establishment. Each organization was invited to propose names of potential commissioners. Background documents reveal that many, though not all, of the names suggested were eventually selected. Despite this, the commission was criticized for not including any South Sami commissioners or Norwegian Finns. Due to the Forest Finns being added to the mandate after the TRC had started its operations, there were no commissioners with a Forest Finn background either.

Quite unlike in the case of Canada's TRC, Norway's Parliament chose a retired politician from a centrist-religious party, the Christian Democrats, as head of the commission. Dagfinn Høybråten was a highly respected former party leader and has held a range of high political and leadership positions, like former general secretary of the Nordic Council of Ministers and general secretary of Norwegian Church Aid. Though we have no evidence to confirm this, it might have been viewed as important for the legitimacy of the TRC to appoint somebody seen to be impartial to the conflicts under investigation and not associated with any of the victim groups. Perhaps Høybråten was considered a neutral arbitrator. According to Høybråten himself, he was largely unaware of, and certainly not engaged in, the bottom-up initiatives and public hearings with Sami and Kven interest organizations prior to the establishment of the TRC. He has stated that when he accepted the leadership, his intention was to make a difference in the Norwegian political landscape by placing Indigenous and minority rights on the political

<sup>55</sup>James (n7), 11.

<sup>56</sup>Ian Austen, 'He Almost Quit the Law. Instead, He Reset Canada's Indigenous Dialogue,' *New York Times*, 5 February 2021.

<sup>57</sup>Austen (n56).

<sup>58</sup>An overview of the commissioners and their professional backgrounds was provided on the home page of the Norwegian TRC, accessed 2<sup>nd</sup> January 2023. Note that the home page of the TRC was taken down when the commission finalised its work and handed over its report to the Parliament on 1<sup>st</sup> June 2023.

agenda and to influence relevant long-term policies, including education, health, and natural-resource management.<sup>59</sup>

Also diverging from Canada's TRC was the composition of Norway's commission. It comprised twelve appointees, many of them Sami or Kven, and most of them university scholars with high profiles in their respective research areas but holding comparatively low public profiles in Norwegian mainstream society. The commission's size may have been a disadvantage, rendering it an unrelatable mass. So too may have been its professional make-up, with its relative absence of familiar, respected, charismatic public figures and its preponderance of academic 'insiders' steeped in the tradition of 'academic distance'. Although several of the commissioners come from the north of the country where assimilation policies were toughest, and although several identify as either Sami or Kven, their personal attachments to the wrongs being investigated were much less explicit than in Canada. The head of the commission as well as the commissioners persistently claimed—even insisted—that they have been appointed on the basis of merit, not ethnicity. We assume this was done so the commission would come across as 'neutral' in that the commissioners did not represent specific victim groups, but on balance it may have been disadvantageous to the legitimacy of the Norwegian TRC. In a 2020 newspaper commentary, Sami scholar Lill Tove Fredriksen questioned that aspect of the commission, suggesting it violated the traditional Indigenous emphasis on admitting to, and embracing, one's positionality: 'Who are the members of the commission behind their current and former titles?' She asked. 'What's their story? With whom are people being asked to share what for many are their most [...] painful memories?'<sup>60</sup>

It was not just the personality of the commissioners that failed to garner public attention in Norway. The commission's activities largely flew below the radar too, proceeding in relative silence. Only the head of the commission, Høybråten, and the head of the secretariat, Liss-Ellen Ramstad, communicated publicly with researchers (such as ourselves) and journalists. When pressed to explain this muted approach, Høybråten suggested he aimed to nurture an environment of privacy and safety, such that victims would be comfortable coming forward. 'Trust is something commissions rely on in this work. Trust does not come automatically; it is something one earns. This work cannot be carried out without trust'.<sup>61</sup>

### **4.3. Operational legitimacy: comparing the publicity of truth commission fact-finding processes**

Whether a truth commission is publicly 'visible' or not matters. When it is visible, what the public thinks about it also matters. Scandals, internal fights, resignations (known from some truth commissions, such as the El Salvadorian, Brazilian, and Swedish truth commissions) arguably have a negative impact on public opinion and hence on

<sup>59</sup>Interview of Norwegian TRC leader Dagfinn Høybråten by one of the authors, 30<sup>th</sup> April 2021.

<sup>60</sup>Lill Tove Fredriksen, 'Sannhet, forsoning og den giftige stillheten' (Khrono 7<sup>th</sup> May 2020) <<https://www.khrono.no/sannhet-forsoning-og-den-giftige-stillheten/485633>> accessed 29<sup>th</sup> November 2023) (translated into English by authors).

<sup>61</sup>Dagfinn Høybråten, 'The Truth and Reconciliation Commission's work between trust and silence' (Khrono 8<sup>th</sup> May 2023) <<https://www.khrono.no/sannhets--og-forsoningskommisjonens-arbeid-mellom-tillit-og-taushet/486825>> accessed 8<sup>th</sup> June 2023 (translated into English by authors).

the perceived legitimacy of the commission. In this section we will show that the public-visibility strategy of the Canadian TRC was more successful than the Norwegian one for three reasons: (i) it had an explicit outreach strategy, (ii) it mobilized widely among the affected groups (constituents), and (iii) it succeeded in drawing the attention of the majority population.

Numerous scholars of truth commissions suggest that visibility is vital to success.<sup>62</sup> They cite multiple reasons: visibility increases the transparency of truth commissions' work; builds solidarity among victims, alleviating their sense of isolation and shame and increasing their willingness to testify; broadens and deepens public understanding and sympathy for victims; reduces the possibility of detractors denying or claiming ignorance of abuse; and increases the cost of government inaction once final recommendations are issued. According to Daly and Sarkin, cited in Stanton: 'The public education mandate of a truth commission is central to its social function, particularly its ability to foster social accountability for a shared past. To fulfil this social function, the process requires public support. Gaining public support requires public awareness'.<sup>63</sup> Freeman and Hayner agree: 'The nature and the extent of a commission's outreach will profoundly affect its access to information, [...] and its general reputation in the eyes of the public'.<sup>64</sup> The importance of visibility suggests that truth commissions' processes—their day-to-day activities and the public's perceptions thereof—may be as or more important than the final documents or recommendations they produce.

#### 4.3.1. Canada's TRC fact-finding process

In keeping with these views, the mandate of Canada's TRC emphasized visibility and public outreach. In various interviews, the TRC commissioners affirmed those goals. Before her resignation in 2009, commissioner Jane Morley deemed engagement with non-Indigenous Canadians 'absolutely crucial'.<sup>65</sup> Commissioner Marie Wilson said much the same: 'If the commission goes behind closed doors, nothing changes'.<sup>66</sup> Still, at least initially, Canada's TRC was seen to struggle with visibility. Based on interviews conducted with prominent Indigenous and other leaders in Canada, mostly in 2012, Vine found 'solid evidence to support the conclusion that the TRC was not reaching out to the dominant society'.<sup>67</sup> Wilson admitted as much, estimating that at the TRC's initial national events, which began in 2010, only 10 percent of attendees were non-Indigenous.<sup>68</sup>

But outreach seemed to improve over time. The TRC's final two national events, in Vancouver in 2013 and Edmonton in 2014, garnered a total of 76,000 attendees—

<sup>62</sup>See, among others, Bloomfield, Barnes and Huyse (n53); Brahm (n54); Kim Pamela Stanton, *Truth Commissions and Public Inquiries: Addressing Historical Injustices in Established Democracies* (University of Toronto 2010); Hjortur Bragi Sverrisson, 'Truth and Reconciliation Commission in Kosovo: A Window of Opportunity?' (2006) 8 *Peace, Conflict and Development* 1.

<sup>63</sup>See Stanton (n62).

<sup>64</sup>Freeman and Hayner (n53), 133.

<sup>65</sup>Timothy E M Vine, 'The Truth and Reconciliation Commission of Canada and Crown-Aboriginal Relations' (2016), dissertation, The University of Western Ontario (Canada)190.

<sup>66</sup>Marie-Laure Josselin, 'Marie Wilson: "It is too early to say Canada has had great success with the Truth Commission,"' (JusticeInfo.net 21 December 2020) <<https://www.justiceinfo.net/en/45448-marie-wilson-too-early-to-say-canada-great-success-with-truth-commission.html>> accessed 29<sup>th</sup> November 2023.

<sup>67</sup>Vine (n65), 190.

<sup>68</sup>Josselin (n66).

nearly as many as the first five national events combined. Of those latter attendees, a far higher proportion, approximately 60 percent, according to Wilson, were non-Indigenous.<sup>69</sup> Attendance of registered survivors also increased, from fewer than 1000 at the first national event to more than 3200 at the final event. This change, in both the extent and composition of event participants, appeared to mirror changes in Canadians' information and opinions about residential schools. According to surveys conducted by Environics Research Group in 2008 and 2016—roughly spanning the TRC's lifetime—the proportion of Canadians reporting general awareness of Indian residential schools increased 15 percent. Canadians' familiarity with specific impacts of the schools increased even more markedly. Public opinion about the residential-school system also changed over that period, with the percent of Canadians attributing existing Indigenous challenges at least partly to that system jumping from 31 to 48 percent. After the release of the TRC's final interim report in 2015, a survey by the Angus Reid Institute found that 70 percent of Canadians agreed with the TRC's conclusion that the schools were 'cultural genocide', and a substantial majority believed the TRC had been beneficial to Indigenous Canadians.<sup>70</sup>

#### **4.3.2. Norway's TRC fact-finding process**

The Norwegian TRC has been referred to as 'the silent commission' or 'the invisible commission'. It kept a low profile throughout its operations (2018–23), as reflected in at least three areas: (1) a generally low media profile; (2) a closed rather than an open process; and (3) a failure to reach out to the majority population. The result, we argue, is that while the Norwegian TRC may have succeeded in creating legitimacy among some victim groups, it did not do so among the majority population.

Familiarity is a prerequisite for legitimacy. Yet the establishment of the Norwegian TRC was not given much national attention and went under the radar of most people, including the authors of this paper (who have been doing research on truth commissions in other parts of the world for decades, and hence have a particular interest). Three years after its establishment only 27 percent of Norwegians had heard of its existence,<sup>71</sup> and after four years only 37 percent had done so.<sup>72</sup> Equally worrisome, the Norwegianization policy is a chapter of history unknown to most Norwegians. A national survey in May 2021 revealed that only 40 percent of Norwegians knew about the repression directed against the Sami 'well' or 'very well', only one in ten had heard about the Kven, and hardly any knew about the assimilation of the Forest Finns.<sup>73</sup> This knowledge pattern persisted as the TRC concluded its work, although knowledge levels had increased

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<sup>69</sup>Josselin (n66).

<sup>70</sup>In subsequent years, awareness and support for Indigenous issues in Canada has continued to track upwards: Another Environics survey, released on Canada's first National Day for Truth and Reconciliation, 30<sup>th</sup> September 2021, found that since the release of the TRC's final report, Canadians had grown markedly more familiar with the historical mistreatment of Indigenous peoples.

<sup>71</sup>Of a representative selection of 2000 respondents, 27.4 percent affirmed they had heard of the TRC. DIGSSCORE survey, University of Bergen, May 2021. See DIGSSCORE, University of Bergen <<https://www.uib.no/en/digsscore>> accessed 28<sup>th</sup> May 2023.

<sup>72</sup>Of a representative selection of 2000 respondents, 37.4 percent affirmed that they had heard of the TRC. DIGSSCORE survey, University of Bergen, May 2022. See DIGSSCORE, University of Bergen <<https://www.uib.no/en/digsscore>> accessed 28<sup>th</sup> May 2023.

<sup>73</sup>Findings from TRUCOM DIGSSCORE surveys. Most data (except ethnicity variables) are publicly available at DIGSSCORE, University of Bergen <<https://www.uib.no/en/digsscore>> accessed 28<sup>th</sup> May 2023.

slightly, especially among those under 30 years old. Note that knowledge levels of the TRC throughout the commission's operations were substantially higher in the north than in other parts of the country, much higher among the victim groups than among the majority populations, and much higher among the elderly than those under 70.<sup>74</sup>

One reason for this lack of knowledge was the operational strategy of the TRC itself. Although it organized 37 public meetings, and commissioners participated in an additional 109 public meetings organized by other organizations across the country, the commission's priority was clear: the victim groups. Most of its 37 public meetings were held in northern Norway and other locations where Sami and national-minority groups are concentrated. The meetings almost exclusively drew audiences of Sami and other minority groups (depending on who was targeted for a specific meeting), with a clear weighting toward elderly people. Finally, there were hardly any efforts made by the commission throughout its five years of operation to appeal to the majority population or invite them to public meetings and forums for discussion or consultation.<sup>75</sup> When asked in an interview why the commission had not made more efforts to communicate with the majority population in Norway, Høybråten answered that 'we have prioritized to meet the victims of the Norwegianization policy and historical injustice. The voices that earlier have not been heard or made visible. Their truth must be the focus of our work'.<sup>76</sup>

But even the victims were not always reached or heard. Although the public events succeeded in getting people from local communities together and providing a physical space for collecting personal histories, they were generally poorly attended (by tens of people, not hundreds) and the majority population was conspicuously absent.<sup>77</sup> Complaints were raised that people did not know about the events in advance and so missed them. Certain Kvens and Norwegian Finns complained that they were not fairly met by the commission. Several people one of the authors talked to said they had planned to share their personal stories but changed their mind as they felt unheard. Two young Sami we talked to said they had wanted to contact the commission but only found out about the possibility of telling their stories after the deadline for submitting. Although this is only anecdotal evidence, it suggests that the TRC may not have succeeded in reaching out to younger segments of the victim groups. It also suggests not all victim groups felt included or were happy with the way the commission operated.

Another reason for the lack of knowledge of the TRC among the population in general may be that the TRC was largely absent from Norwegian mainstream media and only intermittently present in local media, appearing most frequently in the main Sami newspaper, *Sagat*, the northern-based newspaper *Nordlys*, and, more recently, on the main Sami news channel (radio and TV). In a national survey in October 2022, eight

<sup>74</sup>For more detailed figures, see DIGSSCORE, University of Bergen <<https://www.uib.no/en/digsscore>> and for an analysis of the data, see Elin Skaar, 'Kunnskap og Forsoning', (2023) 23 *Samisk senterers skriftserie* 1. <https://septentrio.uit.no/index.php/samskrift/article/view/6991/7204> (accessed 20th June 2024).

<sup>75</sup>Our findings are in line with a recent publication which argues that 'the Norwegian TRC did not sufficiently utilise the working period to enhance public engagement.' Broderstad and Josefsen (n32), 23-24.

<sup>76</sup>Dagfinn Høybråten, 'Ingen forsoning uten sannhet,' (*Vårt Land* 20th December 2021). Authors' translation of original text in Norwegian.

<sup>77</sup>Conclusions based on personal observations of a series of public meetings as well as watching the videos from public meetings posted on the TRCs YouTube channel (accessed 2<sup>nd</sup> June 2023 but now deleted).

months before the TRC final report was due, 28 percent of respondents reported that they had heard about the TRC on television, 21 percent in national newspapers, 13 percent on the radio, and a depressingly low 4 percent on social media.<sup>78</sup> TRC chair Høybråten, who monopolized communication with journalists and was the only commissioner to write op-eds or appear for interviews during the TRC process, complained in an interview with one of the authors of this article that the media was generally not interested in the TRC, although the commission had tried to reach out and engage.

In the context of an uninterested national media, the TRC failed to establish an effective alternative communications strategy. Its webpage was hard to find, was not interactive, and was not much visited. Though the TRC posted public events that it had either organized or participated in, the information was presented in a dry manner and was removed from the webpage the day the event ended. This made it difficult for people to follow what the commission was doing. Similarly, the TRC's YouTube channel was extremely difficult to find and as of writing has only 147 users (of whom the authors are two). The channel hosts an eclectic selection of poorly marked videos from various public meetings. Some have been viewed by just a handful of people. The most-viewed video (over 1000 views) is an interview between the head of the commission and a high-profile Sami musician and activist, Ella Marie Hætta Isaksen, who was likely the main draw.

It took another event, in which Ella Marie Hætta Isaksen also had a central role, to draw the majority's attention to the plights of the Sami minority and, indirectly, to the consequences and ongoing practices of forced assimilation. As the TRC was about to wrap up its work and asked for suggestions for reconciliation measures in a public hearing at the Norwegian Parliament in March 2023 (where a wide array of victim organizations were invited, but no representatives of the majority population), a parallel event drew attention to the TRC: a massive protest in Oslo by young Sami condemning the Norwegian government's failure to implement a 2022 Supreme Court ruling favouring Sami reindeer herders displaced by a massive windmill development. These protests drew national media attention on a scale the TRC had failed to do in its five years of operations. Though the ongoing breach of Indigenous rights was put in the spotlight, it is hard to say whether this has enhanced or hampered the TRCs ultimate mission of bringing about reconciliation.

Compared to Canada's TRC, the Norwegian TRC did not prioritize public visibility or reaching Norway's broader, non-Sami public. This was reflected in 'the striking disinterest of local media in several of the cities where public TRC meetings have been convened'.<sup>79</sup> In a 2020 newspaper commentary, Sami scholar Lill Tove Fredriksen noted this failure, accusing the commission of replicating the 'toxic silence' that had facilitated the Norwegianization of minorities in the first place. 'By being more visible to the public, and providing regular updates on their work and vision, would the commission make a more active contribution to the reconciliation process?' she asked.<sup>80</sup> Responding indirectly, commission chair Høybråten maintained the TRC was 'working as openly as possible.' A tentative approach, he suggested, was necessary to build trust with Sami

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<sup>78</sup>Findings from TRUCOM DIGSSCORE surveys. Most data (except ethnicity variables) are publicly available at DIGSSCORE, University of Bergen <<https://www.uib.no/en/digsscore>> (accessed 28<sup>th</sup> May 2023).

<sup>79</sup>Johnsen (n32), 36.

<sup>80</sup>Fredriksen (n60).

and other victim populations: ‘For many, it can be difficult to talk about what they [...] have not been open about for a long time. We enter into this work with caution.’<sup>81</sup>

## 5. Concluding Remarks

In this paper we have developed a model for how to assess the legitimacy of non-transitional truth commissions established in mature democracies (many of them former settler states) to address historical injustices and racism carried out against Indigenous people or national minorities. Our model does this by gauging legitimacy at three different but related truth-commission stages: (i) its background, genesis, and mandate (foundational legitimacy); (ii) its commissioners and operations (operational legitimacy), and (iii) the reception of its final report and recommendations and the implementation of the recommendations (conclusory legitimacy). In the context of non-transitional truth commissions, it is important to understand legitimacy as perceived by both the victim groups and the majority population.

To test this model, we explored whether and how the Canadian and Norwegian TRCs accrued legitimacy through their genesis and mandates, through the selection and behaviour of their commissioners, and through public visibility during the commissions’ operations.<sup>82</sup> Although both TRCs focused on the historical repression of Indigenous groups (and in the case of Norway three minority groups as well), their backgrounds were very different. In each country, the TRC formed part of a wider national project addressing how to deal with historical repression of Indigenous populations. Whereas the Canadian TRC was established as a direct response to a legal class-action lawsuit, the Norwegian TRC was established in response to a demand from the Norwegian Sami Parliament and involving prolonged political struggles and negotiations involving political and civil-society actors.<sup>83</sup> Although the active involvement of important minority interest organizations in Norway’s TRC was positive for building legitimacy from the start, excluding the Norwegian majority population resulted in only partial and limited legitimacy. The narrow parliamentary vote in favour of a truth commission also illustrated a split political elite.

The Canadian TRC had an easier time operationalizing its narrow mandate than the Norwegian TRC had in addressing its extremely broad mandate, in terms of thematic focus, the victim groups included, and the time period covered. Specifically, including both Indigenous and national-minority groups in its mandate created high expectations and unresolved tensions between victim groups in Norway. This arguably had a negative impact on the legitimacy of the commission.

Canada went for a TRC with only three commissioners, all high-profile and highly respected. The leader had strong ties with the Indigenous community. Norway, by contrast, went for a much larger commission, creating expectations among its constituents that it would be representative. Although the head of the commission repeatedly stated that it was not meant to be representative, groups not represented (i.e., the South Sami, Norwegian Finns, and Forest Finns) felt left out. This created resentment

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<sup>81</sup>Høybråten (n61).

<sup>82</sup>As noted earlier in the article, we left out the third, conclusory stage from our analysis due to the recent release of the Norwegian TRC report and limited space to elaborate on it.

<sup>83</sup>Skaar (n6).



and discontent. Høybråten may have been a neutral arbiter, but this meant he was unable to establish the same kind of bridge to the victim populations as Sinclair did in Canada.

Finally, Canada's TRC was clearly more publicly visible than the Norwegian TRC, thus establishing greater legitimacy both with victim groups and the majority population. This is reflected in the large crowds the Canadian TRC drew at its national events and the significant knowledge about it evidenced in national surveys. The Norwegian TRC, by contrast, partly managed to cater to some victim groups but failed to engage the majority population.

On balance then, we conclude that along these three dimensions—the genesis of the TRCs and the design and interpretation of their mandates, the choice and behaviour of their commissioners, and the publicity of their fact-finding processes—the Canadian TRC secured a higher degree of legitimacy than did the Norwegian TRC, at least in the timespan between their creations and the submissions of their final reports. We suggest subsequent non-transitional TRCs, including those underway currently in Sweden and Finland, might draw on these Canadian 'best practices' and avoid Norwegian mistakes in order to amplify the legitimacy, and thus success, of their processes.

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## Appendix I

**Table 1.** The Canadian and Norwegian TRCs—some facts

	CANADIAN TRC (2008–15) <sup>84</sup>	NORWEGIAN TRC (2018–23) <sup>85</sup>
Name of commission	Truth and Reconciliation Commission of Canada (TRC) / <i>Commission de vérité et réconciliation du Canada</i> [CVR]	Truth and Reconciliation Commission (TRC) Norwegian original name: “ <i>Kommisjonen for å granske forsoningspolitikk og urett overfor samer, kvener og norskfinner</i> ” (Sannhets- og forsoningskommisjonen)
Dates for operation	Officially established on 1 <sup>st</sup> June 2008  Operational: 2008 to 2015	Officially established on 1 <sup>st</sup> June 2018  Operational: 2018 to 2023
Background for TRC (genesis)	Massive class-action suits in federal courts and legal settlement negotiated between survivors and the government.	Claims/demands/request for TRC first from the Sami Parliament, then by two representatives of the national left-wing political party.
Overall objective of TRC	Reconciliation (between Indian Residential Schools Survivors and ‘Canada’).	Reconciliation (between the Norwegian state and the Indigenous people and minority groups, and between these groups and the majority population).
Mandate	The commission was officially established on June 1, 2008, with the purpose of documenting the history and lasting impacts of the Canadian Indian residential school system on Indigenous students and their families.	The mandate describes three tasks for the Commission: <ol style="list-style-type: none"> <li>1. Perform a historical survey to map the Norwegian authorities’ policy and activities towards the Sámi and Kvens/Norwegian Finns locally, regionally, and nationally.</li> <li>2. Carry out an investigation of the effects of the Norwegianization policy. Consider how the Norwegianization policy has affected the majority population’s attitudes to the Sámi and Kvens/ Norwegian Finns and investigate the consequences of Norwegianization up until the present day.</li> <li>3. Propose measures to contribute to further reconciliation. (Kommisjonen_en   UiT)</li> </ol>
Focus of mandate	Abuses committed against children at <i>federal</i> residential schools for Indians.	Norwegianization and its effects on individuals and groups/collectives in three specified ethnic groups: Sami, Kven, Norwegian-Finns. The Forest Finns were included in the mandate in 2019.
Time for investigation	1800s–1996	Not defined. Period of Norwegianization and its effects on individuals and groups/collectives <i>up to the present</i> (ca. 1850–present).
Final report	In June 2015, the TRC released an executive summary of its findings along with 94 “calls to action” regarding reconciliation between Canadians and Indigenous Peoples. <sup>86</sup>	Final report containing five pillars with a total of 20 recommendations was handed over to the Norwegian Parliament 1 <sup>st</sup> June 2023. <sup>87</sup>

Source: Prepared by authors, using a variety of different sources (see footnotes for details).

<sup>84</sup>Many thanks to Joanna Quinn for providing information on the Canadian TRC. Email correspondence with one of the authors, 16<sup>th</sup> September 2021.

<sup>85</sup>See TRC mandate in (Stortinget, 2017–2018) and TRC webpage at *Kommisjonen\_en | UiT*. (accessed 2nd January 2023). See also the TRC’s final report at <https://www.stortinget.no/globalassets/pdf/sannhets-og-forsoningskommisjonen/rapport-til-stortinget-fra-sannhets-og-forsoningskommisjonen.pdf>.

<sup>86</sup>See Truth and Reconciliation Commission of Canada <<https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>> accessed 18<sup>th</sup> January 2023.

<sup>87</sup>See ‘Sluttrapport til stortinget fra sannhets og forsoningskommisjonen’ <<https://www.stortinget.no/globalassets/pdf/sannhets-og-forsoningskommisjonen/rapport-til-stortinget-fra-sannhets-og-forsoningskommisjonen.pdf>> accessed 2nd June 2023.

## Appendix 2

**Table 2.** Commissioners of the Canadian and Norwegian TRCs

	<b>CANADIAN TRC (2008-2015)<sup>88</sup></b>	<b>NORWEGIAN TRC (2018-2023)<sup>89</sup></b>
Head of commission	First Indigenous judge appointed in Manitoba.	Former politician from Christian Democratic Party (KrF) with personal Christian profile in Norwegian public media. Majority white male Norwegian – no link to any of the Indigenous/minority groups included in TRC mandate.
Number of commissioners	3 (but first set of three quit and new commissioners had to be appointed)	12
Gender balance	2 men, 1 woman	7 men, 5 women
Ethnic representation	Two are Indigenous people; the third is non-Indigenous but married into prominent Indigenous family.	Ethnic representation included, though not formally.
Geographical representation	Chair: from Manitoba #2: from Alberta #3: from Ontario—but married into a prominent Indigenous family from the Northwest Territories.	Almost exclusively northern Norway (except head of commission and two commissioners).
Professional background	Chair: prominent lawyer and judge #2: former Grand Chief, lawyer, and MP #3: career journalist with Canadian Broadcasting Corporation, with strong community ties in North.	Principally researchers, many retired (academics and one retired bishop).
Full time or part time work	Full-time Both numbers and people changed over time but probably around 80-100 core staff plus lots of contract statement-gatherers, researchers, etc. Everyone is listed in Appendix 6 of the TRC Summary Report (Honouring the Truth).	Commissioners worked on a voluntary, pro-bono basis, on top of full-time academic positions (three professors emeritus on the team). Secretariat is paid.
Secretariat	Overseen by federal Department of Indian and Northern Affairs.	5 full-time employees and 2 master students who worked as research assistants for the commission.
Resources of commission	The Settlement Agreement allocated \$60M to the TRC with a five-year mandate which was extended for one year (to 2015) with additional funds so overall the final budget was around \$70M.	Secretariat had an annual allowance of around 10 mill NOK. The 12 Commissioners received compensation for 12 working days annually and got their travel costs reimbursed.

<sup>88</sup>Many thanks to Joanna Quinn for providing information on the Canadian TRC. Email correspondence with one of the authors, 16<sup>th</sup> September 2021. Thanks also to Paulette Regan, who worked for the TRC and then with the National Centre for Truth and Reconciliation, who communicated this information to Joanna Quinn. Email correspondence with one of the authors, 5<sup>th</sup> October 2021.

<sup>89</sup>See (Stortinget, 2017–2018) and TRC webpage at [Kommisjonen\\_en | UiT](https://www.kommisjonen.no) (accessed 23<sup>rd</sup> January 2023). The TRCs final report (in Norwegian with summary in English and various Sami and Kven languages) can be accessed here along with other background documents: <https://www.stortinget.no/no/Stortinget-og-demokratiet/Organene/sannhets-og-forsoningskommisjonen/>.