

# Völkerrecht – Menschenrechte – Völkerstrafrecht



# Truth Commissions of the North

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## Abstract Deutsch

In Norwegen, Schweden und Finnland wurden kürzlich Wahrheits- und Versöhnungskommissionen für indigene Völker und Minderheiten eingesetzt. Wie sind solche Bemühungen zu verstehen und was kann man von ihnen erwarten? Diese Fragen werden hier vor dem Hintergrund der Erfahrungen mit früheren Bemühungen von Wahrheitskommissionen diskutiert, die sich hauptsächlich auf Nicht-Übergangsgesellschaften konzentrierten. Die Hoffnung und Erwartung ist, dass eine Wahrheitskommission nicht einfach nur einen Bericht über die Ereignisse und „Fakten“ abliefern, sondern zu einem umfassenderen Verständnis der Auswirkungen auf die Menschen und die Gesellschaft beitragen kann. Solche Kommissionen fungieren als Ergänzung und manchmal auch als Alternative zu begrenzteren Gerichtsverfahren. Es wird argumentiert, dass ein besseres Verständnis der Bestrebungen, der Arbeitsweise, der Bedingungen und der Bedürfnisse von Wahrheits- und Versöhnungskommissionen eine wichtige Aufgabe für alle ist, die sich für Fragen der Vielfalt und der Rechte von Minderheiten und im weiteren Sinne für die Rolle der Justiz in und zwischen Ländern und Menschen interessieren. Die bisherigen Erfahrungen zeigen, dass rechtliche und gesellschaftliche Erinnerungsprozesse interagieren und sich gegenseitig bedingen.

## Abstract English

Truth and reconciliation commissions on indigenous and minority matters have recently been established in Norway, Sweden and Finland. How should such efforts be understood and what can be expected of them? These questions are here discussed against the experience of previous efforts of truth commissions focusing mainly on non-transition societies. Rather than simply giving an account of events and of “facts” the hope and expectation is that a truth commission can contribute to a broader understanding of how people and society have been affected. Such commissions function as a complement and sometimes as an alternative to more limited legal proceedings. It is argued that a better understanding of the aspirations, workings, conditions and needs of truth and reconciliation commissions is an important task for all interested in diversity matters and the rights of minorities and more widely in the role of justice within and between countries and humans. Experiences until now show that legal and societal memory processes interact and intertwine.

## 1. Introduction

Truth and reconciliation commissions on indigenous and minority matters have recently been established in Norway, Sweden and Finland. How should such efforts be understood and what can be expected of them? These questions are here discussed against the experience of previous efforts of truth commissions focusing mainly on non-transition societies. Rather than simply giving an account of events and of “facts” the hope and expectation is in general that a truth commis-

sion can contribute to a broader understanding of how people and society have been affected. However, the challenges in well-established democracies differ in some respects from the conditions in societies exiting for instance authoritarian regimes, war or internal conflict. It is argued that a better understanding of aspirations, workings, conditions and needs of truth and reconciliation commissions – which function as a complement and sometimes as an alternative to more limited legal proceedings –, is an important task for all interested in diversity matters and the rights of minorities and more widely in the role of justice within and between countries and humans.

In the present text I explore the experience and conditions for the proliferating truth commissions in the Northern hemisphere and in situations which cannot be adequately described as transition or post-conflict situations. Developments are covered until October 2021.

Truth commissions are in general viewed as a useful or even crucial tool in countries and contexts of democratic transition after an authoritarian regime or in the aftermath of a violent conflict. In the period 1974–1994 there were 15 commissions established. By today more than forty commissions worldwide have been documented and analysed. Among the more known and studied are the South African Truth and Reconciliation Commission which operated in the years 1995–2002 as well as two such commissions in Chile, first in 1990–1991 and then in 2003–2005.<sup>1</sup>

Until today there is, however, little theorising of the consequences of the considerable differences between truth commissions focusing on events during a limited period of time, such as a civil war or a dictatorship, or even for a specific incident, as compared to the much more structurally oriented issues involved in gathering testimonies, archival materials and other evidence documenting long periods of societal transformations, including state formation and modernisation processes, as well as the effects of colonial practices and legacies. The present text is an effort in this direction.

In New Zealand a predecessor to more recent global truth commission efforts has been the Waitangi Tribunal which was established in 1975 and continues its work still today.<sup>2</sup> The Tribunal had received more than 2,500 claims and issued as of 2015 ca 123 reports, including district reports covering three quarters of the land area of New Zealand. Its base, point of reference and focus is primarily legal, found in the Waitangi Treaty of 1840.

A first more widely known truth commission was set up in Argentina in 1983, but this body was not referred to as a “truth commission” at that time. Rather, it was and still is referred to as the National Commission on the Disappeared (CONADEP). Argentina had just emerged out of a dictatorship period (1976–1983). “Truth commissions” as a term of art did not emerge in fact until almost ten years later, after

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1 Hayner, Priscilla B. (2010). *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*. Routledge; Nordquist, Kjell-Åke (2017). *Reconciliation as politics: a concept and its practice*. Eugene, Oregon: Pickwick Publications.

2 The Waitangi Tribunal settles historical claims on the basis of the Treaty of Waitangi (1840) <https://waitangitribunal.govt.nz/>.

the National Commission on Truth and Reconciliation in Chile and the Commission on the Truth in El Salvador in the early 1990-ies, following military rule and civil war respectively.<sup>3</sup>

According to Hayner a truth commission can be defined as a body (1) focused on the past; (2) set up to investigate a pattern of abuses over a period of time, rather than a specific event; (3) a temporary body, with the intention to conclude with a public report; and (4) officially authorized or empowered by the state.<sup>4</sup> It is a matter of scientific debate whether truth commissions should have the explicit intention to advance reconciliation or democracy-building. Over time – and increasingly – truth commissions do aim at promoting “reconciliation“, while this has not always been the case in early efforts. We shall return though to the difficulties of concepts such as “truth” and “reconciliation” further on in the present text.

What is of essence at this point is that truth commissions aim at affecting the social understanding and acceptance of the country’s past, not just to reveal or resolve specific facts. In this sense truth commissions, especially since they are most often authorised and endorsed by the state, redefine, or try to redefine, the identity and perhaps the historiography of a state and its society. Truth commissions address the past, past injustices, past crimes, past experience and traumas in order to understand the present and change policies, practices, and even relationships in the future. Focus is much more on the victims in a manner that acknowledges and respects those who were affected by the abuses.

For these reasons it has been more recently proposed that the definition of a truth commission should be somewhat adapted. A truth commission: is focused on past, rather than ongoing, events; investigates a pattern of events that took place over a period of time; engages directly and broadly with the affected population, gathering information on their experiences; is a temporary body, with the aim of concluding with a final report; and, finally, is officially authorized or empowered by the state under review.<sup>5</sup> It is this broad engagement with the affected population, but also with society as a whole, which is the added element in this wider understanding about what a truth commission is all about.

As we shall explore further in the present text, in more recent years, truth and reconciliation commissions have also been established in countries which are understood and are self-defined as established democracies and as defenders of human rights. In most cases this has taken place within a movement of reassessment of the ways in which modern and post-industrial states were created and shaped over centuries of development and modernisation but also affecting profoundly the lives and identities of indigenous peoples, regional minority groups and social relations in regions of the country concerned.

In the present article I shall introduce the recent efforts towards truth commissions in the Nordic countries, after an initial presentation of some general consid-

3 National Commission on Truth and Reconciliation in Chile (English translation) [https://www.usip.org/sites/default/files/resources/collections/truth\\_commissions/Chile\\_90-Report/Chile90-Report.pdf](https://www.usip.org/sites/default/files/resources/collections/truth_commissions/Chile_90-Report/Chile90-Report.pdf).

4 Hayner (2010), pp. 11–12.

5 Ibid.

erations and an overview of previous efforts of truth commissions focusing mainly on cases in non-transition situations. At the end of the text there shall be a concluding discussion on the particular challenges facing truth commissions in what is generally described as being well-established democracies.

## 2. The goals and logics of truth commissions

One way to understand the interest in truth commissions and reconciliation is the increased focus and interest in the experiences and fates of victims of mass violence coupled to new movements that focus on claims of justice.<sup>6</sup> The on-going debates on genocide and cultural genocide as well as the broader debate on and efforts for accountability for war crimes and crimes against humanity form a canvas against which present day understandings on truth commissions could be viewed. There is by now a multitude of studies showing that repressing intense emotional pain leads to psychological trouble. Indeed, one of the cornerstones of modern-day psychology is the belief that expressing one's feelings, and especially talking out traumatic experiences, is necessary for recovery and for psychological health. It is therefore often asserted that following a period of massive political violence and enforced silence, simply giving victims and witnesses a chance to tell their stories to an official commission – especially one that is respectful, non-confrontational, and genuinely interested in their stories – can help them regain their dignity and begin to recover.<sup>7</sup>

Another entry point in the goals and logics of truth commissions is the insight that trust in society, between individuals but also between citizens and public institutions, is of crucial importance for the resilience of societies and states, i.e. for the ability to overcome adversities and to recover after negative experiences. The importance of trust in society has received increased attention in scientific enquiry as well as in political discourse in recent years, not least as one of multiple consequences of the Covid-19 pandemic.<sup>8</sup> A country may, in this process of building up trust, need to repair torn relationships between ethnic, religious, regional, or political groups, between neighbours, and between political parties.

Some call this process societal healing or reconciliation, i.e. a society reconciling itself with its past, and groups reconciling with each other.<sup>9</sup> The need to heal, repair or reconcile is likely to be more evident for broad parts of the population in

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6 See also Minow, Martha (2000), "The hope for healing" in Rotberg, Robert I. & Thompson, Dennis Frank (2000). *Truth v. Justice: The Morality of Truth Commissions*. Princeton University Press, 235–260.

7 Hayner, p. 146.

8 Highlights from the OECD Webinar "Measuring Public Trust After A Pandemic And Economic Crises", 22 June 2020, <https://www.oecd.org/gov/oecd-trust-webinar-one-highlights.pdf>; OECD (2017), *Trust and Public Policy: How Better Governance Can Help Rebuild Public Trust*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/9789264268920-en>.

9 Hayner, p. 145.

a country in the aftermath of a violent conflict or a brutal authoritarian period which has affected negatively and profoundly the lives of large numbers of people across society. It is perhaps more complex to achieve such broad endorsement and support for a truth and reconciliation effort if it concerns a relatively small group of persons that have been affected over a long period of time, as in the case of indigenous peoples or remote minority groups living far away from decision-making centres and dominant, majority elites.<sup>10</sup> This is one of the particular challenges for the more recent truth commissions in established democracies.

There are also many words of caution put forward by experts. The assumption that “talking leads to healing” does not necessarily hold true for truth commissions. Healing is a truly long-term process, say such experts, and it requires a positive environment and psychological support over extended periods of time. Only when victims are given a safe and supportive environment to talk about their suffering, can we eventually see some positive results and symptoms of repressed trauma, such as nightmares, emotional problems, and sleeplessness, may recede. Truth commissions, however, do not offer long-term therapy. They offer victims or their offspring a unique opportunity to tell their story, usually to a stranger whom they will most likely not see again. The effect of this experience is far from clear; for some victims, the opportunity to engage with a truth commission can be quite positive; for others, the impact may be devastating.<sup>11</sup>

At one level, truth commissions clearly hold fewer powers than do courts. They cannot as such put anyone in jail, they cannot independently enforce their recommendations, and most have not had the power even to compel anyone to appear for questioning.<sup>12</sup> But they hold advantages when there are structural, comprehensive processes in situations where individual accountability and culpability are insufficient to capture the scope and tragic of “unspeakable truths”.

Furthermore, memory is not something that can be authoritatively fixed by a legal process.<sup>13</sup> According to one view, the legal profession tends to believe that what is recorded within the court room or inquiry hall can constitute “the irrefutable history of the past”. This is both intellectually circumspect and historically dangerous, argues historian Tristram Hunt.<sup>14</sup> The wider the context in which individual guilt has to be understood, and the more such understanding defers to the contingencies of historical interpretation, the more evident the limits of criminal procedure for reaching the “truth”.<sup>15</sup> Since documents and testimonies are then

10 Kjell-Åke Nordquist (2021), ‘Sápmi och svenska staten: nu ska sanningen fram!’ in *Öppna vyer – lång sikt. Festskrift till Owe Kennerberg*, Thomas Kazen & Susanne Wigorts Yngvesson, Studia Theologia Holmiensia, No 34, Enskilda Högskolan Stockholm, 71–78.

11 Hayner, 147.

12 Ibid., 13.

13 Koskenniemi, Martti ‘Between Impunity and Show Trials’, *Max Planck Yearbook of United Nations Law* 6 (2002) 1–35.

14 As cited in Hayner, 84.

15 Martti Koskenniemi, ‘Between Impunity and Show Trials’, *Max Planck Yearbook of United Nations Law* 6 (2002) 1–35 at pp. 11–12.

not memory as such, there is something more that is required both in addition to any legal process(es) but also as part of the work of truth commissions. The missing link is the importance of the dissemination, societal discussion, internalisation and, hopefully, endorsement of the steps and outcomes among both victims, but also among those who could perhaps be described as perpetrators, or their descendants. Such dissemination and endorsement must also involve more widely the majority population which consists of those who were actively engaged in the course of events, and of silent bystanders. According to Martha Minow, the repertoire of societal responses to collective violence must include prosecutions, but must also not be limited to them.<sup>16</sup> Accountability, justice, truth and reconciliation are thus to be understood not as opposites but rather as mutually re-enforcing and complementary concepts and processes.

In addition, recent truth commissions have begun to grapple with a broader range of issues and rights. The implications of atrocities, inequalities, victimisation and marginalisation in relation to economic, social, and cultural rights and beyond the civil and political rights that are more standard to these inquiries, are now coming to the forefront. How has control over land and resources been affected by the periods of time and processes under examination? Should economic aspects be investigated by a truth commission? What about broader issues of poverty, whether as a causal factor or a consequence of a conflict or a colonial period? These issues have emerged in the spectrum of several commissions, whether preoccupied by the consequences of conflict, of dictatorship and authoritarian regimes, or of more long-term processes such as slavery, forced labour in colonial and post-colonial countries, or the longstanding negative treatment of indigenous peoples and minorities in many parts of the world. But it is not yet clear how the full range of long-term economic consequences and rights might be addressed in this kind of inquiry.

### **3. Truth commissions in established democracies in the past**

First a brief mention of earlier experiences, in particular on issues pertaining to access to land and processes in – more or less – established democracies.

In Australia, the government asked in 1995 its permanent human rights monitoring body, the Human Rights and Equal Opportunity Commission, to look into the record of state abuse against the country's Aboriginal population. Its year-long investigation documented decades-long state policies of forcibly removing Aboriginal children from their families and placing them with white families in order to assimilate them into mainstream Australian society. These practices continued in fact until the early 1970s. With the release of the commission's report, "Bringing Them Home", in 1997, the story became a national scandal and ultimately a central issue in national elections, as the Australian public was outraged by this previously little-known practice, while the government refused to offer a formal apology in the

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<sup>16</sup> Minow (2000), p. 254.

name of prior governments.<sup>17</sup> Sixty thousand copies of the report were purchased in the first year after its release. An annual “Sorry Day” was created, as recommended by the commission, and “sorry books” were made available for signature by the public. Within a year, over 100,000 Australians had signed these books, filling hundreds of volumes.

In the United States, the Truth and Reconciliation Commission in Greensboro, North Carolina, is a more local but important example as it stands for a different kind of experience. It was to a large extent an unofficial and privately funded process focusing on a specific event in 1979, namely the shooting and killing of protesters by the Ku Klux Klan (KKK) and the National Socialist Party of America (American Nazi Party). The Commission was set up in 2004 and submitted its comprehensive report in 2006.<sup>18</sup>

Canada was also prompted to review its policies towards and relationships with indigenous communities, including long standing experiences of forced assimilation through the means of placing aboriginal children in so called “residential schools”. After some first steps already in the 1990-ies and an initial five-year commission of inquiry, resulting in significant reparations to survivors, Canada ultimately decided to establish a full-fledged truth commission to further address this legacy. The background is here summarised briefly. Starting in 1874, the government of Canada had worked together with Protestant and Catholic churches in Canada to put in place a nationwide system of “residential schools” that aimed to forcibly assimilate Aboriginal children across the country.<sup>19</sup> These policies remained in place for more than one hundred years; the last residential school closed in 1996. Attendance was compulsory, and Aboriginal languages and cultural practices were prohibited. The schools were also known for sexual, physical, and psychological abuse. There were some 86,000 residential school survivors in Canada as of 2007. Canada began to address the legacy of the residential schools in 1991. It established a Royal Commission on Aboriginal Peoples, which recommended a full public inquiry into the origins and effects of these policies. In 1998, the government formally acknowledged for the first time the failure of the residential school policy. In addition, the residential schools have been the subject of extensive litigation, with several persons prosecuted for abuse as well as thousands of civil suits and a number of class action suits against the government and churches. In 2003, the government of Canada began a dispute resolution program to compensate and offer therapeutic services to survivors. But these efforts were seen as insufficient. In order to settle pending civil claims, and after extensive consultation between the government, churches, and aboriginal communities, in 2006 the government approved an Indian Residential Schools Settlement Agreement at an

17 *Bringing them Home* – Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Sydney: Human Rights and Equal Opportunity Commission, 1997) <https://humanrights.gov.au/our-work/bringing-them-home-report-1997>.

18 Greensboro Truth and Reconciliation Commission Report – Executive Summary (2006), <https://lib.digitalnc.org/record/26070?ln=en>. See also, Hayner, 12.

19 Hayner, 72–73.

estimated cost of \$2 billion. Close to \$60 million of this amount was stipulated for a Truth and Reconciliation Commission. The agreement provides for extensive reparations for former residential school students, with “common experience payments” for which all former students are eligible, averaging about \$28,000 per student. There is also an adjustment process by which former students can make claims for specific abuses.

A truth commission was established effectively in 2009 focusing on the abuses of its indigenous population and after a significant reparations program had already been implemented and after formal apologies from the religious and state institutions complicit in the abuses had been given. Its aim was thus to address over a century of forced assimilation policies toward the indigenous population of Canada. The truth commission had in fact been first established with the inauguration of three members in mid-2008, but internal problems and disagreements led to their resignation. Three new commissioners were inaugurated in July 2009 and were to work for five years. It was mandated to complete national events and to deliver a report on historic findings and recommendations. The commission was also mandated to create a national archive of testimonies. The commission was prohibited from making findings or conclusion in relation to any specific individual, or naming names in its events, activities, statements, or report, “unless such findings or information has already been established through legal proceedings, by admission, or by public disclosure by the individual.”<sup>20</sup> The Canadian House of Commons had provided the first official apology for the residential schools policy in May 2007, and the prime minister followed in 2008, saying that he recognized that “the consequences of the Indian Residential Schools policy were profoundly negative and that this policy has had a lasting and damaging impact on Aboriginal culture, heritage and language”.<sup>21</sup> To mark its new beginning, the commission formally changed its name in late 2009 from the Indian Residential Schools Truth and Reconciliation Commission to “Truth and Reconciliation Commission of Canada.” In December 2015, the Truth and Reconciliation Commission released its entire six-volume final report, encouraging all Canadians to read the summary or the final report to learn more about the terrible history of Indian Residential Schools and its sad legacy.<sup>22</sup> The reports also included a list of 94 Calls for Action covering a wide range of societal fields.

In July 2021 the world was shocked anew when the unmarked graves of hundreds, potentially thousands of aboriginal children were disclosed adjacent to res-

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20 Article 2 (f) of Schedule N, Mandate for the Truth and Reconciliation Commission, Indian Residential Schools Settlement Agreement, May 2006.

21 Prime Minister Harper offers full apology on behalf of Canadians for the Indian Residential Schools system, Canadian Parliament, June 11, 2008. See: [https://www.rcaanc-cirnac.gc.ca/DAM/DAM-CIRNAC-RCAANC/DAM-REC/N/STAGING/texte-text/rqpi\\_apo\\_pdf\\_1322167347706\\_eng.pdf](https://www.rcaanc-cirnac.gc.ca/DAM/DAM-CIRNAC-RCAANC/DAM-REC/N/STAGING/texte-text/rqpi_apo_pdf_1322167347706_eng.pdf).

22 Government of Canada, Truth and Reconciliation Commission, <https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>. The National Centre for Truth and Reconciliation and the University of Manitoba provides the full reports of the Commission, <https://nctr.ca/records/reports/>.

idential schools in Canada.<sup>23</sup> The long-term impact of the Truth and Reconciliation Commission in Canada can in other words not be fully assessed as of yet, several years after the Commission completed its work and thirty years after the establishment of the Royal Commission on Aboriginal Peoples. We can therefore expect that the processes of co-creation of memory and for reconciliation and justice shall be pursued in the case of Canada. This case illustrates vividly the interplay between legal procedures and the persisting need for a comprehensive understanding and discussion of the past. Truth and memory are indeed difficult to fully grasp and even more difficult to represent adequately. As Martha Minnow has aptly put it “the sheer implication of adequacy is itself potentially insulting to the memory of those who were killed and to the remaining days of those who were tortured, and to those who witnessed the worst that human beings can do to other human beings”.<sup>24</sup> A possible monetary reparation for a limited number of victims does not obliterate the need for wider societal knowledge and acceptance.

Of particular interest for the purposes of the present text is perhaps the experience in Mauritius. I expand a little more on the experiences of this commission as it is less known and as it also dealt with important questions affecting post-colonial conditions and with implications on land ownership and control of natural resources. A Truth and Justice Commission was established in Mauritius in 2009 to look at abusive practices that began centuries earlier, changed in nature over time, and whose impact on society was profound and persistent. The commission is of interest for the truth commissions established in the Northern hemisphere as it was directed to document this broader colonial and post-colonial history, to understand its current impact, and also to recommend reparations for descendants. The mandate of the commission in Mauritius was, firstly, to document slavery, which began in the middle of the seventeenth century and was abolished two hundred years later. But, also, secondly, it was tasked to examine the practice that developed after slavery formally ended, namely indentured labour. After 1834, millions of so-called indentured workers from South Asia were taken to British colonies in various parts of Africa, the West Indies and Malaysia. This practice brought close to half a million laborers to Mauritius, primarily from India, on contracts that left them indebted to their employers and close to the conditions of slaves. The commission was also directed to investigate complaints of the dispossession of land, and to “determine appropriate measures to be extended to descendants of slaves and indentured laborers”.<sup>25</sup>

The essence of the matter was summarised by the chair of the Commission, Professor Alexander Boraine, with the following words:

23 Canada: 751 unmarked graves found at residential school <https://www.bbc.com/news/world-us-canada-57592243> (24.06.2021) and more graves found at new site <https://text.npr.org/1012100926>.

24 Minnow, loc. cit., p. 235.

25 Truth and Justice Commission, Mauritius, Volume 1: <https://www.usip.org/publications/2012/02/truth-commission-mauritius> while all four volumes of the final report of the Commission are found on ResearchGate.net.

Mauritians have come from different corners of the world to settle, many forcibly. Each wave of migration has been characterised by specific linguistic cultural and religious traditions. All these groups, in one way or another, have serviced the colonial economy and continue to do so in modern Mauritius. The outstanding question to be dealt with is how to best address the fundamental class, ethnic and gender divisions that still exist in Mauritian society today.<sup>26</sup>

The Truth and Justice Commission Act was constituted in March 2009. The Commission had, as defined in its mandate in Section 3(2) and Section 4 of the Truth and Justice Act, No. 28. of 2008, to: (a) make an assessment of the consequences of slavery and indentured labour during the colonial period up to the present; (b) conduct inquiries into slavery and indentured labour in Mauritius during the colonial period and, for that purpose, gather information and receive evidence from any person; (c) determine appropriate reparative measures to be extended to descendants of slaves and indentured labourers; (d) enquire into complaints, other than a frivolous and vexatious complaints, made by any person aggrieved by a dispossession or prescription of any land in which he/she claimed to have an interest; and (e) prepare a comprehensive report of its activities, research and findings, based on factual and objective information and evidence received by it and submit the report to the President.

The final report of the commission starts off with an account of the present, namely by highlighting the consequences of the centuries' long experiences of slavery and indentured labour today. The commission explains early on in its final report what it saw as the main persistent consequences:

[I]t is evident that people of slave descent are among, as a consequence, the less envious citizens of the Republic on the threshold of the 21<sup>st</sup> century Mauritius in that: (i) they are poorly housed, in that a majority of them live in housing estates, devoid of bare amenities and in over crowdedness; (ii) literacy is rampant in their milieu, schooling of children needs re-thinking to be effective; due to their low level of education and poor performance at school, few can get employed in Government services and parastatals; (iii) marked absence in agricultural occupation, as a result of circumstances arising from the aftermath of slavery; (iv) marked absence in the fields of trade and commerce, and especially in the small and medium enterprises sector; (v) over-concentration of employment in hard manual work; (vi) contrary to the other communities, they have no real effective pressure groups to make their voices heard in higher and political quarters, most of their grievances remained unheard; (vii) for these and other reasons, they are poorly represented in all spheres of public life and in Government institutions; and (viii) the Commission has also undertaken for the first time, a psycho-sociological analysis to better understand the various factors which impede progress, and the following relevant reports and recommendations highlight new strategies to be adopted in the future. Few places bear the name of people of African and Malagasy descent, although slaves outnumbered their masters in the proportion of 10 to 1. Even today, no monument has been erected to remind us of their contribution to history and to the development of the country.

Then Prime Minister of Mauritius, Navin Ramgoolam, explained further the need for such a commission when he presented it to the National Assembly in 2008:

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26 Report of the Truth and Justice Commission in Mauritius (2011), Volume 1, p. 10.

Years have passed since slavery and indentured labor were abolished. The horrors of such brutality and bondage no longer exist today. But such treatment meted out to human beings does have its psychological impact, which can be permanent and as destructive if not more so, compared to physical slavery.<sup>27</sup>

The question of whether the commission should recommend individual or community reparations was controversial from the very beginning in the commission's work in 2009. After the chair stepped aside for health and other reasons, a South African, Alexander Boraine, who had been the deputy chair of the South African Truth and Reconciliation Commission, assumed the chairmanship beginning in January 2010. The commission was given twenty-four months to conclude, in addition to a preparatory period, with the possibility of an extension of a further five months. The commission presented its comprehensive report in November 2011, comprised of four volumes, of which the first summarises findings and outlines recommendations, the second deals with land issues, the third included reports and technical surveys on contemporary history and cultural matters while the fourth dealt with economy, society and memory matters.

The commission had the opportunity to look specifically into the effects of the system on land ownership and use. The commission was aware of the great complexity and difficulty of the issue and noted that it would be impossible within the barely two years granted for its work to make a full and proper examination of land titles and disputes. The historical background was explained in the following way by the Commission. Land acquisition by Indian immigrants had been greatly facilitated by sugar estates owners in order to put to use much of the marginal lands held to maximize sugar production. The massive purchase of uneconomic plots of land through "morcellement", i.e. dividing land in small plots, had been another way to plough back whatever savings had been made by immigrant workers thanks to great personal sacrifice and hard work. It was found that by the year 1900 around 40% of the land surface under cane cultivation was held by Indian immigrants and their descendants; production was however poor and gave less than 20% of national output in sugar. Much of the lands acquired were uneconomic, in spite of the invisible labour provided by the small planters themselves. The emerging class of small planters represented hardly a third of the bulk of Indian-Mauritians. Until the second half of the last century the rest of them had continued to lead a disadvantaged and precarious life as labourers on sugar estates or as unemployed.

The main recommendations of the commission as regards land matters were far reaching. One of the most vexing and complex challenges faced by the Commission was to try and be of material assistance to claimants who believed they had been unjustly dispossessed of their land. Many of those who had come before the commission had inadequate documentation and, in most cases, the search by commission officials of the archives had not produced the missing documentation. In some instances, the commission did discover that the land had been sold or prescribed. [...] The Commission was strongly of the opinion that a Land Monitoring and Research Unit be established "as a matter of urgency". This Unit should

27 As cited in Hayner, p. 70.

be a permanent body whose main task would be to assist citizens to establish the facts concerning their search for land which they believe is rightly theirs. Unnecessary bureaucracy should be avoided at all costs. The Commission recommended further that the State considers granting small parcels of land to deserving cases. It further recommended that legislation be introduced which would give greater protection against those Land Consultants, Notaries and Lawyers who were described as “a disgrace to their profession and unscrupulous in their dealings with those who seek their assistance”.

The commission specified the key land issues that it would have a fair chance to focus on, namely: create a Database of land purchases and sales; examine policy and laws relating to acquisition of land from 1723 onwards; examine the extent of landownership by freed slaves and ex-slaves, indentured and descendants and misappropriation of land; investigate the reasons for obstacles to landownership; examine land issues brought before the Commission; and, finally, advise and assist persons in obtaining documents in order to allow them to recover their land where possible. In order to deal with land claims submitted to it, the Commission established a committee of five land experts (lawyers and land surveyors) to which several research assistants were appointed. The Committee perused all the 230 cases received, drew up a comprehensive list of all these cases, received people for interview and undertook research, not only to prepare the dossiers for different hearings, but also to look into missing documents, to put the cases into shape. It was observed that in most cases, the land information data submitted to enable the Committee to make a proper assessment and appraisal was not sufficient. The information given was very sparse and skeletal in nature. In many cases, no title deed, no “concession” plan, no Survey Report, no Investigative Report was submitted in support of claims.

According to the commission final report, a majority of the complaints emanated from people who, through ignorance or lack of financial resources, have left their ancestral lands undivided or unoccupied. Most such lands have subsequently been appropriated by other parties, including the sugar estates through prescription, and other similar means. Since many people were ignorant of the basic laws and procedures regarding the preparation of affidavits of succession, acquisition and other procedures to be adopted to safeguard their rights, they easily fell prey to “unscrupulous self-appointed ‘land experts’”. The commission recommended therefore that a land division should be established within the Supreme Court.

Linked to the issue of land was the fate of several islands in the Indian Ocean, including the Chagos islands. A chapter in the report of the commission is dedicated particularly to this matter. In February 2019 the International Court of Justice rendered its Advisory Opinion on the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965.<sup>28</sup> The Court was of the opinion that, having regard to international law, the process of decolonization of Mauritius had not been lawfully completed when that country acceded to independ-

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28 Advisory Opinion of the International Court of Justice, 25 February 2019 <https://www.icj-cij.org/public/files/case-related/169/169-20190225-ADV-01-00-EN.pdf>.

ence in 1968, following the separation of the Chagos Archipelago. It also found that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible; and finally, that all Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius. So, here we can once more see readily how legal and societal memory processes interact and intertwine.

A Reconciliation Commission was established in Greenland, an autonomous region in Denmark and the world's largest island, in 2014 by the then-leader of the Self Rule Aleqa Hammond. The wish by Greenlanders for such a commission was not shared by Denmark and the Commission was controversial from the beginning. The Danish prime minister at the time, Helle Thorning-Schmitt is reported to have said in 2013 that "We have no need for reconciliation, however, I fully respect that that is a discussion that concerns the Greenlandic people. We will follow the discussion closely from here".<sup>29</sup> There was also controversy within the Greenlandic society as to whether a reconciliation commission was needed, or not. The Commission was composed of independent citizens and highly educated researchers in history, education, anthropology, ethnography, and psychology. The Commission highlighted four levels of reconciliation needed: a) reconciliation with one's-self and one's own background; b) reconciliation with the past; c) reconciliation between groups with different experiences and positions within Greenland and d) reconciliation between generations.

The Commission presented its final report in December 2017 under the title "We understand the past – We take responsibility for the present – We work for a better future".<sup>30</sup> The Commission identified four key areas that present difficult challenges for the Greenlandic society: the effects of colonialism are still present on Greenland; many inhabitants have the feeling of being mere spectators in development; the language situation is complex and challenging; there is a need to identify common values for society as a whole. The Commission also made seven core recommendations, among which were the need for further work with the documentation and reflective discussion of memory and history, the need to observe diligently the principle of prior informed consent in all societal planning and development, as well as the expectation of an apology by Greenlanders who feel they had been treated as second rate citizens. It has been noted that the Commission was mainly pre-occupied not so much with the first ca 250 years of Danish presence, but more so with the period 1953–1979, after Greenland formally had ceased being a colony of Denmark.<sup>31</sup> During this period a rapid modernization meant reform

29 Finne, Arne. "Abuse and Colony Era Still Marks Greenlanders", in <https://www.highnorthnews.com/en/abuse-and-colony-era-still-marks-greenlanders>.

30 Forsoningskommissionen, Betaenkning utgivet af Gronlands Forsoningskommission, Nuuk, december 2017, *Vi forstår fortiden – Vi tager ansvar for nutiden – Vi arbejder for en bedre fremtid*, <https://naalakkersuisut.gl/~/-/media/Nanoq/Files/Attached%20Files/Forsoningskommission/Endelig%20bet%C3%A6nkning%20DK.pdf>.

31 Astrid Nonbo Andersen, *Lessons from the Greenlandic Reconciliation Process*, 5 March 2020, at JusticeInfo.net <https://www.justiceinfo.net/en/43949-lessons-from-the-greenlandic-reconciliation-process.html>.

programmes, welfare provision, modern fishing industries, new housing patterns and educational reforms, which meant among other things the increase of the number of Danish-speaking Greenlanders. While the fate of the Commission was marked and troubled all along by the role of Aleqa Hammond whose period in office was characterised by political scandals, the issue of the broader public legitimacy of the Commission, as well as to confusion about the role of Denmark and about “who was to be reconciled with whom”.<sup>32</sup> One of the most significant of findings was the degree to which East Greenlanders felt discriminated against by West Greenlanders.<sup>33</sup>

In the years that followed the publication of the report there have been various efforts towards a discussion on a possible apology. In early 2019 an agreement was reached between then Greenlandic Premier Kim Kielsen and Danish Prime Minister Lars Løkke Rasmussen to form a joint commission to produce a full official report on what had happened to the “children of the experiment”. In December 2020 the new Danish Prime Minister Mette Fredriksen offered such an apology directed to 22 children who had been forcibly taken away from their families in Greenland and had been transferred to Denmark.<sup>34</sup> She explained “We cannot change what happened. But we can take responsibility and apologise to those we should have cared for but failed to do.”

A truth commission was established in Norway in 2017. The formal name of this commission is “The commission to investigate the Norwegianisation policy and injustice against the Sámi and Kven/Norwegian Finnish peoples (The Truth and Reconciliation Commission)”. The Sámi Parliament has been one of the driving forces for this commission’s establishment. On 20 June 2017, the Norwegian Parliament approved the establishment of such a commission. The Commission is to present its final report to the Norwegian Parliament and the mandate has now been extended to mid-2023. The Commission has twelve members, including senior researchers and representatives of the groups concerned and it is chaired by Dagfinn Høybråten who is the General Secretary of Norwegian Church Aid and has a long political career including as Secretary General of the Nordic Council of Ministers. Its budget comes from the national budget in Norway and its institutional seat and secretariat functions are found at the University of Tromsø, in the northern part of the country.

The commission describes its method in the following way<sup>35</sup>: The commission shall set up a systematic and close partnership with affected communities and organisations, so that they are involved and consulted throughout the work. For this

32 Ibid.

33 Astrid Nonbo Andersen, *The Greenland Reconciliation Commission. Moving away from a Legal Framework*, in *Yearbook of Polar Law Online*, 2020, Vol. 11 Issue 1, 214–244.

34 Denmark apologises to children taken from Greenland in a 1950s social experiment, 8 December 2020, [https://www.bbc.com/news/world-europe-55238090?fbclid=IwAR0xDhTfgJmUE4TQX4q7-LrCZqnu3S95f35sze8A8duiipI5T8a55\\_-3mBs](https://www.bbc.com/news/world-europe-55238090?fbclid=IwAR0xDhTfgJmUE4TQX4q7-LrCZqnu3S95f35sze8A8duiipI5T8a55_-3mBs).

35 Truth and Reconciliation Commission (Norway): [https://uit.no/kommissjonen/mandat\\_en](https://uit.no/kommissjonen/mandat_en).

purpose, the commission shall consider establishing one or multiple reference groups or equivalent collaboration forums, with representatives of the mentioned communities and organisations. The commission should use both written and oral sources. The commission shall use interpreters in conversations with informants, when necessary. It may also be appropriate to let informants submit their stories through other mediums of communication to ensure that as many groups as possible are reached. The commission shall be based on the existing research in the area, which shall form the main basis for its presentation. If the communication reveals gaps in the existing research, it can either independently or with the help of partners investigate archives or other applicable source material in order to identify, describe and document particular themes. The commission may also suggest further research as a means to achieve the commission's purpose. The commission shall gather stories related to the Norwegianisation policy from individuals and groups through methods such as arranging meetings and/or interviews and facilitating an individual's ability to tell their stories by accepting submissions in writing, as a sound or a video recording, or in another suitable format. Gathering such accounts can either entirely or partly be performed by qualified partners at research institutions, in local communities or other places. In this way, the commission can be based on the groups' own understanding of their history. The commission is encouraged to keep a Nordic perspective in mind and to contact colleagues in other Nordic countries. The gathered material shall be handed over to the National Archive Services of Norway once the commission's work is concluded. This material is likely to contain personally identifiable information and must therefore be treated in a way that satisfactorily protects the originators. Following the conclusion of the commission's work, the archive must therefore be restricted and rules for access prepared to ensure that access is only given to researchers who work in line with established ethical guidelines, and that the requirements for the protection of an individual's private life will be sufficiently satisfied. Finally, the commission is encouraged to contribute to facilitating accompanying research throughout its work.

The commission is thus collecting archival materials, holds individual interviews as well as open meetings with the public (so called coffee meetings). It also cooperates with several NGOs and researchers involved in matters pertaining to the different groups and regions covered by the mandate of the Commission, i.e. both different languages and groups within the broader Sámi identity as well as Kven. On its website, the Commission provides information in three Sámi languages, in Kven, Finnish, Norwegian and English.

The Swedish government decided to appoint a truth and reconciliation commission in March 2020 just as the pandemic was unfolding worldwide.<sup>36</sup> The appointment followed the publication in Sweden of a pilot study by historian Curt Persson and the mobilisation by Tornedalians non-governmental organisations.<sup>37</sup> The Truth

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36 Kommittédirektiv Dir 2020:29 (19 March 2020) Uppgårelse med historiska kränkningar och övergrepp mot tornedalingar, kväner och lantalaiset.

37 Curt Persson, *Då var jag som en fånge – Statens övergrepp på tornedalingar och meänkielitalande på 1800- och 1900-talet*, available digitally <https://www.str-t.com/>

and Reconciliation Commission shall, according to the government decision, investigate violations and abuse that Tornedalians, Kvens and Lantalaïset (in the north of Sweden and living in the region close to the border with Finland) were subjected to as a result of the assimilation policies of the 19<sup>th</sup> and 20<sup>th</sup> centuries. According to its mandate, among other things the commission shall map and examine the assimilation policies and the consequences for the minority, groups within the minority and to individuals, disseminate information in order to increase the knowledge about the minority and its historical experiences, and submit proposals on continued efforts contributing to restoration (in Swedish *upprättelse*) and reconciliation. Due to the pandemic, work in the Commission started effectively first in mid-2021 and its final report is to be submitted by May 2023.<sup>38</sup> It has nine members (who are not employed by the Commission), including its chairperson who is a former judge at the European Court of Human Rights, researchers from different fields and persons coming from the region concerned. It has a small secretariat within the responsible ministry, i.e. the Ministry of Culture. The Commission has thus much more limited resources and a much tighter timeframe than its Norwegian counterpart, but by contrast it does not cover Sámi issues.

During spring 2021 preparations were made by the Sámi parliament in cooperation with the Swedish government for the possible adoption of a Sámi truth and reconciliation commission in Sweden too.<sup>39</sup> The Minister of Culture received the results of this preparatory study in April 2021. In the study are highlighted thematic issues of importance for the Sámi including cross-border problems, the divisions created by the institution of Sámi villages where some Sámi belong to if they are reindeer herders but far from all, as well as issues of forced displacement and educational policies. The discussions for a truth and reconciliation commission for the Sámi often refer to the Canadian experiences but they also build upon extensive research and several publications made by the Church of Sweden on the role of the church in the treatment of the Sámi. This so-called white book project by the church resulted in a research volume as well as more practice-oriented reconciliation materials published by the Church of Sweden. As of now the envisaged State endorsed commission has not been appointed.

In 2019 the government of Finland agreed to the need for the establishment of a truth commission on Sámi matters.<sup>40</sup> The Sámi people of Finland participated in discussions on the truth and reconciliation process within the Sámi Parliamentary Council during its 2012–2015 term, during which time they made preparations on the theme of truth and reconciliation for the Sámi Parliamentary Conference in connection with the celebration of 100 years of Sámi cross-border political col-

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da-var-jag-som-en-fange-statens-overgrepp-pa-tornedalingar-och-meankielitalande-under-1800-och-1900-talet/.

38 Truth and Reconciliation Commission for Tornedalians, Kvens and Lantalaïset, <https://komisuuni.se/en/start-en/>.

39 Preparations before a truth commission on the violations of the Sámi people by the Swedish state (March 2021) <https://www.sametinget.se/160524>.

40 Finland, Truth and Reconciliation Commission on the Sámi People, <https://vnk.fi/en/truth-and-reconciliation-commission-concerning-the-sami-people>.

laboration in Trondheim in 2017. The various events organised thereafter have included discussions on themes such as the intergenerational transmission of trauma, the loss of language and culture, the impact of residential schools, the assimilation policies of the Norwegian, Swedish, Finnish and Russian states and the colonisation policies of states in relation to the Sámi people. In line with the Action Plan of the Finnish Sámi Parliament for the parliamentary term 2016–2019, which states that “a Truth Commission will be established”, the Sámi Parliament in Finland proposed that the truth and reconciliation process be initiated also for the state of Finland. The Government launched preparations for the truth and reconciliation process concerning the Sámi people in October 2017. In cooperation with the Finnish Sámi Parliament, the Prime Minister’s Office and the Ministry of Justice explored how the reconciliation process should be implemented and what kind of role and composition the independent commission responsible for the process should have. As part of the process, a wide-ranging round of consultations was held in the Sámi homeland and the largest cities in Finland in May and June 2018. A report on the material collected during the consultation round has been published in six languages.

The Finnish Government discussed, and Prime Minister Rinne approved the proposal for a Truth and Reconciliation Commission Concerning the Sámi People at its session on 13 November 2019. In February 2021, however, it was established that more time was needed for the preparation of the appointment of such a truth commission and the deadline for its start of operations was moved to 2022/2023.<sup>41</sup> So, both for Sweden and Finland, where the Sámi populations are considerably smaller than in Norway, it remains open if and when truth and reconciliation commissions shall be endorsed and appointed.

#### 4. The special conditions, issues and challenges of the truth commissions in the North

It has been stressed by many observers and experts that the expectations for truth commissions are often much greater than what these bodies can in fact reasonably achieve within the frameworks, contexts and resources available to them. So, “some level of disappointment is not uncommon as a truth commission comes to an end” or when a government does not implement in practice the recommendations of a commission.<sup>42</sup> It has been concluded, however, that the desire for the truth, seems to be highly powerful, and nearly universal, if one is to judge by the wide range of contexts where such demands have emerged.<sup>43</sup>

41 Sami Parliament in Finland agrees that more time needed for Truth and Reconciliation Commission preparation, February 23, 2021 <https://thebarentsobserver.com/en/arctic/2021/02/sami-parliament-finland-agrees-more-time-needed-truth-and-reconciliation-commission>.

42 Hayner, 5–6.

43 Ibid.

A truth commission's many specific goals may be multi-layered: to reach out to victims, to document and corroborate cases for reparations, to come to firm and irrefutable conclusions on controversial cases and patterns of abuse, to engage the country in a process of national healing, to contribute to justice, to write an accessible public report, or to outline needed reforms. Since the goals, conditions and contingencies vary greatly it is to be expected that different commissions adopt different methods of work. However, until now there seems to be little theorising of the consequences of the considerable differences between truth commissions focusing on events during a limited period of time, such as a civil war or a dictatorship, or even for a specific incident, as compared to the much more structurally oriented issues involved in gathering testimonies, archival materials and other evidence documenting long periods of societal transformations, including state formation and modernisation processes, as well as the effects of colonial practices and legacies. The Nordic recent efforts for truth and reconciliation commissions seem to confirm the trend toward broader inquiries with multifaceted mandates, covering longer periods of time.<sup>44</sup>

Defining or at least outlining truth is contentious. It is impossible for any short-term commission to fully detail the extent and effect of widespread abuses that took place over many years, or, for most, to investigate every single case brought to it. However, it can reveal an overarching truth of the broad patterns of events, and demonstrate the atrocities that took place, what forces were responsible and what factors contributed to the injustices, violations or the violence.<sup>45</sup> Rather than simply giving an account of events and of "facts" the hope and expectation is that a truth commission can contribute to a broader understanding of how people and society or a country as a whole have been affected. Such a broader understanding can hopefully be discussed, internalised and accepted across society. As we saw in the case of Greenland, but also Mauritius, and perhaps also through the delays in Finland and Sweden as regards the establishment of truth commissions for injustices against the Sámi, this is not an easy task. A strong political will across the political spectrum seems to be crucial, alongside the endorsement of such an effort by the groups mostly affected.

Reconciliation is always context specific and involves the difficult task of reconciling what may be understood as incommensurable world views based on past experiences or inherited traumas. In cases such as in the Nordic countries where injustices have been protracted and linked to processes of state formation and modernization it is difficult perhaps to envisage that the wider majority can easily take a collective and clear position. This is also why official recognition, by parliament and/or government, and by political elites or for instance by the state church is critical. Acknowledgement of past injustices and persisting effects is a precondition both for initiating a programme of reparations and of restorative justice as well as for reaching some measure of reconciliation. This is also how we can

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44 Cf. *ibid.*, 236.

45 *Ibid.*, 84.

understand the core argument of Nordquist, when he speaks of “reconciliation as politics”.<sup>46</sup>

One major obstacle in the Nordic democracies is perhaps the risk of majority complacency, where majorities remain reassured by self-perceptions and high rates of these states in global democracy or human development indexes.<sup>47</sup> The plight of minorities and indigenous peoples remains thus outside the conscience of the majority population and material considerations or escapism result in poor acceptance of the need for the establishment of a broader truth which questions earlier accepted understandings. Research has been able to establish already that high democratic rates is not a guarantee for acknowledged, confident and “happy” minorities.<sup>48</sup> There is even a paradox at hand, perhaps precisely because the democratic advantages for majorities make the traumas and marginalisation of minorities and indigenous peoples more evident and striking. Majority-focusing democracy is simply not enough as it seems, without adjoining tools for the (reasonable) accommodation of minorities and the recognition of their legitimate rights and their needs and experiences.

Difficulties and open practical questions remain also as to issues of remedies and reparations. The United Nations General Assembly adopted in 2005 Resolution 60/147 endorsing “The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”.<sup>49</sup> The guidelines give support in understanding the considerations and possible avenues for preparing, choosing among and implementing programs of redress, remedies and reparations. As discussed above it remains an open question how longstanding, sometimes subtle, structural violence and marginalization should best be addressed. Should reparations focus more on the economic, social, and cultural rights of those badly affected by injustice and violence?<sup>50</sup>

At a best-case scenario, by speaking openly and publicly about events silenced in the past or of a highly conflictive nature and by allowing an independent body to clear up at least high-profile cases, a commission can ease some of the strains that may otherwise be present in a society. An official accounting and conclusion about facts, experiences and memories can allow different and even opposing parties to meet, coexist and even govern together without conflict-prone bitterness

46 Nordquist, Kjell-Åke (2017). *Reconciliation as politics: a concept and its practice*. Eugene, Oregon: Pickwick Publications.

47 Such as the Economist’s Democracy Index, The International IDEA State of Global Democracy, the V-Dem Democracy Reports, the Human Development Reports and the Freedom House surveys.

48 Johanna Laakso, et als., *Towards Openly Multilingual Policies and Practices Assessing Minority Language Maintenance Across Europe*, Multilingual Matters, 2016, especially at 51–52.

49 See also, De Greiff, Pablo (2006). *The Handbook of Reparations*. Oxford: Oxford University Press.

50 Hayner discusses in this regard in particular the efforts following the end of the work of the truth and reconciliation commission in Peru, 173–175.

over the past. On an individual level, however, reconciliation is much more complex, and much more difficult to achieve by means of a national commission. Knowing the “global” truth or even knowing the specific truth about his or her own case will not necessarily lead to a victim’s reconciliation with the perpetrators or those considered responsible for the injustices. Forgiveness, healing, and reconciliation are deeply personal processes, and each person’s needs and reactions to peace-making and truth-telling may be different.<sup>51</sup>

Where grave inequalities are a product of past oppression, reconciliation cannot be considered simply a psychological or emotional process. Addressing the economic disadvantages may be understood as crucial by those affected. Finally, there is the need for time. Acknowledging and endorsing the past, and for some measure of reconciliation, will usually take time. One can therefore assume that processes and effects of actions during several centuries shall also, most likely, take a long time to change. As we saw above, the truth and reconciliation process in Canada has taken more than 30 years with setbacks followed by small steps forward. Any expectation that reconciliation can be achieved quickly should thus be deemed as unreasonable and historically unsubstantiated. For this reason, broad political support is important, as the work may most likely stretch across the mandate periods of several, perhaps very many, consecutive parliaments and governments.

In October 2020 Austrian President Alexander Van der Bellen apologised to Carinthian Slovenians for the injustices and delays in the implementation of their constitutional rights as he addressed a ceremony honouring the centenary of the Carinthian plebiscite in Klagenfurt.<sup>52</sup> Issues of coping with the past, acknowledging injustices against various groups, including minorities and indigenous peoples, shall most likely remain a challenge for nearly all countries around the world. Wide social movements, including the global indigenous movement, Black Lives Matter and #MeToo, have shown that patterns of silence and silencing continue to be broken. While there are forces that try to capture efforts such as the continuing and important decolonization processes and use them for their own instrumental and geopolitical goals<sup>53</sup>, I dare claim that the rise of levels of education globally, of communication and of globalization, entail a strong platform for the widening of claims of justice and truth in decades to come. Understanding better the aspirations, workings, conditions and needs of truth and reconciliation commissions which function as a complement and sometimes as an alternative to more limited legal proceedings, shall therefore be an important future task for all those interested in diversity matters and the rights of minorities and more widely in the role of justice within and between countries and humans.

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51 Ibid., 183.

52 Van der Bellen apologises to Slovenian minority for injustices, <https://english.sta.si/2817766/van-der-bellen-apologises-to-slovenian-minority-for-injustices>.

53 See for instance the recent resolution adopted by the UN Human Rights Council on the negative legacies of colonialism (UN Doc. A/HRC/48/L.8) which was sponsored by Belarus, China, Cuba, Democratic People’s Republic of Korea (i.e. North Korea), Egypt, Eswatini, Pakistan, Russian Federation, Sri Lanka, Syrian Arab Republic and Venezuela. It was adopted with 27 votes for and 20 abstentions.

Truth is perhaps one of the most debated philosophical concepts from ancient Greek philosophy along the axis of true-false, through Kierkegaard's distinction between truth known and truth lived, all the way to the modern debates about diversities of truth and truth-seeking as a global phenomenon.<sup>54</sup> Already at this primary level it is evident that the work of any truth commission is not an easy task. The alternative, however, is a silence which would render the dignity of victims invisible and thereby denied.

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54 Limin Liu (2014), “The Chinese language and the value of truth-seeking. Universality of metaphysical thought and pre-Qin and Mingjia’s philosophy of language”, in *Protosociology: An International Journal of Interdisciplinary Research*, 2014, Vol. 31, pp. 220–230.

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