Kate Griffiths

Hegemony and Reconciling Indigenous-State Relations

A discourse analysis of truth commission debates in Australia and Norway

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Abstract

This study emerges from the context of requests for truth commissions by indigenous populations in Australia and Norway between 2016-2017. In both western liberal democracies, these requests reflected a need felt to reconcile the ongoing discrimination and intergenerational trauma felt by the national minorities, but also the struggle to access their international group rights. Critical discourse analysis of selected political and public texts in the national debates is combined with semi-structured interviews, to perform a comparative analysis of the Australian and Norwegian cases. Through the discourse, the study explores hegemonic power structures within the cases, and the implications of these power asymmetries for understandings of recognition and reconciliation. Using Gramsci's *cultural hegemony* and Fairclough's critical perspective as a theoretical framework, the analysis reveals that despite increased international attention on indigenous group rights, both Australia and Norway maintain hegemonic structures to prioritise national sovereignty over international human rights. Identity politics are part of the counter-hegemonic movement by indigenous groups, seeking more practical and substantial understandings of reconciliation and recognition, driven from minority voices.

Keywords: human rights, multiculturalism, hegemony, recognition, reconciliation

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Contents

List of Abbreviations

CDA	Critical Discourse Analysis
ILO	International Labour Organisation
ICCPR	International Covenant on Civil and Political Rights 1966
ICESCR	International Covenant on Economic, Social and Cultural Rights 1966
TC	Truth Commission
TJ	Transitional Justice
TP	Text Producer
TRC	Truth and Reconciliation Commission
WLD	Western Liberal Democracy
WOM	War of movement
WOP	War of position

1 Introduction

Increasingly, there are calls for the adoption of transitional justice procedures to address the centuries of atrocities committed against indigenous populations and their contemporary implications. Critical academics assert that the continued disparity between indigenous and non-indigenous populations in western liberal democracies (hereafter WLDs) reflects the influence of ongoing colonialism (Santos, 2016). Australia and Norway are WLDs that have remarkable differences in colonial history, international relations, discourse trends and contemporary challenges. Despite this, both share histories of state-sanctioned atrocities, contemporary institutional discrimination, commitments to human rights and multiculturalism and recent requests from indigenous communities for the instigation of truth commissions to address these issues, and in which recognition and reconciliation constitute important concerns.

The changes in public discourse and novel use of transitional justice procedures are not limited in significance to addressing atrocities committed against indigenous populations. The areas examined in this study also reflect changing attitudes and responses to the relationship between nation-state and indigenous and other ethnic minorities; with a greater focus on rights to cultural survival (Banting and Kymlicka, 2006). Short (2003) emphasises that ethno-cultural conflict is the main source of political violence globally, often caused by how states with a dominant majority, deal with internal nations and cultural differences. This means that indigenous-state relations are not of marginal concern, but are a key-issue for modern states embracing multicultural policies and human rights.

Despite academic and public debate on the ongoing relevance of *multiculturalism*, it is still strong within liberal democracies for indigenous populations, afforded a privileged status of protection and cultural survival, and a certain degree of autonomy. The titles or frames used for groups within a nation-state are thereby important, reflecting the homogenous nature of the state and who it encompasses. This in turn is significant, as it influences who is accountable under national law. However, it is being gradually suggested that some nation-states can consist of more than one nation. Globally, national minorities are receiving greater cultural recognition, by means of "…land claims, self-government powers, language rights, separate educational systems, and even separate

legal systems" (Banting and Kymlicka, 2006, p.7-8). Their position vis-à-vis nation-states are further strengthened through developments in international human rights, such as the International Labour Organisation Conventions and the Declaration on the Rights of Indigenous Peoples (2007). This research area serves to remind us of the significance that multiculturalism still holds within WLDs, and its interconnectedness with *human rights*, both individually and as group rights (collective or solidarity rights).

The issues of human rights and multiculturalism, although increasingly studied are also increasingly contested and controversial. The examination of these issues is therefore incredibly important as their understanding has large implications, with the consequences of these contestations most evident for minorities and vulnerable groups. The vulnerability of indigenous people and minorities is now of global concern, and not purely an issue for the nation-state to address. Banting and Kymlicka (2006) state that multicultural discourse is born from anticolonial struggles and the push for human rights by national minorities. Indigenous people and ethnic minorities are increasingly engaging in various forms of identity politics, making active use of their international human rights in their struggle for self-representation. This impacts the relationship between states and indigenous populations, with multiculturalism's core elements grounded within principles of justice protected by human rights within contemporary democracies (Banting and Kymlicka, 2006, p.10).

With the continued access of indigenous populations in WLDs to multicultural policies (often with a better privileged status than other ethnic minorities), it is particularly interesting that some indigenous communities discover the need to request transitional justice procedures to address human rights violations. The implementation of the UN Declaration on the Rights of Indigenous Peoples in 2007 reminded the international community of the distinct rights of indigenous peoples as a cultural group. Ongoing colonialism within WLDs shows us that indigenous populations are vulnerable to continued transgression of their human rights, generating the need for a declaration. This also reflects the ongoing struggle for indigenous minorities to challenge majority discourses and dominant power structures within contemporary nation-states. Transitional justice procedures, such as truth commissions, embody elements that work to remedy the damage of institutional and targeted human rights violations, such as focusing on reconciliation and state restructuring. The requests for truth commissions by

indigenous populations within WLDs recognises that this also applies to the desire for indigenous populations to access these human rights and challenge existing power dynamics between majority and minority. This interdisciplinary study spans different areas of research, such as human rights and multiculturalism, and different institutions, such as the social and political – to explore the nature of these requests.

1.1   A novel use of transitional justice

Transitional justice (hereafter TJ) refers to methods of response to "massive and systematic human rights violations" and often occurs in a period of transition from conflict to peace (Duthie, 2017, p.4). The methods and theory surrounding TJ have developed significantly over time, with the context of this study reflecting a new profile for this field. Teitel (2003) describes the history of these procedures through several phases: a post-WWII phase, a post-Cold War phase related to political transitions to democracy, and a 'steady-state' phase linked to contexts of violence and instability. These historical phases meant that a range of different procedures became aligned with TJ and attempts to address human rights violations (Duthie, 2017, p.5).

Traditionally, TJ procedures uphold an individualistic legal framework, addressing civil and political rights, often ignoring social, cultural and economic rights that overwhelmingly impact indigenous peoples (Balint and Evans, 2010, p.3). Thus, mechanisms like truth commissions (hereafter TCs) uphold the hierarchy of human rights – the concept that some rights (such as civil and political rights) are more important than others (Montgomery, 2002). Thus there is a need for TJ to expand its mandate to be used as a method for minority empowerment and recognition within nation-states (Balint and Evans, 2010, p.3).

Therefore the establishment of TCs to address the neglected rights of indigenous populations could be highly beneficial. These powerful tools work to remind nation-states of their international obligations. The implementation of TJ procedures like TCs involve the combination of both national and international institutions. In this way "…international bodies also tend to lend a certain weight to the process" (ICTJ, 2012, p.11) and help connect indigenous peoples internationally. Requests by indigenous populations to be recognised by TJ procedures in states such as Canada, Greenland,

Australia and Norway coincided with the development of the 2007 Declaration on the Rights of Indigenous Peoples (ICTJ, 2012, p.1). Despite the ability to empower minority groups and utilise international pressure, a lot of power remains with national governments as "…the benefits depend on how seriously and vigorously a given country supports the process" (ICTJ, 2012, p.11).

TCs are TJ procedures that are used increasingly and more widely, established as a method that "…may be expected not only to address issues of perpetrators and victims, but also to contribute to transforming unequal or discriminatory relationships based on ethnic and racial identities" (ICTJ, 2012, p.30). TCs aim to establish an authoritative record of facts that acknowledge victims and provide authorities and the public with information and policy recommendations (ICTJ, 2012, p.49). Conventional examples of TCs include the South African Truth and Reconciliation Commission (1995-2002) and the National Unity and Reconciliation Commission of Rwanda (1999 – present, becoming permanent in 2002). While the various TCs have much in common, their specific mandates reflect the needs and political context of the relevant state. Despite often huge variation in these mandates - the term 'truth commission' has "….now become a term with a generally understood meaning: an *official* investigation into a *past pattern of abuses*" (Hayner, 2002, p.23).

The massive increase in the use of TCs has occurred despite the fact that these are still relatively novel mechanisms, and we do not yet fully understand the implications of such processes. The popularity of TCs reflect the "…grappling for tools to respond to the challenges that arise with the fall of repressive regimes" (Hayner, 2002, p.251). This remains relevant for indigenous populations in WLDs, with continued desperation by indigenous populations in a postcolonial world for tools to address lingering power asymmetries from colonisation and assimilation policies.

1.2 Aboriginal and Torres Strait Islanders in Australia

In Australia, indigenous peoples include both Aboriginal and Torres Strait Islander populations. Indigenous Australians have a very long history, spanning roughly 30,000 to 45,000 years before European settlement (Biddle and Taylor, 2012, p.572). At the time of British colonisation of Australia in 1788, indigenous inhabitants were divided into hundreds of nations and were living as hunters and gatherers, frequently with a nomadic

lifestyle. There are several terms that are used throughout political and public discourse to refer to the indigenous population of Australia, these include but are not limited to 'indigenous Australians', 'Aboriginal Australians', 'First Australians', 'Aboriginal and Torres Strait Islander people'. There is debate both within the community and the broader Australian population about what is preferred, more cohesive or correct (AIATSIS, 2018). Despite the fact that there is diversity in indigenous nations and tribes within Australia, these terms are often used holistically and interchangeably throughout national discourse.

During and since colonisation Aboriginal and Torres Strait Islander people have been subject to extensive dehumanisation, including interaction with political, racial and institutional forces negating their basic human rights. From death due to foreign disease and frontier conflict, to racially discriminatory national policy and the removal of indigenous children, the issue of cultural genocide has lasting implications for contemporary indigenous Australians (ALRC, 1986, para.22; Legg, 2002; Special Rapporteur, 2017, p.3,15).

Australia was a forerunner in developing multicultural discourse, by applying liberal values in regards to individual freedoms and equal citizenship. However, this was slow to include indigenous populations. Multicultural discourse was developed to assist in integrating new immigrants to Australia (Meer and Modood, 2011, p.6). The resulting policies reflected the exclusion of indigenous populations until the Galbally Report of 1978 introduced the concept of 'multiculturalism for all', including the indigenous minority (Meer and Modood, 2011, p.6). Political discourse on indigenous Australians developed through phases of 'protection', 'assimilation', 'integration' and then 'self-management or self-determination' (ALRC, 1986, para.25-28). In the mid-1960s rising indigenous activism sparked legislative change to discriminatory practices, with growing consensus among indigenous Australians that to protect indigenous culture there had to be restoration of indigenous land and political autonomy (Short, 2003). The current approach of self-determination aims to encourage "…Aboriginal participation or control in local or community government" (ALRC, 1986, para.28).

Despite these intentions, discourse still reflects the legacy of long-standing discrimination of indigenous people in Australia. There is difficulty in moving away from a 'deficient'

discourse that presents indigenous Australians as passive victims (Bamblett, 2011, p.6). This is evident in national sport (Bamblett, 2011), and health policy discourses (Thomas, Bainbridge and Tsey, 2014). Racism and discrimination were identified as real issues by the UN Special Rapporteur on the Rights of Indigenous Peoples on her visit to Australia in 2017, with numerous reports on the prevalence of racist discourses being adopted regarding Aboriginal and Torres Strait Islanders (Special Rapporteur, 2017, p.6). Australia is one of the last remaining democracies without a Bill of Rights. Protection against racial discrimination is undertaken by parliamentary legislation, with parliamentary debate and media reporting damaging trust between indigenous peoples and the Government (Gearty, 2006, p.65; Special Rapporteur, 2017, p.6).

There remains significant disparity between the wellbeing of indigenous and non-indigenous Australia. The history of ignoring or contesting indigenous language and land rights has led to the destruction and vulnerability of indigenous culture. Socio-economic disadvantage reflects the significant disparity between the wellbeing of indigenous and non-indigenous Australians. Indigenous Australians are statistically overrepresented in the criminal justice system and deaths in custody (Australian Bureau of Statistics, 2015; RCIADIC, 1999; Special Rapporteur 2010). Despite the decades of economic growth enjoyed by Australia, efforts of the state have been inadequate in improving social disadvantage of the indigenous population. This disparity is attributed to "…years of dispossession, discrimination and intergenerational trauma" (Special Rapporteur, 2017, p.12), all of which are characteristics of processes of marginalisation and stigmatisation.

Actions have been taken by the state acknowledging the need for 'healing', with the Bringing Them Home Report (1997), the Royal Commission into Aboriginal Deaths in Custody (1991), and establishment of Council for Aboriginal Reconciliation. However, results from these efforts have been disappointing (Read, 2010). Nationally, there has been a very unenthusiastic public response to reconciliation in Australia, suggesting that "Australians found it too painful to see through the eyes of victims, and to comprehend that their democracy has a serious flaw, that collective responsibility was hard to accept" (Read, 2010 p. 289). This means that there is no shared accepted public discourse on the significant wrongs that have been done to the Australian indigenous population (Read, 2010, p.288).

Years of discrimination and unsuccessful attempts for improvement culminated in a movement to push for change within indigenous affairs by parts of the indigenous community in 2016-17. This was the largest social movement by the indigenous community in recent years, involving hundreds of First Nations Regional Dialogues across Australia. Over 250 delegates from these dialogues and Aboriginal and Torres Strait Islander leaders gathered in May 2017 at Uluru, a spiritual site in the Northern Territory, for a historic First Nations Convention (McKay, 2017). The Uluru Convention culminated in the release of the 'Uluru Statement from the Heart', a brief statement outlining the specific grievances and requests of the indigenous population. The statement reaffirmed the sovereignty of the Aboriginal and Torres Strait Islander people in Australia and commented on the continuing social difficulties facing indigenous Australians (McKay, 2017). This statement rejected notions of symbolic constitutional recognition of indigenous Australians, an idea previously considered – expressing the desire for practical change through a voice for indigenous peoples in parliament and the instigation of a Makarrata Commission (McKay, 2017; Guilfoyle, 2017).

Makarrata is a Yolgnu word that means 'to come together after a struggle' (McKay, 2017). This term has often been used instead of 'treaty' and gained prominence in the 1980s when it was adopted by the National Aboriginal Conference (NAC) in 1979. It has long been associated with the push for a treaty between indigenous and non-indigenous Australians; However, this recent movement has added a format of truth and reconciliation to this commission. The commission would:

> "…supervise a process of 'truth-telling': a process that allows the full extent of the past injustices experienced by Aboriginal and Torres Strait Islander people to be uncovered and revealed. Such a process would allow all Australians to understand our history and assist in moving towards genuine reconciliation" (1 Voice Uluru, 2017).

The Uluru Statement was considered by the Referendum Council. This is a bipartisan-supported council established in 2015 to advise on the options for recognising the Aboriginal and Torres Strait Islander peoples in the Constitution. This council had requested that the indigenous community draft a statement with their requests. The Uluru Statement received international support from the UN special rapporteur who states as one of their recommendations, that the Australian state:

"…place full political weight behind and act on the proposals put forth by the Referendum Council, including the establishment of a 'First Nations Voice' in the Constitution and of a commission for treaty negotiation and truth-telling" (Special Rapporteur, 2017, p.18).

Five weeks after the Uluru Statement was handed down, the recommendations of the Referendum Council in support of the statement were rejected in a brief media release by the Australian Government. This spurred confusion and anger amongst the indigenous community as to why they would be asked to make requests, to have them rejected so absolutely and so quickly (Conifer et al, 2017), especially with the international and national support for genuine consideration of these requests (Special Rapporteur, 2017; Amnesty International Australia, 2017). The previous disappointing results of government-led initiatives and weak government responses leads some to think that a TC into Australia's colonial past will not be an option (Read, 2010). Despite this, the Uluru Statement Working Group and other activists reaffirm that they are still seeking to have the Makarrata Commission come to fruition (USWG, 2017).

1.3   The Sami in Norway

The Sami, as an ethnic minority and indigenous population, have a long-recorded history, first mentioned in the 16th Century AD (Solbakk and Biti, 2006). Thus, there has been a long duration of contact between the Sami and other cultural groups – with mutually encouraged development alongside the majority national populations of states over which they spread: Finland, Sweden, Norway, and Russia (Solbakk and Biti, 2006, p.13). Over these states, the term Sami is used in contemporary discourse, recognising ethnic-dichotomy, and the Sami as a separate ethnicity from the national majority. The precise size of the contemporary Sami population is unknown, but commonly estimated as between 25,000-50,000 people (Borchgrevink and Brochmann, 2003, p.97). As an indigenous population and minority transgressing national borders, the Sami have been subject to treatment by varied national policies. However, common between each state was the introduction of assimilation policies to suppress Sami culture (Solbakk and Biti, 2006, p.68). As over 70% of the Sami population resides within Norwegian borders, Norwegian policies of assimilation are significant for the whole Sami population (Hansen, 2015, pp.1-2).

During the post-war period there was an emphasis on nation-building, stressing homogeneity and economic growth. This was promoted through the development of the Norwegian welfare state and strong assimilation policies, known as *Norwegianisation*. Norwegianisation is commonly understood as the various means and efforts used to assimilate Sami to become the same as Norwegians. Norwegianisation "fundamentally altered the value structure of Sami culture", as Sami were forced to adopt Norwegian values, culture and language (Hansen, 2015, p.2). The accessibility of the welfare state relied upon an understanding of Norwegian language and culture, alienating Sami populations living a traditional lifestyle (Tromsø University Museum, 2013, p.7). Subject to pressure to change, many Sami adapted their ways of living, opting for permanent settlement and pastoralism as a livelihood.

Norwegianisation policies lasted close to a hundred years, actively isolating Sami population and culture, stigmatising 'Saminess' (Tromsø University Museum, 2013, p.16). The Sami became an invisible group, often negated in political discourse. However, the politicisation of the Sami and events such as the Alta Affair changed the presence of Sami within Norwegian political discourse. The Alta Affair involved the planned damming of the Alta-Kautokeino river system in the 1970s, which was opposed due to Sami territorial and resource interests in the area (Tromsø University Museum, 2013, p.40). This generated awareness and widespread public sympathy for the Sami. During the 1970s, Norwegianisation policies were replaced with new approaches towards minority groups (Borchgrevink and Brochmann, 2003, p.82). The Sami became included in political discourses as a national group of cultural and political concern (Tromsø University Museum, 2013, p.45). This involved the instigation of Sami language policy in schools and nurseries. Despite this, the Sami continue to grapple with issues of identity with the public narrative associating Sami with the traditional role of reindeer herding and remote living. However, in contemporary Norway, approximately 95% of the Sami population are fully involved in mainstream daily economic life (Tromsø University Museum, 2013). This meant that symbols from Sami traditional livelihood and Sami language became central in distinguishing them from the Norwegian-speaking majority population.

Contemporary political discourse in Norway is shaped by strong identification with the welfare state. Ephemeral notions such as 'equality' are significant within political

discourse and ideologies (Borchgrevink and Brochmann, 2003, p.93). In this context, the Sami are often perceived as the most privileged ethnic minority group, benefitting from affirmative actions and collective rights with their status as 'indigenous peoples'. Within political discourse, the Norwegian constitution establishes that Norway is a state of two nations: Sami and Norwegian, equally legitimate within political discourse. When it comes to multiculturalism, there seems to be an established three-layer system, with the Sami as the most privileged minority group, their indigenous status allowing them to achieve and claim extensive rights over the last three decades as protected by international law (Borchgrevink and Brochmann, 2003, p.89).

Despite a change in the national discourse regarding Sami people and their collective rights, it is apparent that there are contemporary implications of the assimilation policies and ethnic discrimination experienced. Research shows the impacts of discrimination on the Sami people, concluding that "…exposure to ethnic discrimination (is) associated with negative health outcomes" (Hansen, 2015, p.6). Recently, the idea of introducing a TC to address the Norwegianisation policies and its implications for Sami people has re-emerged into Norwegian indigenous affairs discourse. This reflects interest in an idea that has been talked about in the Sami community for many years. Between 2011 and 2015 the Norwegian government ran a committee investigating past Norwegian policies that were discriminatory towards the Tater/Romani in Norway (NOU 2015:7). Additionally, the completion of the Canadian Truth and Reconciliation Commission (hereafter TRC) in 2014 led to similar requests being made by the Sami in Norway.

TC procedures have started to take shape in Norway. An official request to parliament was made by parliamentary members Kirsti Bergstø and Torgeir Knag Fylkesnes from the socialist left party (SV) in December 2016. This request stated that there has been no thorough investigation of Norwegianisation policies. Reconciliation was stated as the overarching target. This proposed TC would address the impact of Norwegianisation on both the Sami and Kven people as minority groups. The Kven people are descendants of Finnish speaking immigrants who as a result of severe famines within Finland migrated to the coastal areas in Finnmark in Norway in the mid 17th Century. Based on their residence in Norway for more than 100 years, they are defined as a national minority. Both Sami and Kven are included in this TC proposal as "…the Sami and Kven have shared a common destiny" (Bergstø and Fylkesnes, 2016). Both the TRC of Canada, and

commission for the Tater/Romani (NOU 2015:7) are connected to this request. As a result, a mandate is currently being developed by the Norwegian parliament, with advice from the Samediggi (Sami Parliament) and relevant Kven organisations (Rognstrand, 2018).

Despite these developments towards the instigation of the TC, it is significant to note the hesitation to pursue this initiative within the Norwegian government. An internal memo from the Ministry of Local Government and Modernisation revealed the government's doubts as to whether to establish a commission investigating Norwegianisation policies (Schanche and Paulsen, 2017). This advisory memo from the Department on Sami and Minority Affairs, asserted that instigation of the TC should be avoided by the government. This was motivated by the TC being unlikely to address issues that the Sami community would like to address, and which should instead be left to the Samediggi. Instead of communicating this opinion to the Sami community. The memo advised that the information be kept quiet until support for the commission had subsided, to avoid political backlash. A representative from the Sami parliament suggested that the memo reflected the deceptive nature of the relationship between the Norwegian state and its indigenous people (Schanche and Paulsen, 2017).

1.4 Previous truth commissions in post-colonial contexts

Both Norwegian and Australian movements to establish TCs make direct reference to the influence of the Canadian TRC (Oscar, 2017; Bergstø and Fylkesnes, 2016). The Truth and Reconciliation Commission of Canada commenced in June 2008, and released its final report in 2015. This was the first TC performed in an established democracy (ICTJ, 2008; Truth and Reconciliation Commission of Canada, 2015, p.vi). The Canadian TC established reconciliation as a national issue and not solely an indigenous problem, targeting the process of cultural genocide in the state's residential school system for Aboriginal children (Truth and Reconciliation Commission of Canada, 2015, p.vi).

In 2014, Greenland established a Reconciliation Commission to examine the impact of assimilation and colonisation enforced by Denmark on the Inuit population of Greenland (Minton, 2016, p.159). Greenland is unique as Inuit people make up the majority of the Greenlandic population. Despite this, colonisation has still had detrimental implications for the livelihood of contemporary Greenlandic people (Minton, 2016, p.159). The

significance of this commission and its potential to influence other post-colonial states has been acknowledged, providing greater autonomy and self-determination. From the outset it was being studied in a global context as it "…might indicate a new model with which to deal with the colonial past" (Andersen, 2015). Despite contextual differences among states, the Canadian and Greenlandic commission have had a strong impact on the rising political consciousness of the trend for indigenous populations in WLDs to call for justice and reconciliation.

1.5   International obligation of states

Australia and Norway adopt significantly different approaches in their interaction with the international protection of indigenous rights. International law regarding the rights of indigenous peoples results from the interplay of both hard and soft law (Barelli, 2010, p.952). The rights of indigenous peoples as individuals, but also as a minority group (with collective rights), are protected through the interaction of multiple international organs. Both countries have ratified the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR), the International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination 1969. The basic rights of all individuals are protected by these legally binding international conventions. Thus, through their ratification, both countries have obligations to protect and implement these rights.

What is particularly significant is that indigenous people have collective rights of protection and cultural survival supported by international law. The International Labour Organisation (hereafter ILO) developed two legally binding conventions for the protection of the rights of indigenous and tribal peoples. Herein, indigenous peoples are separated from other ethnic minorities, providing them with additional collective rights, due to the recognition of their continued marginalisation. Norway has ratified one of these binding conventions (ILO No.169), whereas Australia has ratified neither of the ILO conventions.

The rights of indigenous people were further reinforced with the development of the UN Declaration on the Rights of Indigenous Peoples in 2007. The Declaration is not legally binding, but aimed to re-establish international human rights that have been denied to

indigenous peoples due to the international trend to legislatively disregard indigenous individual and group rights (Wright, 2001, p.5). This instrument was adopted by 143 states, including Norway. Four states voted against the implementation of the declaration, one of which was Australia. Australia has since expressed its support for the declaration but still has not ratified it (Special Rapporteur, 2010).

The UN Special Rapporteur on the rights of indigenous peoples visited Australia in 2017, to examine the human rights situation of the Aboriginal and Torres Strait Islander peoples. It was concluded that the policies of the Australian government do not respect the rights of self-determination and effective participation of indigenous Australians, and require revision. This revision would include examining "…the consequences and prevalence of intergenerational trauma and racism" (Special Rapporteur, 2017, p.1).

The acknowledgement of international rights of indigenous peoples by nation-states is significant, as it can facilitate a minority group's ability to participate in society. For indigenous populations to be able to fully participate in multicultural civil societies, it requires the reinforcement of their civil, political and social/cultural rights (Borchgrevink and Brochmann, 2003, p.97). Despite different interactions with international law specific to indigenous peoples, by ratifying the ICCPR and ICESCR, both Norway and Australia have international obligations to protect the rights of indigenous peoples.

1.6 Adopting a critical approach

This study adopts a critical perspective, using critical discourse analysis (see chapters three and four), to explore the influence of power hierarchies (hegemony) on the ability for indigenous minorities to challenge and change majority discourses within nation-states. The use of works by Gramsci and Fairclough as a theoretical framework (see chapter three), allows us to look at another side of power dynamics within a nation-state. Moving away from power through economics, as established in Marxist approaches, and focusing on ideological power and its influence. This takes place in the context of indigenous minorities requesting TCs to generate a change in the majority-minority relationship within Australia and Norway.

1.7 Research objectives and questions

This master's thesis aims:

To identify how hegemonic power relations reveal themselves through discourse on indigenous affairs;

To examine whether power relations in indigenous affairs discourse influences different meanings and understandings of recognition of indigenous people;

To examine different interpretations of recognition and reconciliation; and,

To investigate the interconnected link between truth commissions and the need for reconciliation of indigenous populations in western liberal democracies.

The following **research questions** were formulated:

1. To what extent are hegemonic power relations being maintained and reproduced in the discourse?

2. How does the discourse reveal the ways power relations influence the recognition of indigenous rights?

3. Are truth commissions linked to reconciliation in indigenous affairs discourse in Australia and Norway?

2 Research and Relevant Academic Works

As with all research, it is important to acknowledge that this study and the context it focuses on does not exist in a vacuum. This chapter will briefly remind us of significant academic literature that has previously examined areas related to the methodology, theoretical framework and themes of this study. In doing so, I can establish where this study fits within the body of academic work, and acknowledge the significant perspectives that support the choices of various elements of this study.

2.1 Transitional justice

2.1.1 Context vs procedure approaches

This study has evolved from a novel use of TJ mechanisms. This application may appear distant from some approaches to TJ, such as the application of TJ through a procedural approach. A procedural or 'tool kit' approach is based on the premise that there are common goals, such as "…to punish perpetrators, establish the truth, repair or address damages, pay respect to victims, and prevent further abuses" (Hayner, 2002, p.11). In the 2000s very specific guidelines of TJ developed[1]. These allowed states to learn and benefit from previous experiences (Hayner, 2002). These procedural approaches were popular with their relevance to post-conflict societies and ability to apply the standardised 'tool kits' to all contexts (Fletcher, Weinstein and Rowen, 2009, p.170). Despite the vast use of TJ mechanisms from the 'tool kit', increasingly procedural TJ was observed as too 'one size fits all' and challenging to identify specifically what worked within a country (Fletcher, Weinstein and Rowen, 2009; ICTJ, 2017). It was a mistake to suggest that "…any thoughtful or comprehensive approach that works in one country can automatically become the model for other transitional states" (Kritz, 2009, p.13).

This led to the consideration of contextual factors to grow within the field. This allowed for alternate contexts (such as non-transitional states) to consider application of these mechanisms. This makes it beneficial to investigate "institutional, cultural, political and legal resources in the state, taking into account national and international authorities that

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[1] These included the 1997 UN 'Principles to Combat Impunity' (with its 2005 updates), the 2004 UN Secretary General's Report on the Rule of Law in Conflict and Post-Conflict societies, and the 2006, UN 'Basic Principles and Guidelines on Reparation'.

are involved in the context", as the basis that a country's political climate can influence "the form and pace of transitional justice efforts" (Fletcher, Weinstein and Rowen, 2009, 190;209). Hayner (2002) supports this by emphasising that the power of civil society, victims, abusers and international voices within a given context are significant to the application of TJ. Hayner's reflections on the primacy of international involvement within these contexts and the importance on the strength of civil society is particularly pertinent to both Gramsci's hegemonic theory, and this study.

2.1.2 The significance of 'transition' to transitional justice

Transition has been seen as integral to TJ procedures, identifying these mechanisms as not applicable for established states, such as WLDs. However, with an increased focused on contextual factors, the necessity of 'transition' has begun to be questioned. This branch of academic thought is directly relevant to the birth of interpretations of TJ that are reflected through this study's case studies. Transition provides an opportunity to respond to recent human rights violations, these responses make contributions to specific objectives (such as reconciliation and peacebuilding) (Hayner, 2002, p.221; ICTJ, 2017; p.6). Despite this, transition also limits this research area to examining non-democratic, conflict contexts (ICTJ, 2017). The International Centre for Transitional Justice does suggest that TJ may be too rigid in requiring transition to implement such procedures, and that these mechanisms can also be significant to states such as Australia, Canada and the US which are established democracies (ICTJ, 2017, p.6-7). Winter (2014) thereby suggests that there is no longer a need for 'transition' when implementing these procedures.

2.1.3 Reconciliation, recognition and truth commissions

Reconciliation and recognition are core themes of this study, as the relationship between them is repeated through post-colonial contexts, TC mechanisms and the cases in this study. Reconciliation is inconsistently defined within academic works. Originally related to "interpersonal or religious conceptions", this term has taken on other meanings (Van Der Merwe, Baxter, Chapman, 2009, p.8). In examining the epistemological background of this area, it reveals many holes in research on reconciliation, with gaps in defining reconciliation and making the term more concrete (Baxter, 2009, p.328). Chapman therefore suggests increased qualitative research on the "evolution of attitudes, institutional capabilities, and processes" of reconciliation (2009a, p.165).

One of the issues of contention is whether reconciliation should be understood as a *process or a goal*. Gibson (2009) explores reconciliation as a goal or 'individual attribute' of the social realm. Functioning societies, that contain elements such as interracial tolerance, political tolerance, legitimacy and support for human rights all have achieved the goal of reconciliation. Comparatively, Chapman (2009a) explores reconciliation as the process to achieve social harmony. Here the dynamic nature of reconciliation is provided for, as "a living process" working to fix relations within a nation (Guterres, 2017). The blending of reconciliation as a process and goal in some contexts is explored as having negative results. Examining reconciliation processes in Northern Ireland, Hamber and Kelly explore reconciliation as both a 'moral and political ideal', but also a process "whereby past trauma, injury and suffering is acknowledged and healing/restorative action is pursued" (2009, p.271-272). Despite this ongoing confusion regarding reconciliation's utilities, it is continually emphasised as an important term for both TJ and indigenous-state relations.

Reconciliation is seen to exist on different social levels. Chapman's notion of national reconciliation is significant to this study, through the connection of nation-wide TC processes. National recognition is a macro social and political process assisting with required national reconstruction "…for sustainable and meaningful relations to take root" (Chapman, 2009a, p.150). Occurring at top levels of the nation-state, this approach to reconciliation develops relationships between national governments and civil society. Mutual trust and effective institutions are vital, with reconciled relationships relying on "…political institutions based on the rule of law and respect for human rights and thus facilitating cooperation across group boundaries, leading to shared commitment to a common future" (Chapman, 2009a, p.143).

Hayner's (2002) analysis of TC mechanisms is critical of national reconciliation, instead adopting a much more local or individual approach. The use of TCs has led to increased understanding of reconciliation as a social phenomenon, that provides societal and not individual healing (Hayner, 2002, p.134). Hayner contradicts this, saying that such reconciliation rarely results from TC processes, with global attention around the South African TRC having led to the common nation-wide understanding of reconciliation. Instead reconciliation should be explored on a basic individual level, bringing individuals

back to friendly relations, or in a political context, to reach "mutual conciliatory accommodation" between antagonistic groups (Hayner, 2002, p.155). Hayner asserts that the complexity of individual level reconciliation means that it is not achievable through national commissions. This is supported by Road, asserting that "at best, Truth Commissions may merely reduce the number of lies in circulation; they will never cleanse the nation" (2010, p.292).

Power relations are involved in these understandings of reconciliation. Chapman explores the academic divide between reconciliation as a top-down process, "dependent on political policies or initiatives", or a bottom-up process, community-led and based on "relationships of individuals, particularly former victims and perpetrators" (2009a, p.149). Structural inequalities therefore impact reconciliation and reconciliatory processes, with a need to acknowledge major sources of division, and oppressive power relations to achieve reconciliation.

The assumed connection between reconciliation and TCs, reflects the commonly perceived link between *truth* and *reconciliation*. Truth-finding procedures are seen to have restorative effects, and are preconditions to a reconciled society (Chapman, 2009b, p.92). Governments thereby often address this by adopting mechanisms to document and account for state violation. This is observed within both Norway and Australia. The Australian state has instigated inquiries on both the Stolen Generation and indigenous deaths in custody (Bringing Them Home, 1997; RCIADIC, 1999). The Norwegian government also held investigative inquiries into implications of state policy for ethnic minorities such as the Roma/Tater people (NOU, 2015:7).

Hayner is critical of this often assumed link between national reconciliation and truth, as it is unable to be proved. Hayner does however, acknowledge that approaches other than national reconciliation could be achieved through TCs. This links reconciliation with truth, through reconciling truth or contradictory facts. This form of reconciliation arises from "coming to a generally agreed understanding of a country's history and its wrongs" (Hayner, 2002, p.160). Despite not being the common understanding of reconciliation within TCs, the diversity of truth within such contexts and "…debunking lies and challenging dishonest denial can go far in allowing a country to settle on one generally accurate version of history" (Hayner, 2002, p.163). This approach involves building

relations that are free of past conflict, ending violence, recognition and reparation, addressing structural inequalities and time.

Significant to this study, diverse and changing understandings of reconciliation have been studied in Australian academic literature, revealing the contentious nature of this term (Moses, 2011; Read, 2010; Short 2003; Short, 2012). Road suggests that within Australia, political culture is against reconciliation – especially in relation to indigenous Australians. With mechanisms for public stability born from British understandings, elements of society that can be reconciled relate primarily to "capital and labour, worker and boss", and not 'sectional' issues such as the rights of women or indigenous peoples (Road, 2010, p.294). Throughout Australia's history, the use of reconciliation as a term to avoid commitment, promote assimilation and generate nationalistic values suggests that reconciliation discourses have acted to further disenfranchise indigenous Australians (Short, 2012, p.497).

Recognition is consistently linked with reconciliatory practices. Related to TCs, recognition refers to acknowledgement of facts or truths. Thus TC mechanisms involve "the official and public recognition of past abuses" (Hayner, 2002, p.25). However, in post-colonial contexts, the notion of recognition often refers to the politically recognised sovereignty of First Nations. (Fullenwieder, 2017; Short, 2003).

2.2 The diverse understandings of hegemony

Having already established the role of oppressive state relations on the themes of reconciliation, recognition and TCs, it is important to examine the epistemological background and utilisation of hegemony in research. There is complexity in the academic exploration of this concept, variations revolving around the interaction between hegemony and multiculturalism, politics, and critical theories. With interpretations of hegemony varying depending on the theoretical point of departure (Howarth, 2010). Through examining hegemony, Gramsci emerges as one of the most significant theorists, with his approach to 'cultural hegemony' built upon and used by academics. From the body of academic work we can learn the benefits and challenges in applying Gramsci's 'cultural hegemony'.

2.2.1 Critical perspectives and hegemony

Hegemony within critical perspectives links to the post-colonial and multicultural ties of this study. This area reveals the influence of asymmetrical power relations between minorities and majorities. Santos (2002) explores hegemony as inherently linked to colonialism, with strong implications for minority groups. This presents itself through the inability for states to separate power imbalances from the public forum. This colonialism extends itself to international human rights, which should be accessible to all. Santos and Mouffe establish that human rights, or even morality, holistically is defined by 'the west', reflecting rational liberalist ideals and negating the idea of human rights as universal concepts (Santos, 2002, p.271; Mouffe, 2013, p.30). This therefore works to isolate minority perspectives, putting minority groups at risk of remaining unprotected.

This is further supported by Lähdesmäki and Wagener's (2015) exploration of international multicultural discourse, reiterating the presence of power hierarchies and their influence. The international change to focus on interculturalism over multiculturalism aims to encourage discourse with minority cultures. However, the authors discover the implicit promotion of 'top-down' policies, and disenfranchisement of minority individuals through ignoring their role in national decision-making processes (Lähdesmäki and Wagener, 2015, p.27). This further ignores implicit hierarchies within states that impact policies in culturally diverse societies.

Poucke (2017) also comments on hegemony and colonialism, looking at different forms of *identification* in colonisation and processes of decolonisation. In post-colonial contexts power relations are asymmetrical, with boundaries created based on ethnicity but also on categories of gender and class. This therefore inhibits negotiation practices, with relations of power and domination reflecting the complex colonial hegemony (Poucke, 2017, p.5). Identification in the postcolonial space is complex but refers to the processes of identifying with and through an object of otherness. This is significant for decolonisation processes, as requiring an "active discursive act of rebellion on the part of the colonised" to combat hegemonic colonial processes (Poucke, 2017, p.4). Therefore, Poucke (2017) asserts that it is important to study these acts as a collective dialogue, rather than separate discursive monologues.

2.2.2 WLDs, hegemony and multiculturalism

Of the various political understandings of hegemony, the conception of hegemony within WLDs is particularly relevant. This further relates to the interaction between power structures and multicultural elements of WLDs. Liberal-democracies are political movements capable of asserting dominance through hegemonic influence (Laclau and Mouffe, 2001). The authors suggest that politics within liberal-democratic movements is shaped by hegemony. Laclau and Mouffe (2001) reiterate that elements of Gramsci's understanding of hegemony, such as 'historical blocs' are directly significant to these political contexts.

Borchgrevink and Brochmann (2003) explore power relations and hegemony in interactions between multiculturalism and democratic societies. The modern WLD is defined as a "dynamic interaction of ethnicity, citizenship and the state", three processes that are sources of interacting power. For individuals developing a national identity, these processes contribute to their lives, despite being processes that "…are both structured by power relations and structuring power relations" (Borchgrevink and Brochmann, 2003, pp.82-83). Thus we can observe the authors exploring an inevitability of power asymmetries between majority and minorities within multicultural democracies. Borchgrevink and Brochmann (2003) encourage research that examines minority groups within democratic societies, expressing that the treatment of minorities reveals more about majority conduct and institutions then information that you would gain from the majority.

Borchgrevink and Brochmann (2003) counteract the narrative that democratic states are the ultimate platform of power equality. These authors suggest that democratic constitutions and laws do not necessarily lead to equal democratic access or liberal behaviour. Often built as a defence of majority groups, democracies are designed to function optimally for the majority, evidenced through the basic principle of 'one-person-one-vote'. Therefore, in democracies, minorities are inherently more likely to be disadvantaged. Borchgrevink and Brochmann describe the mindset of WLDs as "…if minority cultures are worth protecting – why not majority culture" (2003, p.74). So WLDs act to protect majority groups against the perceived dominating power of the will to protect minorities. Despite the fact that majority groups indisputably have a greater power advantage, coming through power by consensus. Elements of Borchgrevink and

Brochmann's theory strongly intertwine with elements of Gramsci's hegemonic theory, with the capacity for the majority to "hold the power of definition", they are able to 'construct reality' providing themselves with a superior position (Borchgrevink and Brochmann, 2003, p.91).

Quane (2005) comments upon the interesting power dynamics of national minorities and nation-states as well. With the collective nature of indigenous rights internationally, having implications "for the territorial integrity, and political unity of the state" (2005, p.654). In particular it is the right to self-determination, now explored as necessary by many indigenous populations for their survival "to ensure their continued existence as distinct peoples" and a requirement under international law (2005, p.654). However, this right can be perceived as a threat to the nation-state, with its collective nature impacting the state's integrity by encouraging secessionist claims. It is the threat that these international indigenous group rights pose to the majority population, that discourages states from implementing these international human rights.

Parekh's (1998) discussion on tension within liberal societies further supports this. Questioning the concept of WLDs and the need to address power conflicts, Parekh asserts that "it wishes to maintain its cultural structure, but also wishes, as part of its cultural identity, to remove such inequalities and unfairness as it practices cause to minorities" (1998, p.399). Thus assimilation and integration policies result in multicultural societies, making it increasingly more challenging for minorities to access national debates (Borchgrevink and Brochmann, 2003). Indigenous populations are highlighted as constant victims of oppressive power through assimilation. Despite that fact that as national minorities they should "have the right to undertake their own nation-building project, within the overarching liberal democratic state" (Borchgrevink and Brochmann, 2003, p.83).

Minority-majority power relations within liberal democracies has implications on the interaction of indigenous minorities and politics of identity. Indigenous minority ethno-politics or politics of identity reflects on the relations between multiple nations within one state. Eidheim's exploration of Sami ethno-politics, or that of a majority and minority reflects on the concepts of dichotomisation and complementarisation (Eidheim, 1969). Ethnic dichotomy refers to attempts from the minority to distinguish itself from the

majority, with complementarisation reflecting attempts to compare and reflect elements of the majority ethnic group (Eidheim, 1969). These relations reveal the dynamics of a majority-minority ethnic group interactions.

Hegemony is further related to politics of identity, with ethnic identification influencing the power of an ethnic group within WLDs. When dealing with politics of identity, Kymlicka (2002) emphasises how indigenous minorities are distinct from other ethnic minorities within WLDs. Indigenous peoples or national minorities should be attributed special rights, due to the duration of their residency within the nation-state. These include having the "same tools of nation-building available to them as the majority nation", however should be limited by "liberal principles" (Kymlicka, 2002, p.352). Kymlicka suggests therefore that national minorities should have more rights than other ethnic minorities, such as immigrants. Comparatively, Taylor's (1992) theory on politics of recognition asserts individual identity is strengthened by external recognition from other ethnic groups. Thus all ethnic groups should have equal right to recognition (Taylor, 1992). This suggests that what category or label an ethnic minority receives has a large impact on what they are entitled to within a nation-state. These categories are just constructions, however they influence the power attributed to a group. When it comes to relations with the majority, no ethnic minority is as privileged as indigenous peoples, especially as supported by international protection that other ethnic minorities do not have access to (Quane, 2005).

2.2.3 Application of Gramsci's hegemony

Gramsci differs from other theorists in stressing the reality of hegemony in every-day life as a 'philosophical fact' and the significance of political ideologies and influence (Gramsci, 2000). Several theorists (Howarth, 2010; Laclau and Mouffe, 2001; Dyrberg 2004; Donoghue 2017) utilise and adapt Gramsci's approach to hegemony, exploring the interrelations between politics and hegemony. Despite Gramsci's prominence, there are authors who adopt different understandings of hegemony. These different approaches read Gramsci as overemphasising the role of individuals, and failing to recognise economic factors.

Interpretations of Gramscian ideas vary, questioning whether it is an *economic or cultural interpretation*. There is praise for Gramsci's greater ideological focus, as managing to

integrate novel cultural elements, "…whilst still retaining deep and extensive critique of the material *and* ideational aspects of capitalism" (Donoghue, 2017, p.3). Thus suggesting that Gramsci's novel exploration of cultural elements, does not isolate economic factors, allowing for an integration of economics and ideological factors as significant to hegemonic understanding. Forgacs (2000) supports this, asserting that the perception of Gramsci as purely examining ideological and cultural elements of hegemony is incorrect. Gramsci's interpretation focuses on the dynamic nature of hegemony, including economic perspectives.

There is academic discussion on best-practice in applying Gramsci's hegemonic approach, with academics such as Donoghue (2017) suggesting that these ideas have been misinterpreted or ineffectively applied in past research. Donoghue criticises the 'cursory approach' to adopting Gramsci's hegemony, as previous engagement of the theory in discourse analysis "…remains surprisingly thin" (2017, p.1). There needs to be a greater focus on the detailed machinery of hegemony, or individual elements within the theory. This involves deeper engagement with the more well-known concepts of 'war or position' and 'normative and spontaneous grammars', and inclusion of mechanisms such as 'coercion' and 'consent'. Donoghue (2017) also points to the importance of looking at Gramsci's 'common sense', as more complex than 'naturalisation'. Often research accepts concepts of 'common sense' and 'hegemony' as identical, allowing for misapplication of the theory, without considering 'common sense' as part of the process that constructs hegemony. This would promote a deeper understanding of hegemonic influence. This requires studies to unpack the individual elements of Gramsci's hegemony, instead of accepting 'cultural hegemony' as a holistic concept to apply through discourse analysis.

2.2.4 Combining 'cultural hegemony' and CDA

Through examining the literature, Gramsci's 'cultural hegemony' has previously been combined with CDA as a methodology. Van Dijk (1993) argues that this connection may not be so clear with discrepancy in dominant discourses manufacturing consensus and legitimacy of dominance, whereas CDA studies and exposes discursive reproduction of this dominance. However, the fact that discourses are constructed and allowed to become dominant, is why Donoghue (2017) maintains that Gramsci's theory is a useful tool – in acknowledging the role discourse plays in developing and maintaining hegemony.

According to CDA, discourse is simultaneously a site of struggle, as well as a tool of dominance, linking with Gramsci's 'War of position'. Here a struggle within and over discourse is necessary to create the political and ideological basis for a 'War of movement' (Donoghue, 2017, p.5). The use of common mechanisms between the theory and methodology makes the complementarity apparent. This avails the possibility of Gramsci's hegemony being central to CDA, as both highlight the important role of discursive elements (Ives, 2006).

2.3 Discourse analysis

2.3.1 CDA as a methodology and theoretical framework

CDA walks the line between both methodology and theoretical framework. CDA is an interdisciplinary approach examining the social and political significance of texts. It is generally argued that the relationship between language use and social institutions are mutually influential (Poole, 2010, p.138). Thus CDA adopts a way of performing research in a problem-oriented direction, understanding social interactions while adopting an interdisciplinary framework (Wodak, 1999). CDA works to emphasise the role of language "…as a power resource that is related to ideology and socio-cultural change" (Bryman, 2012, p.536). These concepts originated through Foucauldian theories, that sought to examine the "representational properties of discourse as a vehicle for the exercise of power through the construction of disciplinary practices" (Bryman, 2012, p.536). Therefore as a methodology, the analysis allows for the exploration of why interpretations or positions "…become privileged or taken for granted and others become marginalised" (Bryman, 2012, p.538).

2.3.2 Language and power

Discovering a relationship between language and power is not novel to CDA. For example, Foucault explored this interaction between discursive practices and power throughout his theory (Foucault, 1978). Gramsci also establishes strong links between language and power, making his critical approach a good theoretical basis for strands of CDA that reveal perception as influenced by forms of language (Forgacs, 2000). These ideas link to Foucauldian notions on power and discipline, highlighting language as a means to exert influence over others through everyday contact or education, changing the language of less dominant speakers (Forgacs, 2000).

Poucke (2017) performs a contemporary exploration of the connection between language and power. The author carefully distinguishes between power and control, with "…power as the ability to act in a particular way and control as the ability to influence people's behaviour or the course of events" (2017, p.5). Thus Poucke uses discourse analysis to explore links between language and ideology, a complex relationship that can lead to ideology producing communication failure. Thus the objective of discourse analyses is to describe "…a certain social issue or phenomenon and to elucidate any underlying ideologies that emerge from the discourse surrounding the issue or phenomenon under investigation" (Poucke, 2017, p.6). Donoghue builds on this, observing power in language through its influence, or the "ways in which debate is opened up or shut down in various discourses…, voices included or excluded…or its role in the production of physical violence" (2017, p.3).

2.3.3 Distinguishing Fairclough's CDA

CDA is a diverse field, with many academics making significant contributions. Exploring this field allows us to reveal why Fairclough's CDA is the most appropriate selection for this study. Wodak (1999) has developed one of the most well-known strands of CDA, adopting a historical approach and integrating the historical dimension of the subject under investigation. This led to a focus of CDA on social problems – most notably on racism. Using Habermas as a theoretical basis, Wodak's integration of communicative rationality, allows the exploration of language as a deeply social element. Thus Wodak promotes the need for CDA to examine issues implicit within the social realm, remaining current and focusing on contemporary issues.

Comparatively, Fairclough uses CDA to focus on power and ideology and how it can become evident through texts. Rooted in Gramscian theory, Fairclough adopts a much more structural and political approach to CDA. To pursue this, Fairclough "stresses the importance of linguistic data for the analysis of discourse(s)" (Poole, 2010, p.142). Therefore linguistic aspects are emphasised through Fairclough's CDA to allow for a close linguistic examination of the discourse. It is this linguistic and ideological analysis that allows for the identification and examination of social struggles.

Throughout his career, Fairclough has written multiple works on power and language, further developing CDA. Therefore elements of Fairclough's CDA have changed over time. Fairclough (2010) has only recently established the political responsibility of CDA as a methodology, to be adopted in 'times of crisis'. This has involved a shift in the priority of CDA from enacting a negative critique of existing structures, to a positive critique that emphasises the possibility for transformation. Fairclough emphasises this in saying,

> "So I use 'manifesto' to highlight the contribution that CDA might make to the political struggle for a way out of the crisis which can transform social norms and social life in ways which advance human well-being" (2010, p.14).

Throughout the 1990s this was reflected in the theoretical developments and deepening of CDA. This included a greater emphasis on relations. Observing relations between semiotic and non-semiotic elements, between social levels, and within orders of discourse (Fairclough, 2010, pp.163-164).

In the latest stages of CDA there has been a significantly dramatic increase in focus on political discourse. This was always a component of Fairclough's CDA, but became more prominent as he interacted with other theorists' work, such as Habermas and Arendt (Fairclough, 2010, p.378). This led Fairclough to increasingly use politics to examine social and political change. There some critique of Fairclough's neo-liberal politicisation, having allowed for 'prefabricated interpretation' or influencing the selection of texts. However does allow for bold and passionate statements to be made about the influence of discourse (Poole, 2010, p.139).

This neo-liberal political approach to CDA has generated strong push-back from other CDA theorists. Wodak and Van Dijk's aversion to integrate a more 'leftist' approach to the theory has resulted in a move away from CDA and towards critical discourse studies (hereafter, CDS). This move claims to be more contemporary and applicable to a wider variety of the political spectrum. However, it could be argued that this recent movement is to distance the theory from a left-oriented approach to be more left-central. Wodak and Van Dijk use CDS to make their opinions appeal to more individuals and move away from the Gramscian or Marxist undertones of the theory. However, this in turn could be hiding the real nature of the critical discourse theories – to reveal and examine social struggles. (Van Dijk, 2015)

Elements that have been constant within Fairclough's CDA, particularly include the objectives to focus on ideology and language. Fairclough still maintains the objectives of CDA are "to develop ways of analysing language which address its involvement in the workings of contemporary capitalist societies" (2010, p.1). Elements of critical realism that pervade this approach claims that the 'real world' involves the 'social world', with the social world being a reflection of and relying upon the real world. The elements of social constructivism apparent throughout Fairclough's CDA are also of a central concern. The world is discursively construed in various ways, which go on to have socially constructive effects (Fairclough, 2010, pp.4-5).

It is these latest realisations of Fairclough's CDA, a positive political examination, emphasising relations, of social and political struggles, that best relates to this study. Fairclough's approach reflects the most in-depth understanding and application of Gramscian theory, the focus on hegemonic power allows for a strong interaction between these theorists ideas (Donoghue, 2017, p.10). Bryman examines how Fairclough identifies four sets of organisational research issues for CDA to address. Hegemony is one of these central notions, involving "how discourse figures within the strategies pursued by groups of social agents to change organisations in particular directions" (Bryman, 2012, p.537). In choosing Fairclough's CDA, this study still observes the relevance to maintain Gramscian undertones to this theory, and the need to observe a bottom-up approach to revealing and discussing social struggles.

3 Theoretical Framework

As this study addresses topics such as vulnerable groups, majority and minority interaction and the influence of the state, critical theories and hegemony are an asset in examining power dynamics in these discourses. Fairclough's CDA, as both a theory and a methodology, will be used as the main theoretical and conceptual framework to shape the analysis of the data. In Fairclough's later writings there is less focus on Marxist ideals, such as the role of social classes, and instead on social division and vulnerable groups – and how this can be revealed and examined through CDA.

Fairclough's CDA builds upon Gramscian theoretical background (Forgacs translation, 2000). Gramsci is a prominent theorist in current understandings of hegemony, basing his ideas on Marxist traditions. This study will present a specific focus and utilisation of Gramsci as his writings involved theoretical structures that are relevant and useful in examination of the influence of hegemony on vulnerable groups such as indigenous populations in WLDs. It is apparent however, that Gramsci's theory on hegemony is vast, and can be approached by many different viewpoints. For this study, I have chosen to use Gramsci's *cultural hegemony* and specific related theoretical structures, that are of particular use for the analysis. These related structures include: Historical blocs, common sense, elite vs organic individuals, and war of position vs war of movement.

3.1 Cultural hegemony

Gramsci introduces cultural hegemony as the ideological and moral leadership of society, and the means by which the ruling-class dominates and influences society. The author differs from other theorists, asserting that hegemony is not temporary or concentrated just at the top of institutions, but spread through every state system and every level of society, particularly evident through the ideological control of social institutions (Gramsci, 2000, p.192). It is through the exploration of cultural hegemony that Gramsci touches on issues such as consent, common sense, language and power that are built upon in Fairclough's CDA.

3.1.1 The place of the nation-state

The nation-state is significant to Gramsci's theory of hegemony, embodying the structures through which hegemony is applied. Through a Marxist perspective, the state

is examined to reveal how it uses power to maintain control and the 'status quo'. On a basic level, the state is described as "structures and superstructures" (Gramsci, 2000, p.192). These structures and superstructures reflect various groups and institutions. The complexity of Gramsci's definition of a state impresses the importance of understanding it as a complex and dynamic organism, with multiple structures and actors.

This first internal role of the nation-state is the *ethical or cultural state*, stressing that every state has ethics as one of its most integral functions, holding the population to a cultural and moral standard. This standard is based upon the needs of the state to be productive, and therefore is set to ensure the interests of ruling classes. However, Gramsci also stresses the impossibility of an ethical state, as only achievable by removing internal divisions of the population, and creating a "technically and morally unitary social organism" (Gramsci, 2000, p.234).

States are a construction of both *civil society* and *political society* – ideas which Fairclough (2001) further adopted into his critical theory. It is within this combined context of political and civil society that hegemony acts, and where hegemony is "protected by the armour of coercion" (Gramsci, 2000, p.235). The term *statolatry* is significant to the relationship between the state and social groups. This is the "attitude of each particular social group towards its own state" (Gramsci, 2000, p.237). Individuals are actively involved in states, in particular at the civil society level – where they aim to construct the political society. However, although active, these individuals acting within political society end up enforcing "its normal continuation", and facilitating the perpetuation of normative ideology (Gramsci, 2000, p.238). Therefore it is the actions of individuals within structures and superstructures that make up the state. Despite the complexity of these interactions, for Gramsci the state is the forum of the domination that occurs through hegemony, the location where oppression of lower social classes or minority groups is revealed.

3.1.2 Ideology and maintaining the status quo

In Gramscian theory, dominance is maintained through cultural hegemony and the use of *ideology*, over force or violence, to maintain the status quo. The ruling classes within a state maintain dominance in two ways, through coercion and through consent. Coercion involves the use of force by capitalist states to make other (less powerful classes) accept

its role. It is through consent that hegemony becomes apparent, with the use of ideals and values to persuade subordinate classes that the dominant rule is legitimate. Hegemonic power is used to maintain consent to capitalist order.

There is a strong relationship between *common sense* and *ideology*. Common sense is complex, as both a result of history but also part of historical processes. Common sense is not a stagnant concept, but develops and reveals itself differently in different contexts, as "it takes countless different forms" (Gramsci, 2000, p.343). Thus what Gramsci (2000) highlights as fundamental to his understanding of common sense, is its complexity and inability to be fully comprehended. Despite this, common sense is created through homogeneity within a social group – however there is always an opposition philosophy to these common sense notions.

Common sense is effective and strong within a society, its complexity allowing it to be pleasing to a vast majority. Gramsci describes this characteristic, with common sense as "a chaotic aggregate of disparate conceptions, and one can find there anything that one likes" (2000, p.345). Despite the fact that common sense appears to be deceptive in its applicability and accessibility to all –it can still hold elements of truth. Gramsci states that "common sense is an ambiguous, contradictory and multiform concept, and that to refer to common sense as a confirmation of truth is a nonsense" (2000, p.346). Despite this, as common sense is also constructed by elements of truth it is especially influential is asserting dominant ideologies. Therefore although common sense is inherently contradictory – with elements of truth and falsities; it is the elements of truth that allows it to appear applicable to the majority, deeming common sense notions as legitimate.

The use of *normative grammar* is significant to ideology, and interacts with establishing *common sense*. Normative grammar is developed to hold and support the ideology of the dominant group – therefore working to exert their hegemony. The use of normative grammar is spontaneous within every society, allowing states to become "unified both territorially and culturally", but also recognising the governing class as legitimate (Gramsci, 2000, p.354). Normative grammar is described as "an act of national-cultural politics", presupposing a 'choice', or "cultural tendency" to be enacted within every society (Gramsci, 2000, p.355).

Through these processes of common sense, supported by normative grammar – hegemony can be exercised within the state. A fine balance between coercion and consent must occur to ensure hegemony, "without force exceeding consent too much" (Gramsci, 2000, p.261). In fact, any forms of coercion or force must also be represented as having the consent of the majority.

3.1.3 Ideology and the role of intellectuals

Cultural hegemony also highlights the role of *elite intellectuals* in enforcing hegemonic structures, and *organic intellectuals* as having the capacity to subvert them. Hegemony presupposes an "intellectual unity" and conformity, which further acts to create a perception of reality based on common sense (Gramsci, 2000, p.334). Intellectuals play a key role in the organisation of the broader population, in this instance these intellectuals can mean "organisers and leaders", or "an elite of intellectuals" who are vital to the development of ideologies (Gramsci, 2000, p.334). Without the ideological leadership of these *elite intellectuals*, these concepts cannot take root in the social realm.

Organic intellectuals emerge from within a social group itself, like political activists or workers. Whereas *traditional intellectuals* are those remaining from previous social factions and attach themselves to a selected social class (Gramsci, 2000). These intellectuals are both individuals and a function. In situations of societal transition or revolutionary change, the function of intellectuals grows, increasingly people sharing in leadership, political and economic activity (Gramsci, 2000, p.425). The development of elite intellectuals that monopolise decision-making processes develops bureaucratic structures, instead of democratising society. This bureaucratisation of elite intellectuals is linked to the construction of historical blocs. With organic intellectuals working through this process to develop counter-hegemonic movements.

3.1.4 Historical blocs

The concept 'historical bloc' was not coined by Gramsci, however he utilised it within the philosophical realm (Gramsci, 2000, p.193-194). He explores how structures and superstructures within a society form a historical bloc. The interaction between structures, super structures and historical blocs strengthens the state. Gramsci states that:

> "…the complex, contradictory and discordant ensemble of the structures is the reflect of the ensemble of the social relations of production." (2000, p.192-193).

The complexity and multiplicity of opinion in the structures and superstructures are its strengths. If there existed mono-belief, then revolution or subversion of the state would easily occur, as it is easy to topple one belief or ideology. However, complex interaction strengthens historical blocs and therefore dominant groups and dominant ideologies within states.

The reciprocity between structures, reinforces the ideologies present in the structures and superstructures:

> "If a social group is formed which is one hundred per cent homogenous on the level of ideology, this means that the premises exist one hundred per cent for this revolutionising: that is that the 'rational' is actively and actually real. This reasoning is based on the necessary reciprocity between structure and superstructures, a reciprocity which is nothing other than the real dialectical process" (Gramsci, 2000, p.193).

Thus, complex beliefs result in a reciprocity that through historical blocs can strengthen them. This requires intellectuals and people of the state to be actively involved in developing ideologies and interacting within the state (Gramsci, 2000, p.350). The exchange of elements of ideology between different levels of power allows for the development of historical blocs. Thus the complex beliefs resulting in reciprocity, strengthen historical blocs.

3.1.5 Ethico-political history and civil society

Gramsci frequently uses the term *ethico-political history* to reveal the underlying reality of the nation-state. He notes that "ethico-political history is an arbitrary and mechanical hypostatis of the moment of hegemony, of political leadership, of consent in the life and activities of the state and civil society" (Gramsci, 2000, p.194). Looking at ethico-political history and hegemony, Gramsci considers cultural hegemony as a political element. Thus, he favours a focus on the political struggle, and use of political terminology.

This is where civil society becomes very relevant to cultural hegemony – as related to ethico-political history. Civil society is essentially the terrain in which hegemony is enacted in liberal democracies, described as "the ensemble of organisms commonly called 'private'" (Gramsci, 2000, p.306). Civil society is also the terrain where hegemony

can be overthrown and new hegemonies can be constructed. The focus on civil society is unique, explored as the realm where dominant groups organise consent, opposed to political society which rules by coercion. Here oppressed groups can also construct alternate hegemonies (Gramsci, 2000, p.420).

3.1.6 Overcoming hegemony through counter-hegemony

Hegemony is produced and reproduced by the ruling class, with this hegemony never being complete. The nature of ruling classes is that they are often the minority, required to create a 'power bloc' by making alliances with other groups (for example the middle class) – therefore making ideological compromises to include those they want as allies. This is where Gramsci adopts and utilises the term 'historical blocs'. These historical blocs are a union of social forces that form the basis of consent to a certain social order, this produces and reproduces the hegemony of the dominant class through the nexus of institutions, social relations and ideas. Therefore, there is always the possibility to overcome the ruling class hegemony. These situations of overcoming hegemony are more likely during, but not restricted to, times of economic crisis, or when hardship has become intolerable which leads people to question the status-quo (Gramsci, 2000, p.208-209).

To overcome hegemony, the dominated must develop a 'counter hegemony' to gain leadership. This counter-hegemony challenges common sense ideologies present in society. There are requirements to replace existing common sense notions. Firstly, the movement must "never tire of repeating its own arguments", which works to ensure it becomes a popular mentality (Gramsci, 2000, p.340-341). Secondly, the influence of *intellectuals* is important, through working "incessantly to raise the intellectual level of ever-growing strata of the populace, in other words, to give a personality to the amorphous mass element" (Gramsci, 2000, p.340-341). This is particularly significant to modifying the 'ideological panorama' of the context. These *organic intellectuals* play a strong role in providing legitimacy for the movement and inspiration for change. Gramsci describes them as:

> "…capable of re-living concretely the demands of the massive ideological community and of understanding that this cannot have the flexibility of movement proper to an individual brain, and must succeed in giving formal elaboration to the collective doctrine in the most relevant fashion, and the one most suited to the modes of thought of a collective thinker" (2000, p.340-341).

The construction of a counter-hegemony is not easy, and must be driven through the "will of a personality or a group which puts it forward solely on the basis of its own fanatical philosophical or religious convictions" (Gramsci, 2000, p.340-341). However, due to the uncertainty and inconsistency of hegemony, the development of a counter-hegemony through the construction of a counter-hegemonic bloc and production of organic intellectuals, can work to overcome existing hegemony.

3.1.7 'War of position' and 'war of movement'

Gramsci (2000) introduces the terms *war of position* (hereafter, WOP) and *war of movement* (hereafter, WOM) when discussing movements to over-come hegemony. These are social moves that demonstrate that there is something changing or the possibility for change within a society. They work not to necessarily break existing systems, but impact ways that change realities. These concepts can therefore create social change and subvert hegemony. WOP and WOM are made distinct in the differences between civil society and the state. When it comes to interaction between these two levels of society, there is a need to move away from WOMs towards the use of WOPs.

In discussing WOPs and WOMs, Gramsci distinguishes between political organisation in *the East* and *the West*. Through this distinction it is apparent that *the East* refers to pre-Marxist movements, and *the West* refers to liberal democracies. Gramsci asserts that *the East* is more state-centric, with civil society not playing a strong role; comparatively *the West* has "a proper relation" between the state and civil society, which is shown through the capacity of the civil society to support the state (Gramsci, 2000, p.229). There are differences between individual countries when it comes to the dynamics between civil society and the state, these should be taken into account when reflecting on which kind of movement (WOM or WOP) will lead to social change.

Despite both being movements to overcome hegemony, WOP and WOM adopt different methods and achieve slightly different results. The military metaphors that Gramsci adopts should not mislead us, as in reality WOPs and WOMs are ideological movements. WOM is described as "a frontal assault on the state", compared to the WOP which "is conducted mainly on the terrain of civil society" (Gramsci, 2000, p.224). For WOP the civil society is "a site of consent, hegemony, direction, in conceptual opposition to the

state (political society) which is a site of coercion, dictatorship, domination" (Gramsci, 2000, p.224). Therefore it is at the civil society level where dominant classes can organise and create their hegemony, but therefore also where opposition movements can be organised. Whether focusing on civil society or the state level, it is the location of the social realm that influences ideology, and therefore where there needs to be an ideological shift that could slowly change the common sense narrative and subvert current hegemonic structures.

The instigators of such social movements are limited in their capacity to control them. Gramsci suggests that "one cannot choose the form of war one wants, unless from the start one has a crushing superiority over the enemy" (2000, p.226). This reiterates why WOPs are more successful in overcoming hegemonic structures, as not a full frontal assault on the powerful state (more relevant to WOM). This also highlights that minorities are always at a disadvantage when challenging hegemonic structures – as unlikely to have superiority over dominant groups. Thus, both WOP and WOM pose extra challenges for vulnerable groups (Gramsci, 2000, p.233). Gramsci suggests that because of the long and well-established structures of hegemony – and the maintenance of strong majority ideologies during times of peace, the state is protected against both WOM and WOP from minority groups.

Gramsci makes it evident that WOP is preferential to WOM. WOPs offer a greater threat to states and hegemonic ideologies, as "once won, is decisive definitively" (Gramsci, 2000, p.230). However, WOPs demand great sacrifice as there are strong pushbacks and open assaults against social movements and organic intellectuals presenting counter-hegemonic ideologies. This is because to counteract WOP a greater assertion of hegemony is required by the state, and more 'interventionist' approaches are used by the government to take an offensive against the oppositionists (Gramsci, 2000, p.230).

3.2 Fairclough and Hegemony

The broad applicability of Gramsci's understanding of hegemony is useful, adopting a multidimensional and cultural approach (Fairclough, 2010, p.61). It provides a theory which examines the interaction of power, class and state in contemporary capitalist societies. A theory, "which can account for the relationship of such developments as technologisation of discourse to class and state interests, without reducing complex

relationships between organisations, institutions and levels to a 'conveyer belt' view of state power" (Fairclough, 2010, P.128).

Hegemony is observed as more than just power imbalance within society. Fairclough (2010) emphasises the significance of 'blocs' or alliances, and the temporary and incomplete nature of hegemony. Thus this involves the integration of subordinate classes. Hegemony as a 'struggle' is of particular significance to Fairclough's approach. This refers to power relations constantly having to be produced and reproduced to be maintained. Alike Gramsci, there is an emphasis on civil society institutions as the site of hegemonic struggle, with power inequality between different social levels and domains. Fairclough reveals all this through his definition:

> "Hegemony is leadership as well as domination across the economic, political, cultural and ideological domains of a society. Hegemony is the power over a society as a whole of one of the fundamental economically defined classes in alliance (as a bloc) with other social forces, but it is never achieved more than partially and temporarily, as an 'unstable equilibrium'. Hegemony is about constructing alliances, and integrating rather than simply dominating subordinate classes, through concessions or through ideological means, to win their consent. Hegemony is a focus of constant struggle around points of greatest instability between classes and blocs, to construct or sustain or fracture alliances and relations of domination/subordination, which takes economic, political and ideological forms" (2010, p.61).

Fairclough (2010) adapts cultural hegemony to provide it with a more contemporary understanding. He examines how hegemony occurs, not in social class systems, but in societal institutions down to the local level such as "the family, schools, neighbourhoods, workplaces, courts of law etc" (Fairclough, 2010, p.63). Through social processes in these institutions hegemony is revealed. Hegemony is understood as ideologically driven action, evident through processes; "...local processes of constituting and reconstituting social relations through discourse, global processes of integration and disintegration transcending particular institutions and local orders of discourse" (Fairclough, 2010, p.64).

Particularly significant to Fairclough's (2010) CDA is the emphasis placed on discourse within hegemony. His examination of *discoursal democratisation* suggests a connection between national discourse strategies and political hegemonic control. This reflects notions of *normative* discourse, but purely in democratic contexts. In such contexts, common sense ideologies become apparent in discourse through a democratic process, reflective of the society itself, "Discoursal democratisation is of course linked to political democratisation, and to the broad shift from coercion to consent, incorporation and pluralism in the exercise of power" (Fairclough, 2010, p.65). The strong connection between the strategic use of discourse and political hegemony has practical implications for society. Hegemony limits and controls social discourse, allowing the dominant forces to influence the expression of society.

Through looking at this relationship between discourse and hegemony, the theory and methodology of CDA identifies links to power imbalances through language. The contradictory nature of discourse is important to examine, with the capacity of discourse to reflect both egalitarian and authoritarian ideologies. Despite this contradiction – using CDA can reveal how one element also dominates the other (Fairclough, 2010, p.63). Hence, Fairclough's hegemony focuses more on a struggle, and not on domination through coercion and consent, this is why it is considered useful for this study. The resulting theory and methodology of CDA explores discourse surrounding struggles for power by minority groups. This struggle occurs through discourse; "Orders of discourse are viewed as domains of hegemony and hegemonic (ideological) struggle, within institutions such as education as well as within the wider social formation" (Fairclough, 2010, p.29).

3.2.1 Hegemonic struggle between ideologies

Fairclough adopts and builds upon Gramsci's notion of *an ideological complex,* referring to the complexity of interacting and overlapping ideologies within a society. This leads to the struggle between these ideologies, or hegemonic struggle (Fairclough, 2010.p.62). Fairclough integrates the concept of *ideological dilemmas*. It is these social conditions of dilemmas that are analysed through discourse analysis, resolving themselves in the discourse dimension, and leaving "textual traces in the dimension of text" (Fairclough, 2010, p.64). *Ideology* is seen to reflect more than just societal truth, with the results of these ideologies seen through textual features. Thus "…features of texts are seen as

ideological in so far as they affect (sustain, undermine) power relations. Ideology is seen as 'located' in both structures (discourse conventions) and events" (Fairclough, 2010, p.28). It is through this understanding of ideology as a reaction, that Fairclough builds his theory of CDA as a way to observe that reaction in texts.

Within CDA, dominant ideologies are produced and reproduced to create hegemony. Ideology is therefore defined as "representations which contribute to constituting, reproducing and transforming social relations of power and domination" (Fairclough, 2010, p.29). Thus understanding cultural hegemony is useful to revealing connections between language and ideology (Fairclough, 2010, p.56).

3.2.2 Connecting common sense and ideology

Fairclough is unique in emphasising the connection between *common sense* and ideology. He emphasises that ideology is "…an 'implicit philosophy' in the practical activities of social life, backgrounded and taken for granted", thus connected to the development of 'common sense' narratives (Fairclough, 1989, p.84). *Common sense* is the naturalisation of ideologies; significant as linked to and revealed through actions, with the actions of a nation-state revealing ideologies (Fairclough, 2010, p.62).

Fairclough's (2010) understanding of common sense expands beyond Gramsci's (2000), asserting that common sense is substantially ideological, but also more complex. With common sense understood as the naturalisation of ideology within a society, it is also contextually influenced, as a "depository of the diverse effects of past ideological struggles, and a constant target for restructuring, in ongoing struggles" (Fairclough, 2010, p.62). Thus hegemony and common sense are not just concentrated at the top levels of a society, but spread out and evident in every system, in all levels of society, and in all social discourse.

3.2.3 Discourse as discursive events

Fairclough's (2010) CDA introduces the notion of *discursive events*, as contexts where ideology is evident. These take the form of *texts*, which can encompass a broad range of products. As a methodology, it focuses on both discursive structures and events. However, ideology cannot be discovered just through the analysis of texts, there is a need

to look at the event or social interactions as well, taking into consideration the context and intertextual relations (Fairclough, 2010, p.57).

Ideology reveals itself in more than just the text producer (creator of the text or hereafter TP) – but is evident in every small aspect of the text, for example style, frames, features etc. As ideology is revealed through past and present events, the small textual elements within these structures can be examined to observe ideology (Fairclough, 2010, p.58). This makes ideology and language two interacting concepts in CDA. With language as a "material form" of ideology, and further invested in by ideological influence (Fairclough, 2010, p.59).

There is a relationship between discourse and 'extra-discoursal structures and relations' or the relevant context. This makes discourse both representational, but also born from such contexts, due to the practical implications of ideology on discourse (Fairclough, 2010, p.59). This notion of 'creation and recreation' shows how ideology exists and has practical implications on the world, through the constant cycle of dominant language; "The result is that ideological and discoursal shaping of the real is always caught up in the networks of the real" (Fairclough, 2010, p.59). This is due to the fact that features of language are ideologically invested, such as "features of vocabulary and metaphors, grammar, presuppositions and implications, politeness conventions, speech exchange (turn-taking systems), generic structure and style" (Fairclough, 1995, p.2). From these meaningful textual features, there are also structural elements of texts that reveal ideologies, such as various formal features, including "frame, schema, script and related concepts" (Fairclough, 2010, p.61). There are even elements of textual 'style' that can be ideologically significant. Through this focus on different levels of text (seen in *Figure 1*), Fairclough builds his theory and methodology of CDA.

Fairclough's (2010) *hegemonic struggle* is revealed through discourse, as involves the struggle of dominant forces to ensure and renew their hegemony. The relationship between discourse and hegemony is strong, as "it is in concrete discursive practice that hegemonic structuring of orders of discourse are produced, reproduced, challenged and transformed" (Fairclough, 2010, p.130).

Process of production

Text ——————————————— Description (text analysis)

Interpretation (processing analysis)

Process of interpretation

Discourse practice

Explanation (social analysis)

Sociocultural practice

(Situational; institutional; societal)

Dimensions of discourse   Dimensions of discourse analysis
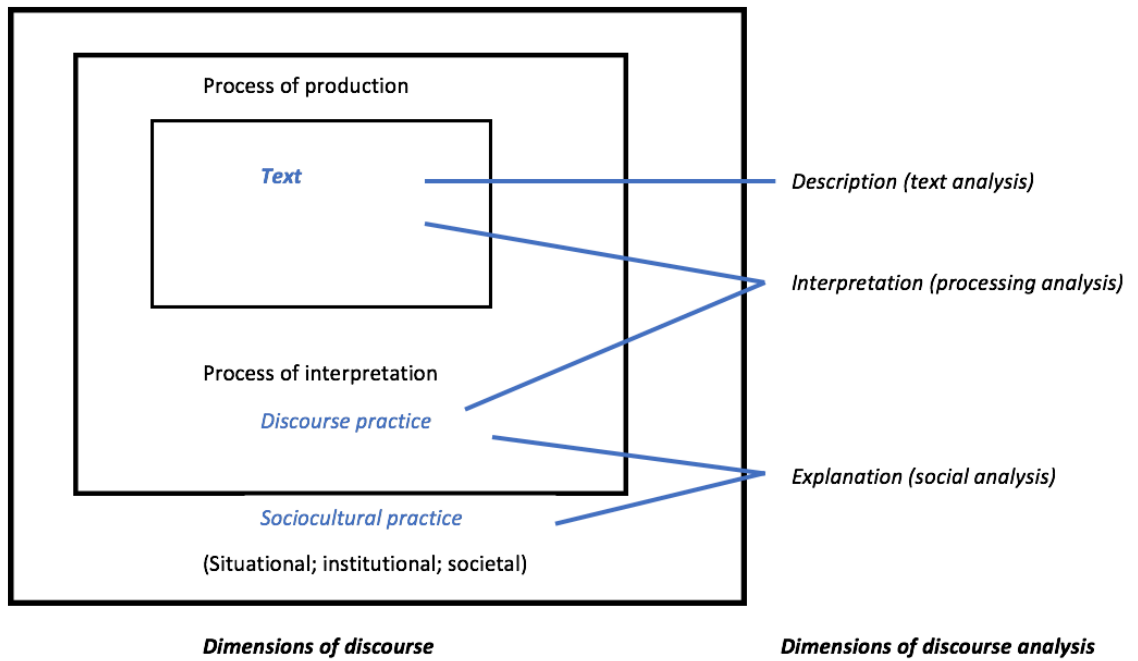
Figure 1. Dimensions of discourse and stages of Fairclough's critical discourse analysis

Fairclough's critical approach to discourse explains the basis for the CDA methodology. For Fairclough, discourse is simultaneously:

 "(i) a language text, spoken or written, (ii) discourse practice (text production and text interpretation), (iii) sociocultural practice" (2010, p.132).

Therefore, to explore these aspects CDA involves analysis of linguistic *description* of text, *interpretation* or relationships between discursive processes and text, and *explanation* of the relationships between social processes and discursive processes (Fairclough, 2010, p.132). *Figure 1* represents Fairclough's visual demonstration on the interaction between dimensions of discourse and discourse analysis for CDA. The figure explores the interaction of these levels of textual analysis that allows for a revelation of theory as per Fairclough's understanding of hegemony and ideology. The application of this theory to a structured methodology is further examined in the chapter four.

4 Methodology and Research Design

4.1 Research Design

A *qualitative research strategy* has been adopted for this study. The movements to request TCs by indigenous populations in WLDs is a novel phenomenon. Thus a qualitative approach has been chosen to examine this area further, as qualitative strategies are useful in TJ and human rights research to generate hypotheses for areas without prior knowledge (Sonis, 2009, p.197). A qualitative approach is used to generate knowledge about these requests by indigenous populations and the relationships between the state and indigenous populations.

Epistemologically this research reflects interpretivists concepts. *Interpretivism* benefits this area of research, involving the "understanding of human behaviour" (Bryman, 2012, p.28). This study will assert the researcher's role in interpreting social phenomena, by adopting a qualitative exploration of the concepts of hegemony, reconciliation and recognition in indigenous-state relations. In adding a critical framework to these reflections I have grasped "…the subjective meaning of social action" (Bryman, 2012, p.30). I am aware of the limitations of subjectivity in research, as perceived from a quantitative or positivist perspective. However, an interpretivist approach accepts the inevitable reality of subjectivity, and further allows a close relationship with the data that can encourage meaningful interpretations and conclusions.

This study has adopted a *comparative design with a multiple case-study approach*. The case studies adopted are that of Australia and Norway, involving data collection from both countries and a comparison of conclusions drawn. A comparative research design involves two contrasting cases being examined using identical methods, based on the premise that "…we can understand social phenomena better when they are compared in relation to two or more meaningfully contrasting cases or situations" (Bryman, 2012, p.72). Cross-cultural research also promotes the concept that social science findings are often culturally influenced. By adopting a multiple case-study approach this study has allowed for greater opportunities to learn about social environments as the researcher is placed in the position to examine causal mechanisms in similar or contradicting contexts (Bryman, 2012, p.74).

Comparative research designs are frequently adopted in human rights or TJ research. As context is significant to TJ mechanisms, comparative and cross-cultural analyses contribute greatly to this field (Backer, 2009, p.50). A potential limitation of comparative designs is the tendency to pay less attention to specific contexts and focus mainly on the differences between the cases (Bryman, 2012, p.75). This loss of specificity has been avoided by considering Bryman's suggestion and outlining a specific focus of the comparison at the outset, the uses of comparative design has allowed insight to be provided into each context.

In the spirit of *triangulation,* multiple different sources of data collection have been adopted to complement each other. These multiple sources of data are used to study the social phenomena, increasing our confidence in the findings (Bryman, 2012, p.392). Fairclough's method of *critical discourse analysis* will be adopted. Fairclough's CDA "emphasises the linguistic aspect of discourse" (Poole, 2010, p.143) – so this methodology will entail textual analysis. Fairclough's textual analysis comprises of both interdiscursive and language analysis (Fairclough and Fairclough, 2012, p.85). Fairclough's approach aims to avoid technical terminology of linguistics to make this analysis more accessible and understandable (Poole, 2010, p.143). It is also significant to note that CDA has been chosen for its usefulness in revealing power structures and capacity for empowerment and change (Fairclough, 2010, p.68). I will draw on hegemonic structures and relations between language and power, through examination of discourse. CDA can be used to conduct in-depth linguistic textual analysis, which produces other kinds of detailed data, however I will be using the CDA framework to discover hegemonic structures through interpretations of texts.

Semi-structured qualitative interviews have been adopted as the second form of data collection. These qualitative interviews complement the CDA as far less structured then quantitative interviews or surveys. In a semi-structured approach an interview guide is developed, but both the interviewer and interviewee have greater flexibility in asking and responding to questions. This was beneficial in supporting a flexible research design that is complementary to CDA. These interviews were recorded and transcribed to allow for their in-depth analysis and to avoid biases intruding on the interview content (Bryman, 2012, p.482).

4.2 Methodology

4.2.1 Critical discourse analysis

The significance of language across the academic spectrum remains apparent. Hamber and Kelly emphasise that "the search for an agreed-on or acceptable language is important in resolving any conflict" (2009, p.267), emphasising the power of language and understanding terminology. Therefore, this research will look into discourse analysis. Bryman (2012) explores practical aspects of CDA as a methodology that need to be acknowledged. There are three dimensions to a 'discursive element'. These include the 'text dimension', or "examination of the actual content, structure, and meaning of the text under scrutiny" (Bryman, 2012, p.538). 'The discursive practice dimension', refers to the "examination of the form of discursive interaction used to communicate meaning and beliefs" (2012, p.538). Finally, the 'social practice dimension', which involves a "consideration of the social context in which the discursive event is taking place" (2012, p.538). Additionally, one of the main advantages of CDA is the flexibility of the methodology. The ability for CDA to be combined with other methods and disciplines is due to the broad theoretical heritage from which it was developed, but "also due to CDA's explicitly socially situated nature, taking inspiration from many people and directions of research" (Donaghue, 2017, p.1). These are all elements observed in Fairclough's CDA.

Fairclough's CDA has been used to analyse Australian and Norwegian political and public debate. Fairclough observes the development of a methodology as a four stage process beginning with identification of a social wrong, identifying obstacles to addressing this, considering whether the social order 'needs' this social wrong, and identifying ways passed the obstacles (Fairclough, 2010, p.226). Having identified the first stage (social wrong) within the chapter one, we now proceed to identifying social obstacles and considering the social order through document analysis. A document analysis guide has been developed (see appendix 1). This guide was framed around Fairclough's clearly outlined stages of discourse analysis (the theoretical basis for which is explored in chapter three):

Description phase: words;

Description phase: grammatical characteristics of the text;

> The description phases are concerned with identifying and drawing out formal textual features (2001, p.21).

Interpretation phase: text and context;

> The interpretation phase is concerned with the relationship between interactions and the text, or observing how the text is a product of a process of production (2001, p.21).

Explanation phase

> The explanation phase is concerned with relating interaction and social context, with social determination of production processes, and the further social implications of this (2001, p.22).

Fairclough's (2010) fourth stage of methodology, to identify possible ways passed these obstacles to addressing the social wrong is examined in chapter five.

Documents have been gathered from within the public and political debate around the requests for truth commissions from the national governments in Australia and Norway. The document analysis guide was used to critically analyse 6 documents (3 from each case-study), focusing on the themes of hegemony, reconciliation and recognition. The texts have been selected to represent the interaction of the political debate – giving a voice to multiple sides of the discussion. This is supported by theorists such as Poucke (2017) and Donaghue (2017) – that argue that to gain a full understanding of the discourse, one must engage more than just a monological approach. There were many documents that could have been selected and due to the time restrictions, study size and language barriers the text selection is not comprehensive. This selected sample of texts were chosen on the following criteria: that they are recent, relevant and significant to the debate on the use of TCs in each case study, and reflect various perspectives.

The selection of texts was as follows;

Text one: Uluru Statement From the Heart (2017)

> One-page public statement released by Uluru Statement Working Group after the Uluru Convention. Hereafter referred to as *Uluru Statement*.

Text two: 'Resilience and Reconstruction: the agency of women in rebuilding strong families, communities and organisations', Speech by June Oscar, the Aboriginal and Torres Strait Islander Social Justice Commissioner at the Australian Human Rights Commission

This speech was delivered by June Oscar on 16 November 2017, as the annual Narrm Oration at the University of Melbourne, Australia. Hereafter referred to as the *Narrm Oration*.

Text three: Joint Media Release from Australian Prime Minister Malcolm Turnbull, Attorney-General George Brandis, and Minister for Indigenous Affairs Nigel Scullion, as response to Referendum Council's Report on Constitutional Recognition.

Media release from Office of Minister for Indigenous Affairs, released on 26 October 2017. Hereafter referred to as *Government Media Release*.

Text four: Internal memo from Department of Migration, Minority and Sami Affairs to the Cabinet Minister.

Internal memo within Ministry of Local Government and Modernisation, Norwegian Government. Written 15 June 2016. Hereafter referred to as *Departmental Memo*.

This text was translated from Norwegian to English.

Text five: Motion (Parliamentary Procedure) 30S (2016-2017) from members of Norwegian parliament Kirsti Bergstø and Torgeir Knag Fylkesnes

Question in parliament delivered by members of socialist-left party on 20 December 2016. Hereafter referred to as *Parliamentary Motion*.

This text was translated from Norwegian to English.

Text six: Norwegian Sami Parliament statement of support for Motion (Parliamentary Procedure) 30S (2016-2017).

This resolution text was released by the Samediggi on 1 June 2017. Hereafter referred to as the *Samediggi Statement*.

This text was translated from Norwegian to English by the Samediggi for the purposes of this study.

4.2.2 Semi-structured interviews

Sampling: Purposive sampling, a type of non-probability sampling was adopted. Based on the research questions, participants were selected in a strategic way so the sample is relevant to the research outcomes (Bryman, 2012, p.418). The selection of units of analysis (participants) was based on clear criteria to ensure responses would complement the CDA. Initially, the sample intended would include a representative from the national government, and a representative in favour of implementing a TC in each case study. Due

to time constraints, and challenges to gain access to respondents however this sample had to be developed and edited during the research process.

It became evident that the sensitive and political nature of this topic meant that representatives in favour of TCs were eager to take part in interviews, whereas both Norwegian and Australian government representatives were very unresponsive or negative towards interview participation. In the end this resulted in Norwegian government officials agreeing to provide a written response to questions. This was beneficial as it still provided a written text for analysis, although not as flexible, spontaneous and conversational as an interview would provide. Within the time limit it was not possible to conduct an interview with Australian government officials, due to the number of non-responses or refusals received. I acknowledge that there is a risk of increased bias and eliciting patterns with a small sample. However, each interview was so fruitful and significant to the themes and connections that I saw emerging from the CDA that I still see it as valuable to include these interviews as a source of data to complement the CDA.

The indigeneity or non-indigeneity of participants has been excluded from their personal data, although with some representatives of the sample this status could be assumed. This was because I was interested in the rhetoric choices used in the debate, not personal opinions, and all respondents spoke from their professional position.

The final sample included:

Participant one: *NGO Adviser*, **Australia**

> Senior policy adviser at non-governmental organisation working with Aboriginal and Torres Strait Islander Rights in Australia.

Participant two: *Samediggi Adviser*, **Norway**

> Senior adviser on rights, Samediggi in Norway.

Participant three: *Department Officials*, **Norway**

> Written responses provided by Department of Sami and Minority Affairs, Norwegian Government.

Interview guide: An interview guide was developed (see appendix 2) based on the themes of hegemony, reconciliation and the requests for TRCs in Australia and Norway. These

themes guided the development of basic questions to be used for the semi-structured interviews to ensure their organised layout, but still allowing flexibility (Bryman, 2012, p.473). To develop this interview guide, criteria were adopted, including creating an order in which to address the topic areas, formulating questions that were relevant to the research questions, using comprehensible language, avoiding leading questions and recording a 'fact sheet' of basic information of respondents (Bryman, 2012, p.473).

Interviewing: Due to limited funds, time restraints and the international nature of this study the interviews all took place via telephone/skype call. Practical issues were addressed in advance to ensure a good phone/skype connection, a good quality recording device was used, and a quiet setting was used for the interview. After each interview notes were recorded about how the interview went, details that were significant and issues that may be of concern.

Transcription: I transcribed the interviews myself, and although a lengthy process it allowed me to increase my familiarity with the data. This also provided an opportunity to commence thinking about the themes emerging that related to the CDA.

Transcript analysis: Interview transcripts were analysed as texts through Fairclough's CDA. Although there is some contention within CDA, as to what can constitute as a 'text', for Fairclough every piece of content is a text that can benefit from the CDA approach (Fairclough, 2010). Additionally, within Fairclough's (2010 CDA there are many different approaches such as 'conversation analysis' that could be adopted on interview transcripts. However as the purpose of this research is to discover power relations throughout the discourse and not in the relationship between interviewer and respondent, the texts analysed by CDA consist primarily of the responses by participants.

4.2.3 Comparative analysis

Similarities and differences have been observed between each case study's approach. A thematic division of the comparative analysis assisted the examination of links between the cases when reflecting upon how hegemonic power imbalances and the concepts of reconciliation and recognition are revealed and explained by the texts.

4.3 Dealing with challenges and limitations

As is the nature of any study, there are challenges that I faced throughout the process that needed to be addressed. *Critical discourse analysis* was chosen as my main theory and methodology. The interpretative nature of CDA means that it can appear subjective rather than a critical analysis of texts (Widdowson, 2004, p.103). Critique of Fairclough's CDA comes from his tendency to adopt political assumptions before analysis (Poole, 2010). To increase the reflexivity of CDA as a methodology is it important to also be critical of internal terms themselves (Donoghue, 2017, p.6). However, CDA is inherently a qualitative method, performed with pre-assumed beliefs in power imbalances and the need to present a critical perspective. To avoid political assumptions and being detrimentally subjective, I have practiced inter-subjectivity. This involved me remaining conscious of why I have made the choices I have throughout the study .

Steps were taken to utilise the benefits of CDA, while acknowledging the perceived limitations. I have tried to use a phenomenological approach, allowing the cases to speak for themselves. This has allowed me to try and stay impartial and keep my political and personal motivations to a minimum. The very nature of CDA is the production of conclusions that are interpretations, inevitably influenced by established beliefs and previous knowledge. There is no 'right interpretation', "interpretations can be more or less plausible or adequate, but they cannot be 'true'" (Wodak, 1999, p.187). However, the absence of 'complete objectivity' is a valuable aspect of CDA methodology, looking into power structures inherent in institutions, benefiting greatly when complemented with Gramscian hegemonic theory.

Due to the bilingual nature of the case-studies, there were limitations in dealing with translations as I am not a native speaker of Norwegian. However, this was not hard to overcome as the topics of multiculturalism and human rights are of global concern and interest. Financial and time limitations meant that it was not possible to have these documents translated by a linguistic/translation specialist. However, the Samediggi was happy to translate the *Samediggi Statement* into English for the purposes of this study at my request. The two final Norwegian texts were translated by a native-Norwegian speaking colleague, who had knowledge of the political area and discourse, and who also knew the significance of maintaining similar language significance due to the discourse analysis that was going to be performed. Despite this I do acknowledge that language

translations can never be truly exact, and could have had implications on the interpretations drawn from the discourse.

Despite overwhelming academic support for the beneficial nature of *comparative analyses* in human rights and TJ research, vast differences between contexts can be problematic in attempts to draw common conclusions. However, Backer (2009) contradicts this in asserting that great differences between case studies could even be beneficial, making the similarities even more significant. Differences in the terminology used can also be a challenge in comparing contexts. The nature of international comparison suggest that there are differences in definitions of specific terms, and terms are adopted in different ways (Baker, 2009, p.58). Although an understandable concern in the nature of reliable research, this issue is actually beneficial for this study. The differing use of terms defined by different contexts can have implications for the power relationships within these cases.

4.4 Positionality

My positionality led to the selection of the Australian and Norwegian case studies for the research. As an Australian studying in Norway I learnt of the requests for TCs to address ongoing discrimination of the Sami people in Norwegian policy. I linked this movement to similar processes I knew to be occurring in Australia to address the history of colonial atrocities against the Aboriginal and Torres Strait Islander people. Having performed a preliminary search, I am unaware of other WLDs with similar movements since the completion of the TRC in Canada in 2015, however the main reason for the selection of Australia and Norway remains the influence of my positionality.

When addressing positionality in relation to this critical study it is important to address the issue of power dynamics and research. In all fields of research, but in particular in human rights research there are inherent power dynamics with the domination of the field by western academics (Baxter, 2009). This epistemological trend does not allow the exploration of methods that are outside of 'western' or universalistic models of 'good research' and valid knowledge. This negates the validity of different kinds of knowledge emerging from other cultures (Santos, 2016, p.19). As a female white-Australian completing research on indigenous struggles for cultural rights and recognition of alleged human rights violations, I am, to an extent, reinforcing this negative trend. Due to my

academic education through social research degrees, this study utilises methodologies and frameworks understood as "western" methods of study, as opposed to "subaltern" methods (Santos, 2016).

Despite this, I hope to uphold the challenge posted by Baxter (2009) and confront power structures through my critical approach to the relationship between WLDs like Australia and Norway and their indigenous populations. This is in the hope that increased research and interest in this area will challenge the inability for minority groups to access human rights and reduce disparity with dominant populations.

4.5 Ethical considerations

Ethical considerations are significant across all forms of research, and the application of general ethical procedures was required during all stages of this study (NESH, 2006, p.8, 25-26). This study becomes controversial when linked to accusations of human rights violations and indigenous population's rights to self-determination and cultural survival. Therefore measures were taken to ensure relevant ethical concerns are addressed. Bryman outlines four general principles for ethical research, including questioning the potential harm to participants, a lack of informed consent, invasion of privacy or the involvement of deception (2012, p.135). Each of these principles are relevant to this study and were taken into account.

Some of the texts selected for analysis are *public documents* that are openly available. Despite adopting a critical approach, the 'regard for public administration' highlighted by the NESH will be maintained (NESH, 2006, p.21). This involved performing the analysis with respect to government institutions and their choice to make their publications public. It is significant to note that the *Departmental Memo* [NO] in this study is an internal memo publicly leaked by the press. This text was written with the intention of remaining within the Department of Sami and Minority Affairs, before being publicly leaked by Norwegian media. However, the significance of this document to the debate on the TC in Norway in 2016, and the wide-spread publicity of the document since its leak, meant that I chose to include it.

When conducting *interviews*, NESH asserts the need to uphold human dignity and respect individuals (2006, p.11). This is particularly relevant when addressing controversial

topics including the violation of indigenous rights. I have actively worked to maintain "respect for the values and motives of others" (NESH, 2006, p.20). This includes respecting the validity of differing opinions and approaches, in particular during interviews. To assist with this, I have received informed consent for interview participation. A formal 'ethical protocol' had to be developed before the interviews commence to ensure all ethical concerns in relation to interaction with private individuals are raised (Kvale and Brinkmann, 2009, p.63). To ensure this ethical protocol I notified NSD (Norwegian research ethics board) before collecting data. This research was approved by NSD 1st December 2017 (see appendix 3), as was the information letter to be sent out to informants before interviews (see appendix 4).

Respect for vulnerable groups has also been an ethical concern, as indigenous populations are minority groups that face discrimination in both Australia and Norway. Cross-cultural research requires "…special requirements for dialogue with representatives and members of the culture under investigation" (NESH, 2006, P.24). The inclusion of qualitative interviews to complement CDA has hopefully provided a voice to the varied cultural perspectives examined in this research.

In performing *comparative research*, it is important to respect cultural and social realities. Cuevas and Rojas suggest doing so through incorporating methodological designs "that include knowledge of the language, the history of the country, and the specific history of social and economic exclusion and social and political domination suffered by the people in the study" (2009, p.322). There was a risk of focusing too holistically on governmental policy within the case studies, thereby not addressing different cultural identities relevant to the research. I have worked to maintain focus on the different histories, rights violations and contemporary issues facing indigenous populations in the case-studies to ensure that these cultural differences are stressed.

4.5.1 Neutrality vs advocacy

One of the major ethical issues that this study has confronted is the balance between 'objective' research and advocacy for human rights and minority groups. Baxter (2009) questions, when examining the violation of human rights, whether researchers should strive for objectivity, or be subjective in supporting victims. Cuevas and Rojas (2009) adopt the interesting perspective that human rights and TJ research transgresses notions

of objectivity. They claim that "Above all, this kind of research must take the side of those who suffered. Researchers cannot be neutral when working with human rights and the struggle against impunity" (Cuevas and Rojas, 2009, p.324). This is also an issue in critical research when researchers are often encouraged to be subjective in support of victims (Wodak, 1999, p.187).

Finding the balance between adopting a critical approach that explicitly supports equal access to human rights, and the need to complete 'good research' when exploring these issues has been considered at every stage of my research. However, in choosing to adopt critical theories and CDA there is a need to be passionate about the empowerment of victims and the presence and oppression of power asymmetries and hegemonic power imbalances. Such research therefore cannot be done for 'research's sake', "…but can have policy results that may improve the lives of those overcoming legacies of violence and abuse"(Cuevas and Rojas, 2009, p.327). During this study I have worked to maintain 'good research' practices, while taking into considerations the ethical concerns of power asymmetries this study examines, thus although not completely free from bias, I have aimed to not be too biased.

5 Findings and Analysis

This chapter will consist of the findings and thematic analysis drawn from selected written documents, qualitative interviews and one written speech transformed into texts (see chapter four). Due to the space limitations of a master's thesis I have combined some of the stages in Fairclough's CDA guide and presented the analysis as thematically divided below. The thematic examination of the data includes outlining empirical evidence (ie. Fairclough's *description* phase), and analysis (ie. Fairclough's *interpretation* and *explanation* phases).

The selection of themes reflect the key issues related to hegemony, reconciliation and recognition and hence strive to address the research objectives and three research questions (see chapter one). Gramsci's theory on cultural hegemony and Fairclough's critical discourse analysis (see chapter three) are applied in the analysis and interpretation of the texts in the Australian and Norwegian cases respectively. These themes have been selected to structure description and successfully analyse these complex concepts, although they cannot be regarded as holistically independent but are interrelated and overlapping to some extent.

5.1 Case One: The request for a Makarrata Commission in Australia

5.1.1 Background of texts

According to Fairclough's CDA (2001), establishing the background of texts is important to briefly identify the text producer (TP), contextualise the text, the topic and the discourse themes revealed in the texts. In addition, it is important to establish how the texts interrelate with each other, and the perspectives that they represent.

The *Uluru Statement*, *Narrm Oration*, *Government Media Release* and interview of an *NGO Adviser* are the texts comprising the Australian case. The *Uluru Statement* refers to the Uluru Statement from the Heart. This public document was released at the climax of the 2017 movement in Australia for change within indigenous affairs including the official request for a Makarrata commission. This convention took place in Uluru, Central Australia as the culmination of hundreds of local community dialogues within the

indigenous community and was attended by over 250 community leaders (McKay, 2017). For this text TP consists of a group, as the statement was drafted by multiple authors and voted upon by a majority of indigenous delegates at the convention. However, it should be noted that a small number of delegates walked out in opposition to this statement before the final resolution was passed (McKay, 2017). A public statement direct to the government, this text was circulated widely by the media.

The *Narrm Oration* refers to the speech delivered by June Oscar, the Aboriginal and Torres Strait Islander Social Justice Commissioner at the Australian Human Rights Commission (TP). This speech was delivered in November 2017 as the annual Narrm Oration at the University of Melbourne. The Narrm Oration has been delivered annually since 2009 by leading indigenous peoples across the globe to promote ideas on enriching the future of indigenous Australia. Oscar's speech occurred after the rejection of the Uluru Statement by the Government and she responds to this rejection.

An interview with a senior policy adviser at an Australian NGO (*NGO Adviser)* working with the constitutional recognition of indigenous Australians (TP). TP was involved with the development of the Uluru Statement, as an expert speaking on the ability to recognise an indigenous voice within Parliament. These above mentioned texts support the indigenous movement for a truth commission within Australia.

The *Government Media Release* represents the perspective of the Australian State. This text is a joint media release produced as a response to the Referendum Council's Report on Constitutional Recognition (TPs). Released in October 2017, it acted as the only response provided by the federal government to the recommendations to uphold requests within the Uluru Statement. It was widely criticised by indigenous and non-indigenous communities as too readily dismissing the requests of the indigenous movement.

5.1.2 Hegemony: Distinguishing between minority and majority

The empirical data shows that all texts observe the state as a distinct subject position, with different responsibilities. Texts supporting the indigenous movement (*Uluru Statement*, *Narrm Oration* and *NGO Adviser*) adopt a critical perspective and often post-colonial discourse to make this distinction. This is achieved by rewording the subject position as *the Crown*, as in '*It has never been ceded or extinguished, and co-exists with the*

sovereignty of the Crown' (*Uluru Statement*); and the use of the *exclusive They* as in *'There is no formal requirements or processes for parliaments to hear what indigenous people have to say when they make a law about them, specifically about them. So when they changed the Native Title Act or when they implement the Northern territory Intervention, there is nothing in the law that says they have to hear what those communities have to say'* (*NGO Adviser*).

The *Government Media Release* also distinguishes the majority and minority subject positions, by establishing their position of authority as their subject position's title, *'The Government does not believe such an addition to our national representative institutions is either desirable or capable of winning acceptance in a referendum'*. The *exclusive we* is then adopted throughout the text to maintain this distinction, *'We acknowledge the values and the aspirations which lie at the heart of the Uluru Statement'*.

These distinctions of majority subject position are linked to its script or perceived responsibilities. For the *Narrm Oration* and *NGO Adviser* this embodies the contemporary responsibility of the government to address the structural problems feeding the inequality of indigenous Australians, best shown in *'Well the Governments got to play a role in drafting the legislation to set up the commission'* (*NGO Adviser*). From the perspective of the state, the Government is unique in its responsibility to protect and maintain democratic values, attributed through the *inclusive Our*, speaking for the democracy as in *'Our democracy is built on the foundations of all Australian citizens having equal civic rights'*, and *'Our goal should be to see more Aboriginal and Torres Strait Islander Australians serving in the House and the Senate'* (*Government Media Release*).

Through interpreting the data, agency is attributed to the indigenous people, often observed through a critical discourse as the minority subject position. Texts supporting the indigenous movement refer to the indigenous minority as a unified subject position, best shown through exploration of active processes and exclusivity in the subject position, as with the *exclusive our* as in *'Our people seek an answer to our powerlessness'* (*Narrm Oration*). This distinct subject position of indigenous Australians is more inclusive within the *Uluru Statement* and the *Narrm Oration*, with links to the Australian society subject position. Best shown in the *Uluru Statement* through change in the subject position scripts

to allow both indigenous and non-indigenous Australians to be included in the "Australian people". This suggests a use of a discourse of multiculturalism, with the need for the Government to make space for the bottom-up movement, as in '*We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history…We invite you to walk with us in a movement of the Australian people for a better future*'. (*Uluru Statement*).

Using grammatical structures in the syntax, TPs behind the *Government Media Release* attribute no active sentences to the indigenous Australian subject position. TP also uses negative action sentences when referring to the Referendum Council, as in '*The Referendum Council provided no guidance as to how this new representative assembly would be elected or how the diversity of Indigenous circumstances and experience could be fairly or democratically represented*'.

The analysis of the above texts reveals that through distinguishing between majority and minority subject positions, different discourses are used to exhibit a power division and maintain hegemonic structures (research question 1). The use of critical and post-colonial discourses by texts supporting the indigenous movement (*Uluru Statement*, *Narrm Oration*, *NGO Adviser*) suggests the Government subject position is responsible for oppressive power structures. With the *NGO Adviser* being the most explicit in emphasising the deliberate actions taken by the state to disempower indigenous Australians, and supported by structural power of the nation-state. This is contradicted by the state perspective (*Government Media Release*) that uses a nationalistic discourse when exploring their role in the protection of democratic values. These values are universal and the only way to protect equitable rights for all. This reflects the dynamic of individual rights coming into conflict with group rights and vice versa (Quane, 2005). This tends to ignore the agency of the indigenous Australian subject position in this movement for change. The contestation of these contradictory discourses reflects Fairclough's (2010) understanding of hegemonic struggle.

The texts in support of the indigenous movement use the unified and distinct nature of the indigenous Australian subject position. Multicultural and post-colonial discourses suggest the struggle between a dominant bloc (the state) as overwhelming the minority, reflecting the inequality within social institutions between indigenous and non-

indigenous. The *Narrm Oration* and *NGO Adviser* in particular characterise this unified subject positions with systematic powerlessness, through the inability to access democratic structures, but also characterised by their struggle to act together for change through this social movement. This works to legitimise this indigenous movement, showing a unified view of the minority opinion. Through adding inclusive elements to this subject position, it reflects the need for support from the Australian people (civil society) and the government (majority) to transform majority ideology (Gramsci, 2000).

This analysis supports assertions that minorities are inherently more likely to be disadvantaged within WLDs, as democracies are designed to work best for the majority (Borchgrevink and Brochmann, 2003). With the *Government Media Release* directly referring to the 'one person one vote' principle (universalism) that appears problematic for minorities (Borchgrevink and Brochmann, 2003). The emphasis within a democratic ideology on 'equality' by the *Government Media Release* does not protect rights for minorities. The additional rights of indigenous minorities negates the argument of the state perspective, as minority rights can thereby only exist, if transgressing basic democratic rules.

5.1.3 Hegemony: The use of discourse to sustain or transform power relations

Interpretation of the texts reveals how ideologically contested issues and words are addressed throughout the syntax. This is evident in the *Government Media Release* through the understanding of 'rights' as universal and non-discriminating 'civic rights', and not group rights, as in '*Our democracy is built on the foundation of all Australian citizens having equal civic rights – all being able to vote for, stand for and serve in either of the two chambers of our national Parliament – the House of Representatives and the Senate*'. This is again shown through the exploration of 'equality' as related to democratic values, as in '*The challenge remains to find a Constitutional amendment that will succeed, and which does not undermine the universal principles of unity, equality and 'one person one vote'*'.

These ideologically contested terms are reflected differently within the texts that support the indigenous movement. With rights being referred to throughout these texts as international human rights, with equality reflecting social equality and right to

participation in own affairs (self-determination), best illustrate by the quote '*Earlier this year the Special Rapporteur on the Rights of Indigenous peoples…observed the failure of Australian governments to adequately support and meaningfully engage with the Aboriginal and Torres Strait Islander peoples, to support **our** right to self-determination and to ensure our full and effective participation in decision-making*' (*Narrm Oration*).

The *Narrm Oration* explores reconciliation as a local level process, '*…we are yet to see an institution which has as its core goal bringing truth to light and, in-so-doing allowing, not only, for healing among Aboriginal and Torres Strait Islander people, but for reconciliation amongst all Australians*'.

In analysing the above mentioned texts the use of different discourses suggests the manipulation of ideologically contested words to maintain and reproduce hegemonic structures (research question 1) (Fairclough, 2001, pp.94-95). The use of a democratic discourse of equality and universalism by the *Government Media Release* to define ideologically contested topics exerts a majority ideological perspective. This works to maintain hegemonic power structures within this indigenous affairs debate. By emphasising *civic rights*, the discourse privileges the importance of civil society as shaped by democratic values. This suggests a limited priority for human rights as group rights and limited attention to protection of cultural rights; while prioritising the rights of civil members within a democratic society, emphasising the power of democratic structures.

The same process occurs when exploring *equality* through western democratic ideals as is reflected through the *Government Media Release*. Democracy is considered as the best method for ensuring equality, based on the premise of 'one person one vote', with indigenous Australians equal to all Australians as per this premise. This negates realities in experiences of powerlessness of indigenous Australians, expressed by their feelings of being voiceless and unequal due to structural inequalities evident in the perspectives of the *Uluru Statement*, *Narrm Oration* and *NGO Adviser*. Ironically, for the *Government Media Release,* it intends to delegitimise select political institutions that are inherently 'democratic', such as the Referendum Council, by negating their verdict. This suggest that it is only democratic institutions that support the maintenance of power structures

and representing the majority perspective that are supported as legitimate by the government.

In contrast to the above, texts that support the indigenous movement could be read as interested in transforming existing power structures. The *Uluru Statement* both contradicts and negates 'racist discourses' linking social inequality with internal causations in the indigenous community, over structural discrimination. As seen in the statement: '*We are not an innately criminal people*'. Similarly with the *Narrm Oration*, social movement discourse is adopted, reflecting both feminist and post-colonial discourses to make the power struggle overt. These discourses reinforce the importance of bottom-up social movements, asserting that the problems facing indigenous Australians are not due to indigenous inactivity, but due to inequitable treatment within state policies and structures.

The examination of the process of reconciliation through the text (*Narrm Oration*) reveals hegemonic structures. The *Narrm Oration* stresses the attempt to use reconciliation to reflect a past injustice within the present. This examination of issues that are long in the past is why some say that TC mechanisms cannot achieve reconciliation in these contexts (ICTJ, 2017). This is reinforced by established democracies focusing on civic equality, not on specific group rights (as seen through the *Government Media Release*), thus making reconciliation through TCs for contemporary indigenous populations unpopular. However, reconciliation is defined through a post-colonial discourse, requiring a bottom-up process. Power relations become apparent with the state appearing to conceal the need for reconciliation processes, and through the representation that local communities and indigenous cultural tools (like languages) can assist reconciliation. Thus reconciliation is a process occurring at the local level, and not the national level. This underlines the importance of Gramsci's (2000) emphasis on the significance of civil society to ideological power, as it is through civil society that hegemonic struggles become evident, but also where counter-hegemonic movements can occur, working to transform power structures.

It is through the combination and competition between the above discourses that Fairclough's (2010) notion of hegemonic struggle becomes apparent and relevant. It is significant to note that despite this apparent struggle, Gramsci's (2000) stronger emphasis

on consent is significant for understanding the ability of the elite to not be obliged to provide explanations for their decisions, as reflected in the *Government Media Release*. The elite can be seen to primarily rely on the concept of 'majority rule' in the ability to use democratic discourses and ideology, without further explanation.

5.1.4 Different perceptions of power relations and recognition

Through analysing this case study we can see how the understanding of recognition reveals the influence of power relations (research question 2). All texts touch upon the issue of constitutional recognition. For the texts supporting the indigenous movement, constitutional recognition is explored as a movement far more than symbolic recognition; '…*Aboriginal and Torres Strait Islander peoples have made it clear that only substance, not symbolism, will suffice. This issue speaks not only to the rights of Aboriginal and Torres Strait Islander peoples but to the aspirations of all Australians'* (*Narrm Oration*); '*With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood'* (*Uluru Statement*); '*But constitutional reform is a really important part, because it's the only form of recognition that will be…guaranteed'* (*NGO Adviser*).

Texts supporting the indigenous movement stress the need for constitutional recognition as guaranteeing their rights. This form of recognition is substantial as having practical implications. The *Uluru Statement* maintains that this form of recognition would empower indigenous Australians by reinforcing their sovereignty and providing a political voice. The *Narrm Oration* reinforces this by adopting a nationalistic discourse, asserting that the substantial nature of this recognition would improve Australia nationally, allowing the recognition of indigenous Australia's role within the state to be realised. The *NGO Adviser* establishes the need for this process to be legislated, to add power and certainty to the recognition of the voice of indigenous Australians. This desire for constitutional recognition as a distinct nation within the state relates to the desire for an ethnic group to be recognised as dichotomous and distinct from the majority ethnic group (Eidheim, 1969).

The *Government Media Release* also touches upon the understanding of recognition as constitutional recognition through reforms, as referred to in the other texts; '*A*

constitutionally enshrined additional representative assembly for which only indigenous Australians could vote for or serve in is inconsistent with this fundamental principle'. Recognition is used in a different way within this text, framed as acknowledgement; '*We have listened to the arguments put forward by proponents of the Voice, and both understand and recognise the desire for Aboriginal and Torres Strait Islander Australians to have a greater say in their own affairs'* (*Government Media Release*).

The *Government Media Release* rejects the political or constitutional understanding of recognition – suggesting that power disparity between the state and indigenous Australians are involved. This text negates the movement of indigenous Australians for constitutional recognition as undemocratic and therefore illegitimate. The text purports that constitutional recognition and an established voice of the indigenous population contradicts democratic values of the WLD. Instead recognition is framed as acknowledgement, asserting a sympathetic and not empathetic understanding of indigenous Australia's desires.

The issues of power relations, as addressed in research question 2, are influential in the understanding of recognition within the Australian case. The recognition debate throughout the texts reveals how the government is reliant on the majority ideological perspective (a common sense understanding on the primacy of democratic values). As previously established, in having rejected the requests of the *Uluru Statement* on the basis of democratic values, the *Government Media Release* is able to provide no further reasons due to the use of the majority ideology. This suggests hegemony is being reproduced with support of the consent of the masses allowing the elite to maintain control through the use of normative discourses projecting majority ideology (Gramsci, 2000, p.354). The utilisation and effectiveness of normative discourses by the state within this case supports Chapman's (2009a) research on the inherent power relations within TJ research.

Power relations are explored and understood differently in the *Uluru Statement*. Here it remains evident that the struggle for ideological change continues through civil society. The use of the *inclusive we* and nationalistic discourses appeals to the broader population that recognition is a significant issue for everyone. This reiterates the need for this movement to occur on a local level, but also presupposes the need to convince subject positions on a local level of the need to be involved within this process. This emphasises

the importance of developing counter-hegemonic movements within civil society, as being able to change the normative understandings of the actual majority (Gramsci, 2000).

5.1.5 Makarrata and a practical approach to reconciliation

Texts supporting the indigenous movement all explore the Makarrata commission as a practical truth-finding process. The *Uluru Statement's* use of nominalisations within the description of Makarrata, adds agentless action to this process, '*We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history'*. This same definition is drawn upon in the *Narrm Oration*, further stressing the practical healing nature of reconciliation, '*…we are yet to see an institution which has as its core goal bringing truth to light and, in-so-doing allowing, not only, for healing amongst Aboriginal and Torres Strait Islander peoples, but for reconciliation amongst all Australians'*. The *NGO Adviser* explores the treaty-making element of this commission, using the example of the Waitangi Tribunal in New Zealand, as exhibiting the practical elements, '*So the parties telling their history, telling about the wrongs that were done, and the Waitangi Tribunal used really experienced historians to create sort of a documentation of the history. So I think that's what's meant by 'truth-telling', is giving people, through a settlements process, a chance to say what happened in the past, and to form a kind of shared view on history, and document it'*.

Through analysing the understanding of a truth commission and reconciliation in this case, we encounter utilisation of the endonym of *Makarrata*. This term was drawn from the indigenous community, initially to address treaty-making. Its continued use suggests the control of this process by indigenous Australians. It further represents that this process of a Makarrata commission has, what Fairclough calls "dual institutional status" (2001, p.156). This refers to the treaty and truth-finding nature of the process, crossing between political institutions and social institutions to create legislated change and educate the public. This also suggests that the reconciliation process should be internal as well as external, for empowerment of the minority group. This aligns with theories on ethnic empowerment, with the need for internal recognition just as much as external recognition (Taylor, 1992).

As explored through the texts the nature of the Makarrata commission as both a TC and a treaty-making body involves inherent elements of practicality. This allows reconciliation to be perceived through the texts as a much more practical process. This is best emphasised by the *NGO Adviser*, exploring reconciliation as a process with identical results to the Makarrata commission, using the terms almost interchangeably. By observing the Makarrata commission as a political process, this heavily implies a more practical approach to reconciliation as providing historical understanding and agreement-making with the TC commission. This therefore further relates to the third research question on the link between reconciliation and TCs. The *NGO Adviser's* ongoing use of legislative discourse makes the road to reconciliation appear as more of a mediation between parties, resulting in a '*settlements process'*. It is this legislation of Makarrata and thereby reconciliation that allows power to be attributed to the process (through legal guarantee) and for it to have practical results for indigenous Australians.

5.1.6 The subject positions involved in reconciliation

When examining the nature of reconciliation, the texts show this as involving the meeting of subject positions, whether by the means of the Makarrata commission or not. '*We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history'* (*Uluru Statement*); '…*we are yet to see an institution which has as its core goal bringing truth to light and, in-so-doing allowing, not only, for healing among Aboriginal and Torres Strait Islander peoples, but for reconciliation amongst all Australians'* (*Narrm Oration*); or reconciliation as '*Australia finally dealing with its past and creating more of a sense of unity than we currently have'* (*NGO Adviser*). On the contrary the *Government Media Release* does not mention the Makarrata commission, or reconciliation within its text at all.

Analysing reconciliation within the case allows us to address the third research question, with reconciliation requiring a forum for the meeting of subject positions. With all texts understanding reconciliation as involving some form of meeting of parties, however this ranges between the texts. Claiming the political and systematic nature of power inequalities within the state, the *Narrm Oration* emphasises the importance for reconciliation to occur within public institutions. These public institutions are currently preventing the full realisation of reconciliation.

Both the *Narrm Oration* and *NGO Adviser* refer to Makarrata as reconciling all subject positions or the 'people of Australia'. A post-colonial discourse is used, which allows for the suggestion that non-indigenous Australians are complicit in the structural inequality within the state, referring to different levels of authority. This reflects that parties needing to meet for reconciling include the Government, broader public and indigenous Australia.

Significantly the perspective of the state negates to address issues of reconciliation or the request for a Makarrata commission. This is despite the claim of the text as addressing the requests of the *Uluru Statement* (of which Makarrata was one of the main aims). This is significant, suggesting the state perceives that reconciliation is not a political concern, but of the moral or ethical domains. The lack of acknowledgment of Makarrata within the *Government Media Release* has resulted in ongoing confusion as to whether such a commission is still a possibility within Australia.

5.2 Case Two: The request for a truth commission to address the impact of Norwegianisation of Sami in Norway

5.2.1 Background of texts

Texts in the Norwegian case include the *Departmental Memo*, *Parliamentary Motion*, *Samediggi Statement*, and two interviews. Texts representing Sami interests include the *Parliamentary Motion* referring to the Parliamentary Procedure 30S (2016-2017) from two members of Parliament, Bergstø and Fylkesnes from SV (Socialist-Left Party). These members of parliament and their staff comprise TP. In December 2016 this question to parliament was delivered, the first official request for a truth commission into the impact of Norwegianisation on Sami and Kven people. This was the beginning of the process which has now developed into the creation of a mandate for a TC.

The *Samediggi Statement* refers to the Samediggi (Sami Parliament in Norway) statement of support for Motion (Parliamentary Procedure) 30S (2016-2017). This resolution was released by the Samediggi in June 2017 after casting a vote on whether to support the request for a truth commission in Norwegian parliament (36 voted in favour, 2 against). TP therefore consists of a majority of members of the Samediggi.

An interview was conducted with a senior adviser on rights to the Samediggi (*Samediggi Adviser*) (TP). TP responds with their professional opinion on themes such as reconciliation, recognition and the truth commission to address the impacts of Norwegianisation. The above mentioned texts support the instigation of a truth commission to address the impacts of Norwegianisation on the Sami.

The following two texts represent the perspective of the Norwegian state. The *Departmental Memo* refers to the internal memo from Department of Migration, Minority and Sami Affairs to the Cabinet Minister. Written in June 2016 this text assesses the context in Norway regarding Sami and whether the department should support a TC. This memo concludes that the mechanism should not be supported, but not to make this public until momentum for the commission had subsided. On 23 March 2017, Norwegian news agency NRK leaked this memo. This leak came after the official request for a TC made in December 2016 through the *Parliamentary Motion*, and after the Samediggi had voted in support of the truth commission.

A written response to questions that were developed from the semi-structured interview guide was received with answers provided by the Department of Sami and Minority Affairs (*Department Officials*). Therefore although TP speak with a unified voice, it represents the whole government department.

5.2.2 Hegemony and the process of Norwegianisation

All texts analysed within the Norwegian case study address the issue of Norwegianisation. '*Further on, they write that there should be a mapping of structures from the Norwegianising instruments that are still appearing in the present systems*' (*Departmental Memo*);

'*I think that the work that the Sami Parliament in Norway do, to tell the Norwegian society and the Norwegian government about our history and the consequences of the Norwegianisation has done that, there has been a national movement to do these things…We also used to say that the Norwegianisation today in Norway, is that we are so invisible for the Norwegian society*' (*Samediggi Adviser*);

'*Many Sami still carry scars from Norwegianisation, both as individuals and as a community*' (*Samediggi Statement*);

'The basis for this suggestion is Sami people as indigenous in Norway and their relation to Norwegian authorities and the influential history of the policy towards Sami people' (*Parliamentary Motion*);

'The Norwegian policy towards the Sami is based on the recognition that the state of Norway is established on the territory of two peoples – the Norwegians and the Sami – and that both these peoples have the same right to develop their culture and language' (*Department Officials*).

The exploration of Norwegianisation throughout the texts is significant as Fairclough asserts how hegemony becomes evident though processes, building upon Gramsci's notion of hegemony revealed through social institutions (Gramsci, 2010 p.64). By looking at how Norwegianisation is perceived as a process throughout the texts, we can address sresearch question 1 concerning hegemony. This allows us to discuss how power structures within the state are maintained through the negation of responsibility, the development of a normative discourse and interactions between majority and minority subject positions.

There is consensus among the texts within this case of the ongoing power influence of Norwegianisation. This directly relates to Gramsci's notions of coercion and consent being used to maintain control by the dominant. The *Departmental Memo*, despite representing the voice of the Department on Sami and Minority Affairs, acknowledges the ongoing implications of this process that needs to be looked into. This was reiterated by the *Samediggi Adviser*, exploring Norwegianisation through an international human rights discourse, as the negation and removal of cultural rights, that results in contemporary discrimination of the Sami. This ongoing power imbalance is a continual process, not past event, highlighting how severe it is for contemporary Sami (seen in *Samediggi Statement*). With historical forms of assimilation exerted by coercion or 'force', we can observe contemporary Norwegianisation as reflected through 'consent' (Gramsci, 2000). This is apparent through the perpetuation of ideals and values of Sami as secondary to the Norwegian state, and already sufficiently protected within Norwegian law.

5.2.2.1 *The aversion in representing the Norwegian state as an active agent*

The nominalisation of '*Norwegianisation*' is adopted by all texts within the case. The use of nominalisations works both to reduce redundancy of repeating pointed agency, but also to avoid associating active decisive elements with the process (Fairclough, 1989). This repeated use suggests that the nominalisation has become part of the *normative grammar* that now pervades this debate within indigenous affairs (Gramsci, 2000, p.354). This is a discourse that removes the process of Norwegianisation from a colonial perspective, and actively avoids providing responsibility to the state.

Despite the normative discourse, some texts do go on to attempt to provide the state with agency in this process. Both the *Parliamentary Motion* and the *Samediggi Statement* express the government subject position as active agents within the Norwegianisation process. The *Samediggi Statement* is the most deliberate with this, adopting a post-colonial discourse to highlight the state as the active agent acting upon the passive patient (the Sami and Kven). Even in these texts, the role of the government is only subtly implied

5.2.2.2 *The use of normative discourse to create common sense ideology*

Having reiterated the power structures evident within Norwegianisation and the negation in acknowledging agency through the discourse, we can see how normative discourse allows for power relations to remain static through consent. What appears constant between most of the texts within this case is the necessity to discuss Norwegianisation within a political discourse and the political realm.

The *Departmental Memo* does this most overtly, adopting a liberal democratic discourse to ensure this process remains an issue within the democratic political realm. This normative grammar, as Gramsci suggests, advances notions that the Norwegian government is ideologically sound. The *Departmental Memo* reflects this, through emphasising the need for examination of Norwegianisation to remain a political debate, not a social movement, reinforcing the primacy of the national government to resolve indigenous affairs issues. The *Parliamentary Motion*, and the *Samediggi Statement* (supporters of the movement for a TC), as schematically political texts, emphasise the legitimacy of the government and the examination of the ongoing implications of Norwegianisation through political discourses. The *Department Officials*, representative of the state perspective, are also overt in examining the Samediggi as part of the

Norwegian political structure, therefore integrated into this normative discourse. The emphasis on the primacy of national government and turning indigenous affairs into a political debate, despite having ratified international legislation, reflects the lack of recognition of the rights of Sami as indigenous peoples. This hesitancy in recognising the indigeneity of the Sami has direct implications on the recognition of their rights as a national minority (Kymlicka, 2002).

This is further exhibited through the use of the exonym *Sami Parliament* over endonym *Samediggi* throughout the case. This exonymic application is reflected in the *Departmental Memo*, *Parliamentary Motion* and *Samediggi Adviser*. The *Samediggi Adviser's* use of the exonym works in contradiction to the *Samediggi Statement*, despite both TPs being from the Samediggi. The *Samediggi Statement* repetitively only uses the endonym. This use of the exonym, results from the normative discourse, with its repetition reinforcing the integration of the Samediggi as an element of the Norwegian government, and the significance of examining indigenous discourse within western democratic institutions. This identity struggle to challenge hegemonic structures reflects Sami ethno-politics. With the use of complementarisation, or reflection of majority structures – like the Norwegian parliament, expressing their desire to be perceived as equal (Eidheim, 1969).

5.2.3 Hegemony: Multicultural discourse within the minority and majority distinction

All texts from the Norwegian case distinguish between subject positions of the Norwegian government and the Sami, identifying these as distinct and different. Texts that support the movement for a TC use a multicultural discourse to make this distinction, emphasising the shared ethnic minority status with Kven, '*A great majority of resolutions and orders from middle of the 1800s to the interwar period, was common for the Sami and Kven people, both because they shared residence a lot of places and because they were both perceived as 'border-minorities' who could be a threat to the construction of the young Norwegian nation-state…*' (*Parliamentary Motion*); and perceiving the Sami as synonymous with the 'minority', '*The Samediggi is of the opinion that a commission to investigate what happened in past generations will help prevent future injustices and the oppression of a minority*' (*Samediggi Statement*).

Texts from the perspective of the state emphasise the supportive role that the government subject position plays to the Sami, as in '*There have been done several inquiries of the Sami politics which lead to the establishment of the Saami Parliament, Saami legislation and a separate constitution*' (*Departmental Memo*); '*It is our experience that the numerous consultations have strengthened Samediggi as a representative and competent voice for the Sami people*' (*Department Officials*).

Analysing this case, it shows the integration of multicultural discourses are used to address the issue of minority and majority distinction. This distinction aligns with Fairclough's (2010) critical theory, revealing how power blocs have been used by the elite, to control the majority discourse. The *Parliamentary Motion* and the *Samediggi Statement* adopt a multicultural discourse when creating this distinction between the majority population and the Sami as an ethnic minority. Both texts use this distinction to reveal the power disparity, but the *Samediggi Statem*ent in fact uses this to reveal the agency of the minority (the Sami), emphasising their struggle to challenge majority dominance. They have done this by stressing the complementarity in terms of language, national emblems and symbols. Thus complementarisation can be seen as a strategy to struggle against the dominant, demanding equal worth although different. (Eidheim, 1969).

Significantly, despite references to the 'majority' or dominant power, the broader Norwegian population is rarely mentioned throughout the texts. Instead, often the subject position of the government is representative of this majority: The *Departmental Memo* suggests the national government represents the majority, influential as having provided a voice to the minority (through creating the Samediggi); The *Department Officials* reiterates that the Norwegian parliament represents the majority, but plays a supporting role to the minority. Interestingly, the *Samediggi Adviser* suggests that the Norwegian government holds the dominant power position, reflecting the majority; whereas the Norwegian public (making up the actual majority) are innocent in their ignorance to Sami culture and issues.

This phenomena resembles cultural hegemony (Gramsci, 2000). Applying this theory we can see that based on our interpretation of the texts, the government is representative of the elite, being able to build a power bloc of support through political institutions, and

asserting their ideological perspective as normative and common sense, thus the majority ideology. Gramsci does explore that power blocs or historical blocs are formed throughout social institutions. However, within this context we see that political bodies within Norway are used to foster support for the majority ideology, with social institutions being isolated. This is empowered through the normative discourse encouraging the removal of this issue from a social movement, but into the political realm. The *Samediggi Adviser*'s approach to the broader public, suggests an understanding that this majority ideology is defined by the elite, and not by broader elements of civil society – that have the potential to change this discourse if educated further, or provided with an alternate discourse (counter-hegemony).

5.2.4 Recognition: Political vs historical understandings

Within this case, texts representing the state's perspective adopt a political understanding of recognition. Referred to as the instigation of political measures to recognise Sami culture within the Norwegian government, '*One of the aims of the current Saami politics is incidentally to correct the negative effects of the former Norwegianising politics, through focus on revitalising Saami language and culture*' (*Departmental Memo*); '*The Norwegian policy towards the Sami is based on the recognition that the state of Norway was established on the territory of two peoples*' (*Department Officials*). Whereas, texts supporting the movement for a TC examine recognition as a form of historical understanding, '*An adequate reconciliation can hardly happen before the truth is established and documented as far as possible, and before the authorities and public realise what has happened, and the consequences former politics has had for generations later*' (*Parliamentary Motion*); '*…the state has not had a final reckoning in respect of the Norwegianisation of the Sami and Kven people*' (*Samediggi Statement*).

Analysis of this issue addresses how power relations influence perceptions on recognition within the Norwegian case (research question 2). Throughout the texts there is a conflict between understanding recognition as either political and constitutional or a historical recognition of truth. This distinction is influenced by the dominance of the political structures within the state. The *Departmental Memo* is the most assertive about the political recognition of the Sami. This political recognition is perceived as already having taken place, with no further form of recognition possible through a TC. Political recognition within the Memo is related to the idea of the need for these issues to be

discussed through the Norwegian political system. As already established, there are structural power asymmetries that influence how this recognition of Sami is defined. Within the Memo, this is evident through the repetition of recognition, not as cultural recognition, but rather constitutional recognition that has already occurred.

The *Department Officials* support this in prioritising the political form of recognition over more ephemeral concepts of reconciliation. The *Department Officials* praise the government for having provided political recognition of the Sami through establishing the Samediggi. This constitutional recognition therefore claims to recognise the rights and status of Sami as indigenous people. However, this reveals the dominant power of the government, as the enabler of this recognition and having the capacity to define what kind of recognition is accessible to minority groups.

The *Parliamentary Motion* and the *Samediggi Statement* offer an alternative approach to recognition, reflected as the realisation of a common understanding of national history. This form of recognition is explored through a TJ discourse, and linked with reconciliation and TC mechanisms. Both texts present TC processes as providing the recognition of historical injustices as nation-wide truth, and enabling reconciliation. This approach to recognition also reveals the influence of hegemonic structures (research question 2). The observance of TCs as political mechanisms, means that both texts also emphasise reliance on dominant subject positions to listen to and provide a voice to the Sami (minority subject position) that would enable this truth to be recognised.

5.2.5 Reconciliation: Process vs Goal

Data from the texts suggests that there is inconsistency between the perception of reconciliation as a process or a goal. The *Samediggi Adviser* is most explicit about this process, '*If it is meant to be a reconciliation, it has to be a process with Norwegians and Sami and Kven'*. Both the *Parliamentary Motion* and the *Department Officials* reflect on reconciliation as a goal or state of being, '…*there has not been any satisfactory investigation, with reconciliation as an aim, by the infringement and actions committed'* (*Parliamentary Motion*). However the *Samediggi Statement* and the *Departmental Memo* observe reconciliation as both definitions, best seen in the quote '*Reconciliation, enhanced trust and a revitalisation of relations between the Sami, Kven and Norwegian communities should be carried out through processes built on respect, acceptance,*

acknowledgement and standards of international law…To facilitate reconciliation, it is necessary for those who experienced in different ways and who are affected by Norwegianisation to be given an opportunity to come forward and tell their stories' (*Samediggi Statement*).

The inconsistent use of the term reconciliation within the case reflects its changing relevance to TC mechanisms between different perspectives. The divide between reconciliation as a process or a goal creates contention within academic research, for example Gibson (2009) asserting reconciliation as a goal, whereas Chapman (2009a) explores it as an ongoing process. This is significant to power relations as influences the participants that should be involved, and who has influence over reconciliatory processes.

The exploration of reconciliation as a process is significant, as it is through these processes that hegemonic structures are revealed (Fairclough, 2010, p.64). The *Samediggi Adviser* explores reconciliation as a process, involving the active meeting of different participants, for example Norwegians, Sami and Kven. The *Departmental Memo* builds upon this, by suggesting that reconciliation is a political process that involves political measures. This is increasingly complex, when also inserting contradictory notions of reconciliation as a goal (explored through event sentences within the syntax), resulting in healed relationships between different groups. The *Parliamentary Motion* and the *Samediggi Statement* further explore reconciliation as a goal, a final realisation of established truths and understandings within society.

This end goal often results again in a disparity between political reconciliation, or reconciliation through truth. The *Parliamentary Motion*, complemented by the *Samediggi Adviser* explores the significance of nation-wide truth-telling, with practical implications. The *Parliamentary Motion* suggests the significance of involvement of the Norwegian parliament (responsible as the more power parliament) as requiring political input for reconciliation. The concept of '*what do we do about it?'* is introduced, requiring political implications for the truth. This makes revelations about hegemonic structures within the case, suggesting the necessity for the involvement of the dominant Norwegian parliament.

The *Samediggi Statement* offers a novel approach, with the introduction of international rights discourses in discussing reconciliation, challenging presuppositions of the political

nature of this term. Here it is suggested that reconciliation is not just a matter of uniting majority and minority populations (as in multicultural discourse). But requires a respect of international regulations and human rights of the Sami community, which is achieved through truth-finding procedures, and the TJ mechanism of a TC.

Other than the *Departmental Memo*, this case suggests a strong relationship of dependence between truth and reconciliation (regardless of the understanding of reconciliation). Throughout the texts it seems more likely within this case, reconciliation is related to truth-finding when it is observed as a final goal within society, allowing a strong connection to TC procedures. Distinctions between majority and minority ideological perspectives on reconciliation appear to alter understandings of reconciliation, but not of the perceived ability for reconciliation to be achieved through a TC. This case suggests then that a national reconciliation could be possible through these mechanisms (as per Chapman, 2009a). This challenges other perspectives on reconciliation as only successful at an individual level (Hayner, 2002).

5.3 Comparing the cases

5.3.1 The role of international institutions

Comparing the data within both cases, different levels of significance are placed on international actors and institutions. As seen through, '*The work of a commission must comply with and contribute to Sami human rights. Reference is made in particular to ILO Convention No. 169…the United Nations Declaration on the Rights of Indigenous Peoples*' (*Samediggi Statement*); '*…I think it's primarily a national issue that's got to be solved nationally…the reality is that international law can't be enforced on Australia. It's not enforceable, that's the problem*' (*NGO Adviser* [AU]); '*The national policies on Sami issues are affected by international obligations through conventions and other international mechanisms regarding indigenous peoples rights*' (*Department Officials* [NO]).

Through analysing these cases, Gramsci's (2000) cultural hegemony does not account for the international actors. This theory was developed when nation-states were growing and of central importance. Born from this time, cultural hegemony explores the nation-state as a holistic context where hegemonic structures take place and occur between the

political and civil society. With this intense nation-based focus, the influence of international factors or institutions are not accounted for. This is significant, as in both Australian and Norwegian case studies on this indigenous affairs movement, international subject positions play a significant role. This reflects the fact that the international community identified indigenous populations as particularly vulnerable, due to their small numbers, long history, association with non-industrial production and minority cultures and languages at risk of being extinguished. This encouraged a feeling of global responsibility to protect these populations, and the establishment of extra rights for indigenous populations within international law. Texts produced by those wanting change within national indigenous affairs, place high esteem on the role of international systems and rights. The *Samediggi Statement*, supported by *Department Officials* [NO] emphasises the significance of international influence for indigenous affairs, as providing the rights and distinction that protect indigenous populations as a minority – allowing these institutions to have influence over the nation-state.

Comparatively, texts produced from the perspective of national governments (*Government Media Release* [AU] and the *Departmental Memo* [NO]) emphasise the primacy of the governments, observing indigenous affairs only concerning the nation-state. This reveals hegemonic influences at play, with the elite wanting to maintain power structures, with the influence of the national government being the most dominant. *NGO Adviser* [AU], even goes so far as to assess that the international institutions are important, but powerless against nation-states that are WLDs, as not listened to.

Gramsci's (2000) hegemonic theory and its applicability is insufficient in taking into consideration the influence of international rights and institutions. With contemporary indigenous affairs debates reflecting the changing relationship between nation-states, globalisation and transnational institutions and the weakening of state sovereignty. This is significant as there is an increase in rights movements from minority groups, in particular from indigenous populations, because of greater international connection between groups and organisation within the global forum. However, we could observe that Fairclough's (2010) more recent recreation of hegemonic theory involves consideration of societal institutions, that can involve power relations of international institutions. With such institutions also observing global processes where hegemony is revealed. This suggests that counter-hegemonic movements as in the case-studies can

increase in legitimacy, due to the use of international influence by adopting international rights discourses.

By looking at international interactions we can see that both states maintain hegemony differently in the case studies. This reflects how nation-states, even WLDs, deal with the international rights of indigenous peoples in different ways. Norway is geographically surrounded by neighbours, with strong relations with the European Union and Scandinavian states. This could therefore suggest an increased concern in establishing sovereignty of nations, reflected in the recognition of Sami as a dichotomous nation. This is suggested by the increased transnational interaction encouraging the ratification of international agreements that protect Sami rights, and constitutionally recognising Norway as inhabited by two distinct nations (Norwegian and Sami). Despite texts within this case suggesting the dominance of the Norwegian state and a desire to keep indigenous affairs within the national political realm and delegitimising international rights, it does become evident that the basis of dominant ideology within Norway reflects the ethnic dichotomy of the nation-state.

Comparatively, Australia is an island nation, with less obvious threats to national sovereignty, making the basis of its sovereignty more self-evident. This may influence the consensus in normative discourse of indigenous Australians as part of the Australia, not a separate nation. Reflecting the continued examination indigenous affairs within social institutions, as a social movement. This could be reflected in the absence of a need felt to ratify international legislation protecting this particular minority group, prioritising ongoing assimilation within the Australian state, protecting the sovereignty of the dominant ethnic majority.

Through this analysis, we can see support for the work of Winter (2014) and the ICTJ (2017) in the relevance of international TJ mechanisms to national debates. The references within both cases to the support of the international community suggests that the notion of 'transition' is not a requirement of TJ mechanisms, with indigenous populations applying these mechanisms into the discourse on indigenous inequality in established democracies. This reveals that TJ has become more than just a tool of post-conflict societies in national transitions, but tools of convincement that aim to pull the weight of the international human rights that are protecting indigenous minorities.

5.3.2 Unified indigenous subject positions and ethno-politics

Unified indigenous subject positions are reflected throughout both Norwegian and Australian cases. Within the Norwegian case, the Sami are presented as a holistic nation. Unified in their representation by the Sami Parliament, best seen in this quote by the *Samediggi Adviser*, '*we are the elected body of the Sami people in Norway...our role is to protect Sami rights and tell the government about Sami issues*'. Within the Australian case, despite the use of different terms, such as 'indigenous Australians', 'First Australians', 'Aboriginal and Torres Strait Islanders', the indigenous group are presented as unified. This unification is further presented through the development of the *Uluru Statement*, claiming to speak for all indigenous Australians, as seen in '*Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and adjacent islands, and possessed it under our own laws and customs*'.

This unification of both indigenous groups happens in spite of diversity we can perceive from the intertextual context, but also from within the texts. The development of the *Uluru Statement* was delivered by the majority of indigenous delegates, however there were delegates that walked out of the Uluru Convention in protest (McKay, 2017). As established in chapter one, indigenous peoples of Australia in fact consist of hundreds of different nations, with different language groups (Biddle and Taylor, 2012). Within Norway this diversity is evident through *Samediggi Statement*, which was voted against by 2 members of the Samediggi. The *Samediggi Adviser* further emphasises this diversity in opinion, '*So in the Sami process, they [think] that they want to lock down the Sami parliament...we are not an indigenous people, and some of the Sami themselves agree with them*'. The Sami in Norway are also internally culturally diverse within their lifestyles, for example the division between coastal Sami and reindeer farmers (Tromsø University Museum, 2013).

Despite this, the trend to use common names and unified subject positions throughout both cases reflects multicultural trends of identity politics. With international rights designated to indigenous minorities as a group, there is a requirement to appear unified in identification and desires to generate awareness and positive change. This is also reflected in Gramsci's (2000) theory on counter-hegemonic movements. There is a need for collective sense of will within a group, presenting a united ideological perspective,

complemented with a tireless repetition of this perspective. This work within civil society can change normative discourses and overcome hegemony.

5.3.3 Presence of organic intellectuals

The theory on counter-hegemony (Gramsci, 2000) explores how these power-transforming movements are not easy, requiring the strength of will of opposing individuals or groups. Hence why the role of organic intellectuals is significant to counter-hegemonic movements. Despite having established that hegemonic structures are differently maintained within both cases, the presence of organic intellectuals reveals attempts to counteract hegemonic ideologies, but also struggles for the elite to reproduce hegemonic structures to work against these movements. Through both the Norwegian and Australian cases there is an attempt to generate change within indigenous affairs through the existing political system of the WLD. Through some of the textual analysis we have observed this as legitimising and reinforcing the structures of the nation-state and WLD systems. However, we can also find evidence of organic individuals working within existing power structures to transform ideologies.

TPs within the *Uluru Statement*, *Narrm Oration*, *Samediggi Statement*, *NGO Adviser* [AU] and *Samediggi Adviser* all have the potential to act as organic intellectuals. All have emerged from within the social group and are working to present a counter-hegemony. The *Uluru Statement* and the *Samediggi Statement*, despite representing groups instead of individuals, are elected representatives of the indigenous communities within Australia and Norway attempting to gain support from the broader majority. The presence of individuals, such as the *Samediggi Adviser* and in the *Uluru Statement* reveals the extensive nature of these social movements, by carrying the voice of the minority. Both cases suggest that TPs from the minority perspective are more creative with the way that they assert their ideological perspective, as seen through the *Samediggi Statement* and *Samediggi Adviser*. This creative relation to one's ideological perspective helps transform existing ideologies by challenging and introducing new definitions (Fairclough, 2001, p.140).

Despite the Norwegian parliament providing some level of a voice to the minority (as suggested by the *Samediggi Adviser*), the evidence of several organic intellectuals working for change suggests within the context of both case-studies, extensive counter-

hegemonic movements are occurring. The nature of this movement can further be explored through examination of the terrain of the hegemonic struggle.

5.3.4 The use of truth commissions to engage civil society

Through analysis of texts within both case studies, it becomes evident that the issues regarding indigenous affairs are observed within political institutions. Some texts even work to deliberately assert that it is the political realm alone that can address indigenous affairs issues (*Government Media Release* [AU], *Departmental Memo* [NO], *Parliamentary Motion* [NO]). It is within civil society or social institutions that hegemony is being exerted (Gramsci, 2000), this is supported by both case-studies with evidence of the social disparity and discrimination against indigenous populations (*Uluru Statement*, *Samediggi Adviser*). However it is also civil society in which counter-hegemonic movements can occur and where organic intellectuals (as discussed above) can be the most influential. The division between the war of movement and war of position is thereby significant (Gramsci, 2000). The war of movement takes on the nation-state directly occurring at the political level. Due to the nature of both cases requesting TCs to the government, both cases could be reflect war of movements. This is most evident within the Norwegian case, with all issues of indigenous affairs occurring on the political level, between Samediggi and Norwegian parliament. This case in particular reflects how indigenous affairs, once being social movements within the nation-state (Tromsø University Museum, 2013), now follow ethno-politics and are addressed within the established political system.

In contrast, the war of position takes place amongst civil society, as WLDs are more influenced by social institutions and the state structures have less dominant influence. Thereby, counter-hegemonic movements and ideological change needs to occur within civil society for meaningful and long-lasting change (Gramsci, 2000, p.229). This makes it significant that the Australian case predominantly occurs at the social level, the *Uluru Statement* drawn from national dialogues, and the *Narrm Oration* as a public speech at a nationally recognised university. The discourse presented by these texts challenges the normative discourse at a level where counter-hegemony can be successful. Comparatively the more political exploration of these issues with the Norwegian case make these issues less contested, as defined by the dominant ideology of the Norwegian welfare state. This suggests that indigenous affairs debate within the Norwegian case is less likely to

challenge the normative discourse at a level where change (or counter-hegemony) can occur.

It is important to acknowledge that in both cases, texts that are pushing for the instigation of reconciliation through TCs suggest the necessity of the involvement of civil society. Within the *Uluru Statement*, *Narrm Oration*, *Parliamentary Motion* [NO], *Samediggi Statement*, *NGO Adviser* [AU] and *Samediggi Adviser* it is suggested that TCs require direct involvement of non-indigenous peoples (making up the majority of the population). This is significant, as suggesting that TCs within both countries could act as the war of position that is the most successful counter-hegemonic movement (Gramsci, 2000).

5.3.5 The question of constitutional recognition

The issue of constitutional recognition is significant when comparing the case studies. Norway's constitution involved recognition of the Sami as a separate and distinct nation and culture within Norway. For the *Departmental Memo* [NO] and *Department Officials* [NO] this political recognition and resulting political protections of the Sami are sufficient. However, the *Parliamentary Motion* [NO], *Samediggi Statement* and *Samediggi Adviser* suggest recognition as recognising ongoing social issues resulting from Norwegianisation (assimilation policies). This is significant to the Australian case, where the *Uluru Statement*, *Narrm Oration* and *NGO Adviser* [AU] explore the need for the contemporary social movement to push for constitutional and political recognition of the indigenous Australians. The political nature of this recognition is what encourages the negation of the legitimacy of these ideas within the *Government Media Release* [AU]. Within the Australian case, no evidence of prior success is used as a foundation of this request for constitutional recognition; with the *NGO Adviser* suggesting that constitutional recognition is desired, not because of the certainty in its effectiveness to provide change, but because of the severity of the need for change.

These contrasting issues of debate around recognition within these cases reflect differing power dynamics occurring (research question 2). With the Norwegian government suggesting that a Sami political voice through the Samediggi is sufficient to empower this minority group. Further the government shows no interest in how the majority-minority dynamic could disenfranchise the Sami. Within Australia, the democratic system of equal representation is seen as protecting the voice of all Australians and therefore indigenous

Australians. Within both cases, state political structures of the WLD are seen to protect the rights and recognition of indigenous populations sufficiently. This reflects the state's perception of its role as the 'ethical state'. The state sees maintaining the nation's ethics as one of its key roles (Gramsci, 2000, p.234). In the case of these WLDs that is through upholding democratic ideals. Revealing the continued use of hegemonic structures by the elite to be able to delegitimise the voice of the minority, as not in line with these ethical principles.

This further suggests that recognition for both cases embodies more than just self-determination, sovereignty and agency for indigenous groups, as a post-colonial discourse would suggest. Instead, there is a need to adopt a TJ discourse to examine the dynamics of the relations (inherently influenced by power structures) through a TC process. Hegemonic theory suggests the constant uncertainty of hegemony means that there is always the potential for counter-hegemonic ideologies. TCs that recognise power dynamics within majority-minority relationships could provide a potential mechanism for counter-hegemony. The desire for TCs within both Australian and Norwegian cases reflect the increasing desire of minorities to take back the power to represent themselves and tell their stories.

5.3.6 A practical approach to reconciliation

Through analysis the desire for a more practical role of reconciliation is reflected by both cases (addressing research question 3). This more tangible and practical approach to reconciliation allows it to be intertwined with a political approach to indigenous affairs, but also achievable through TC proceedings. As explored through the thematic analysis of the Australian case, reconciliation has taken on a more practical role through its connections with the Makarrata Commission. As both a truth-finding and treaty-making commission, Makarrata has inherent practical and legislative implications. This draws connections between the political realm and reconciliation.

This is reflected within the Norwegian case with reconciliation presented as beyond truth-telling, involving practical implications . The *Parliamentary Motion* [NO] exhibits this the best through intertextual references to the Canadian TRC and the understanding of reconciliation as a practical form of truth-finding. The text examines the Canadian TRC, in the quote *'Reconciliation is not just an Aboriginal problem; it is a Canadian one.*

Virtually all aspects of Canadian society may need to be reconsidered'. Thus practical reconciliation involves the whole nation-state, not just the indigenous population, aiming to address power asymmetries within the majority-minority relationship. This is reflected through the active agents involved with practical reconciliation encompassing both parliamentary bodies of the Sami and Norwegians. The grammatical question '*What do we do about it?'* emphasises the practical implications of TCs. Reconciliation is therefore portrayed as inquisitive, practical and beyond simple truth, the truth having to have practical implications.

Within both Australia and Norway reconciliation within indigenous affairs has practical elements and implications. It is the political nature of this practicality that suggests the strong link between national TCs and reconciliation within both cases.

5.3.7 Reconciliation from the bottom-up

Within both cases there are suggestions for reconciliation to be a bottom-up process, beginning from local levels. Despite this discussion within indigenous affairs being observed as a political issue within both cases, elements from both stress the necessity of the involvement of social institutions and civil society (as previously examined), and for reconciliation to be performed at a local level. This relates to academic debate on the levels at which reconciliation should occur.

In the Australian case, the *NGO Adviser* [AU] best exhibits the desire for a national reconciliation process. Frequently adopting a legislative discourse, this text explores the need for reconciliation as a '*settlements process'*. This suggests a form of nation-wide reconciliation with legislated guarantees and reparations. This is complemented by the Norwegian case, where most of the texts emphasise the primacy of indigenous affairs within the political realm. This appears to support Chapman's (2009a) understanding of national reconciliation as a process run by the state and achieved nation-wide. An interpretation which is often reflected through TC mechanisms.

However there is also support within both cases for a bottom-up approach to reconciliation. As previously explored, the *Narrm Oration* and *Uluru Statement* within the Australian case emphasise the need to involve local levels within reconciliation. Within the Norwegian case, this is emphasised primarily by the Samediggi, who explore

reconciliation as a meeting of groups and promoting education; '*If it is meant to be a reconciliation, it has to be a process with Norwegians and Sami and Kven…We also used to say that the Norwegianisation today in Norway, is that we are invisible to the Norwegian society*' (*Samediggi Adviser*); '*This is important for promoting more understanding and tolerance in the majority community*' (*Samediggi Statement*).

This bottom-up approach to reconciliation reflects contemporary multicultural movements, with the desire to be led by minority voices, initiated at the local level (Quane, 2005). This civil society level approach reflects understandings of reconciliation as more prominent or influential when realised at a localised or individual level (Hayner, 2002). Significantly, limitations have been identified in national approaches to TCs, as falling short of achieving reconciliatory goals (Hayner, 2002).

5.4 Conclusions

A novel field, the context examined through this study reflects the ongoing development of global justice, a meeting-point between issues of human rights and multiculturalism. This study examines a very concrete and specific set of cases, but the analysis carries various future implications. Whilst there is an increase in recognition of human rights internationally, there is still a lack of consensus on these issues, with challenges in accessing human rights and implementing multicultural policies, particularly as national issues often still override human rights. This is significant when differentiating between individual and group rights. This study reflects upon a context where indigenous populations are attempting to exert the power of their international group rights within the state. However, the threat posed by these group rights to the sovereignty of the nation-state encourages hesitancy to recognise said rights. This is apparent even within WLDs that pride themselves on their human rights record, such as Australia and Norway.

The analysis has shown that the frames or titles for indigenous minorities within Australia and Norway influence relations to the nation-state. Norway is a state that acknowledges ethnic dichotomy, with Norwegians and Sami as distinct peoples. The constitution recognises Norway as built on two nations, emphasising the international rights of the Sami and the limitations of Norwegian national law. Comparatively, Australia has a more synonymous understanding of frames for Aboriginal and Torres Strait Islanders, with the various names and terms of identification used interchangeably. This suggests less

acceptance of ethnic dichotomy within the state, with indigenous Australians integrated into the broader Australian population, and a prioritisation of national over international law.

Thus we can observe identity politics, within the context of these requests for TCs, as part of the counter-hegemonic movement by indigenous minorities. With a lack of recognition of indigenous Australia as a self-determining nation, the push for a Makarrata Commission has remained a social movement from a national minority, which in Gramsci's (2000) terminology embodies elements of a *war of position*. In contrast, the Sami stress complementarity and the ability to be culturally different, but equal through equivalent institutions. The political nature of the movement to instigate a TC in Norway embodies elements of a *war of movement* (Gramsci, 2000). Despite this Norway still emphasises the primacy of national political institutions, hesitant to prioritise international group rights. The analysis thereby suggests that despite the global community recognising the vulnerability of indigenous peoples, and establishing specific rights for this minority group, nation-states still respond to these rights in different ways, dependent on their context. What is common to both WLDs is the use of democratic values and ideals to prioritise the sovereignty and territorial integrity of the majority over the rights of the minority.

Both Australia and Norway attempt to maintain and reproduce power structures, despite adopting different approaches to *hegemonic* control. Minority perspectives from both cases suggest that hegemonic structures are produced by the governments of the state, establishing a dominant ideology for the majority population. These different struggles to sustain the majority ideology have implications for the issues of *recognition* and *reconciliation*. The analysis reveals that power hierarchies influence the perceptions and understandings of 'recognition', divided as either political (constitutional) or acknowledgment of truth. However, neither approach is sufficient if exerted holistically from the majority perspective. But recognition must now include internal recognition and be driven from minority voices.

A paralleled approach is revealed through understandings of reconciliation. The analysis shows that practical reconciliation is desired by indigenous populations in both Australia and Norway. This reflects a movement beyond ephemeral understandings of the concept,

as in traditional TJ. The analysis is aligned with Gramsci's theory, as reconciliation with practical implications should be actioned within civil society institutions, a beneficial addition to the utilisation of TCs. Therefore the critical approach adopted in the study helps us reveal that the request for TCs by indigenous populations in WLDs is TJ 'from below'. An approach that is desired as providing legitimacy and authority to minority voices.

The conclusions drawn from this study avail for limitless possibilities for further inquiry. Benefits could be drawn from further research into the changing nature of relationships between nation-states and indigenous populations, the utility of reconciliation procedures within WLDs, and the implications that this has for issues such as ethno-politics, cultural and group rights and the sovereignty of contemporary states.

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Appendix

Appendix 1. Document Analysis Guide

Critical Discourse Analysis Guide

This simplified guide has been developed based on the format established in chapters 5 and 6 of Fairclough (1989, 2001)

Description phase: Vocabulary

1. What *experiential* values do words have?

    a. Ideologically contested words

    b. Ideologically significant meaning and relations

2. What *relational* values do words have?

    a. Euphemisms

    b. Formal/ informal word choice

3. What *expressive* values do words have?

    a. Subjects and social identities

4. What metaphors are used?

Description phase: Grammar

5. What experiential values do grammatical features have?

    a. Types of process and participant most evident

    b. Evidence of agency

    c. Are processes what they seem?

    d. Use of nominalizations

    e. Active or passive sentences

    f. Positive or negative sentences

6. What relational values do grammatical features have?

    a. Modes used (declarative, grammatical question, imperative)

    b. Use and features of *relational modality*

    c. Use of pronouns 'we' and 'you'

7. What expressive values do grammatical features have?

    a. Ideological meaning from grammatical characteristics

    b. Features of *expressive modality*

8. How are (simple) sentences linked together?

    a. Logical connectors used

    b. Complex sentences characterised by coordination and subordination

    c. Means used to refer outside and inside of text

Description phase: Textual structures

9. What interactional conventions are used?

10. What larger-scale structures does the text have?

11. Does the text bring homogeneity? Ideas of repetition?

Interpretation phase: Text and context

1. Context: What interpretation(s) are participants giving to the situational and intertextual contexts?

2. Discourse type(s): What discourse type(s) are being drawn upon?

    a. Rules, systems, principles of phonology, grammar, sentence, cohesion, vocabulary, semantics and pragmatics used?

    b. Frames, scripts, schemata used?

    c. Topic and point?

3. Difference and chance: are answers to question 1 and question 2 different for different participants?

    a. Do they change during the course of interaction?

    b. Change in perceptions?

Explanation phase

1. Social determinants: What power relations at situational, institutional and societal levels help shape this discourse?

2. Ideologies: What discourse elements that are drawn upon have an ideological character?

3. Effects: How is this discourse positioned in relation to struggles at the situational, institutional and societal levels?

    a. Are these struggles overt or covert?

    b. Is the discourse normative with respect to discourse elements or creative?

    c. Does it contribute to sustaining existing power relations, or transforming them?

Appendix 2. Interview Guide

Semi-Structured Interview Guide

<u>Introductory questions/ Indigenous rights</u>

1. What is your professional role?/ the role of your organisation?

2. What is your professional role in the protection of national indigenous rights?

3. In your opinion, what is the significance of protecting the rights of indigenous peoples in [Australia/Norway]?

4. Are there indigenous rights that are yet to be recognised in [Australia/Norway]?

5. Does the government take measures to ensure the recognition of indigenous rights in [Australia/Norway]?

<u>Truth commission</u>

6. In your understanding what would the truth commission be aiming to address?

7. Do you think that a truth commission is an appropriate method to achieve these aims?

8. What are the potential outcomes of the truth commission?

9. Are there any challenges facing the instigation of a truth commission in [Australia/Norway]?

10. What would you observe as the role of the national Government in a truth commission?

11. What influence would this truth commission have on the future of indigenous people in [Australia/Norway]?

<u>Reconciliation</u>

12. Reconciliation has been one of the aims stated of the truth commission process. Do you see reconciliation as achievable through a truth finding process?

13. What is the significance of reconciliation?

14. In what form would this reconciliation take?

<u>Hegemony</u>

15. How would you describe the relationship between the indigenous population and the national government?

16. What challenges do the indigenous community face in having their voices heard when it comes to relevant policy decisions?

17. How would you describe the relationship between the national indigenous population and non-indigenous population of the state?
    a. How has this changed over time?

<u>International community</u>

18. Do you think that the international community has been influential in the request for a truth commission in [Australia/Norway]?

19. Do you think indigenous rights are a national or international issue?

20. Indigenous populations have rights on an international platform. Why you think there has been a preference for a national movement (like national truth commission) over an international response to recognising these rights?

<u>Further Questions</u>

21. Any other areas that I may have missed? Or do you have any questions for me?

Appendix 3. NSD Study Approval

NSD

Oddvar Hollup
Postboks 235
3603 KONGSBERG

Tilrådning fra NSD Personvernombudet for forskning § 7-27

Personvernombudet for forskning viser til meldeskjema mottatt 17.10.2017 for prosjektet:

56655	*Critical transitional justice? A critical discourse analysis of hegemony, reconciliation, and the potential for truth commissions to address indigenous-state contention in Australia and Norway*
Behandlingsansvarlig	*Høgskolen i Sørøst-Norge, ved institusjonens øverste leder*
Daglig ansvarlig	*Oddvar Hollup*
Student	*Katherine Griffiths*

Vurdering

Etter gjennomgang av opplysningene i meldeskjemaet og øvrig dokumentasjon finner vi at prosjektet er unntatt konsesjonsplikt og at personopplysningene som blir samlet inn i dette prosjektet er regulert av § 7-27 i personopplysningsforskriften. På den neste siden er vår vurdering av prosjektopplegget slik det er meldt til oss. Du kan nå gå i gang med å behandle personopplysninger.

Vilkår for vår anbefaling

Vår anbefaling forutsetter at du gjennomfører prosjektet i tråd med:
• opplysningene gitt i meldeskjemaet og øvrig dokumentasjon
• vår prosjektvurdering, se side 2
• eventuell korrespondanse med oss

Meld fra hvis du gjør vesentlige endringer i prosjektet

Dersom prosjektet endrer seg, kan det være nødvendig å sende inn endringsmelding. På våre nettsider finner du svar på hvilke endringer du må melde, samt endringsskjema.

Opplysninger om prosjektet blir lagt ut på våre nettsider og i Meldingsarkivet

Vi har lagt ut opplysninger om prosjektet på nettsidene våre. Alle våre institusjoner har også tilgang til egne prosjekter i Meldingsarkivet.

Vi tar kontakt om status for behandling av personopplysninger ved prosjektslutt

Ved prosjektslutt 02.05.2018 vil vi ta kontakt for å avklare status for behandlingen av personopplysninger.

Dokumentet er elektronisk produsert og godkjent ved NSDs rutiner for elektronisk godkjenning.

Se våre nettsider eller ta kontakt dersom du har spørsmål. Vi ønsker lykke til med prosjektet!

Vennlig hilsen

Marianne Høgetveit Myhren

Lise Aasen Haveraaen

Kontaktperson: Lise Aasen Haveraaen tlf: 55 58 21 19 / Lise.Haveraaen@nsd.no
Vedlegg: Prosjektvurdering
Kopi: Katherine Griffiths, kate.griffiths1993@gmail.com

Personvernombudet for forskning

Prosjektvurdering - Kommentar

BACKGROUND AND PURPOSE

«Increasingly, there are calls for the use of transitional justice procedures to address human rights violations against indigenous populations. This is particularly evident in recent requests in both Norway and Australia for the instigation of national truth commissions to address historical injustices and current disparity between indigenous and non-indigenous populations. Truth commissions have real potential to provide a novel way to address this contention and encourage reconciliation with results. This research will focus particularly on the different contexts of Norwegian and Australian states, the varied understandings of 'reconciliation', and the relationships between the state and indigenous populations.»

SAMPLE AND RECRUITMENT

The sample consists of representatives of indigenous groups requesting instigation of truth comissions, politicians working in indigenous affairs, and employees of non-government organisations that work with indigenous populations. The student will contact the informants through email or phone. The Data Protection Official presupposes that the recruitment process is done in a way that fulfils the requirement of voluntarily participation and confidentiality.

INFORMATION AND CONSENT

The sample will receive written and oral information about the project, and give their consent to participate. The letter of information is well formulated.

SENSITIVE PERSONAL DATA

There will be registered sensitive information relating to ethnic origin or political/philosophical/religious beliefs, .

INFORMATION SECURITY

According to the notification form, Skype might be used to conduct personal interviews. We advice you to consider other options for conducting the interviews, as Skype is not a good option with regards to confidentiality and information security. Data should be collected and stored within the control and influence of the institution (Høgskolen i Sørøst-Norge). The institution is responsible for secure processing of research data and personal information.

The Data Protection Official presupposes that the researcher follows internal routines of Høgskolen i Sørøst-Norge regarding data security. If personal data is to be sent by email or stored on a private computer /portable storage devices, the information should be adequately encrypted.

PUBLICATION

It is stated that personally identifiable information will be published. The Data Protection Official presupposes that the participants give their explicit consent to this. Further, we recommend that participants are given the opportunity to read through their own information and give their approval before publication.

END OF PROJECT AND ANONYMIZATION
According to the letter of indormation, the estimated end date of the project is 02.05.2018. According to the notification form all collected data will be made anonymous by this date. Making the data anonymous entails processing it in such a way that no individuals can be recognised. This is done by:
- deleting all direct personal data (such as names/lists of reference numbers)
- deleting/rewriting indirectly identifiable data (i.e. an identifying combination of background variables, such as residence/work place, age and gender)
- deleting digital audio and video files

Appendix 4. Letter to Informants

Request for participation in research project

"A critical discourse analysis of hegemony, reconciliation and the potential for truth commissions to address indigenous-state contention in Australia and Norway"

Background and Purpose

This master's research project will examine the phenomenon of requests for truth commissions to address indigenous-state contention in both Norway and Australia in 2015-2017. National policy discourse will be analysed to examine power relationships and understandings of reconciliation in both Australia and Norway.

This master's thesis is being completed through The University College of Southeast Norway in Drammen, as the final examination of the master's course of human rights and multiculturalism.

To compliment the discourse analysis, interviews will be conducted with individuals with insight into national policy discourse and the requests for truth commissions in Australia or Norway. This will include representations from the indigenous community, individuals working with non-government organizations and state representatives involved in indigenous affairs. The insight of interviewed individuals will be used to complement ideals pulled from the discourse analysis and link to understandings of power and reconciliation in each country and the uses of truth commissions.

What does participation in the project imply?

Data collection in the study will involve critical discourse analysis of policy documents from Australia and Norway. Additionally, semi-structured interviews will be performed to complement themes revealed through the discourse analysis. Data collected about the participant will only include their role or official position. A conversation is requested where participants will discuss the themes of hegemony, reconciliation, state-indigenous relationships and the requests for truth commissions. Due to the flexible nature of this format, any insights and suggestions from the respondent's individual perspectives would contribute to the discussion.

Due to the international nature of this project, conversations will take place over phone or Skype call. Conversations will last for approximately one hour. Audio recording and hand written notes of the conversations will be taken to aid later transcription of the conversation. Each individual will be asked questions regarding the themes previously mentioned. However, interviews will be tailored to fit their individual perspective and context.

What will happen to the information about you?

All personal data will be treated confidentially. No personal data will be published, and digital recordings will be treated confidentially. It is only the researcher and the supervisor who will have access to recordings and transcripts during the project period. Recordings and transcripts will be stored on a computer protected by username and password during the research process.

When publishing the master's thesis, only the informant's official position (professional or in relation to indigenous affairs), country of context and their reflections and insights will be presented. The data will be anonymized to the greatest extent possible to safeguard the confidentiality of the informants.

The project is scheduled to for completion by 30.09.18. At the completion of the project recordings and transcripts of will be deleted, along with any contact information of participants.

Voluntary participation

It is voluntary to participate in the project, and you can at any time choose to withdraw your consent without stating any reason. If you decide to withdraw, all your personal data will be made anonymous.

If you would like to participate or if you have any questions concerning the project, please contact Kate Griffiths on +47 926 80 309 or kate.griffiths1993@gmail.com, or supervisor Oddvar Hollup on +47 310 09 514.

The study has been notified to the Data Protection Official for Research, NSD - Norwegian Centre for Research Data.

Consent for participation in the study

I have received information about the project and am willing to participate

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(Signed by participant, date)

Verbal consent may be given if interviews conducted by distance.