

Chapter 2

The Documentation Project

Bereaved and survivors demanded a new public inquiry.

We didn't get that. We got the Documentation Project.

"The Kielland Network will work for open hearings and a new public inquiry into the 1980 Kielland disaster." This network of bereaved, survivors and supporters has mobilized broad support from the Norwegian trade union movement. The Church of Norway supports our demand, and many researchers and journalists have made their mark strongly and clearly. There are still many questions that have not been answered - and that still can be answered - through a new public inquiry.

The network first tried to approach the Solberg government (Conservative). It did not work. In 2019, we contacted the Storting's *Standing Committee on Scrutiny and Constitutional Affairs*, and in April we were able to meet the committee leadership led by Dag Terje Andersen from the Labour Party and the two deputy leaders Svein Harberg from the Conservative Party and Nils Bjørke from the Center Party. We experienced the meeting as very positive. They took the time to listen, were open minded and interested.

Our demand was a new open and inclusive inquiry.

What shape could a new inquiry take? Since the beginning, we had avoided the term "Commission of Inquiry". A public government-appointed Commission can quickly be locked into a strict set of regulations that can limit, rather than open its scope. For us, it was important that an inquiry was open, that hearings were carried out. We also demanded participation in the design of the mandate, independent foreign participation, and participation from those affected and the workers unions. In addition, the Kielland Network has always been concerned that a new investigation had to supplement previous inquiries – both the Norwegian and the French. In order to ensure participation of new and updated investigative expertise, we would like to draw in resources from the *Permanent Accident Inquiry Board* or similar expertise environments.

Dag Terje Andersen got in touch again at the end of May 2019, and stated that the committee had unanimously decided to ask the *Office of the National Auditor* to review the Kielland case. This was an important victory for us. The National Auditor's work on this could hopefully create the basis for the next step – a new comprehensive open public inquiry. As we have seen, the National Auditor's mandate was limited to investigating the Norwegian *authorities'* handling of the disaster. This limitation was natural and logical since the National Auditor's task is precisely to follow the actions and deeds of the Norwegian authorities.

The National Auditor's report was presented in March 2021. It was disappointing that the report did not recommend a new and final inquiry. But the report is nevertheless an important contribution to even more nuances and insights. The report upholds the Norwegian Commission of Inquiry, but at the same time states that there were significant shortcomings and weaknesses:

- Several of the Commission members were ineligible (with ties to involved parties).
- The indications of an explosion in the D4 bracing were not sufficiently investigated.
- Anchor handling and hauling were not examined based on the *weakened* D6 bracing.
- The Commission generally failed to go into other causal explanations.
- They leaked information to the Norwegian parties, while the French were considered "biased".
- The Police investigation is criticized.
- The National Auditor points out that responsibilities relating to operators and shipowners were not clarified.

With these and other remarks, the National Auditor has almost provided a mandate description for a new final inquiry. Still, they refuse to recommend this. At the same time, the report has nuanced Norway's official view of the causes of the accident. It is no longer just the Norwegian Commission's reports from 1981 and 1983 that express the official view of the causes. These must now be supplemented with the National Auditor's report, approved by a unanimous Storting in June 2021.

Health study and documentation project

The Storting unanimously adopted in June 2021 a strong apology for the Norwegian authorities' poor treatment of bereaved and survivors. When the National Auditor's report

was launched in March, the head of the Norwegian Trade Union Confederation of Industry and Energy, Frode Alfheim, made the following statement:

"An apology is not enough, but what will come out of it must happen in close dialogue with the Kielland Network. They are the ones who have done a large part of the work that the authorities should have done."

The network has taken the initiative to negotiate with the state on a compensation scheme where the settlement following the North Sea pioneer diving cases is a model for such a settlement. We have established a partnership with the SANDS law firm and the Franco-Norwegian lawyer Eva Joly to achieve a fair solution.

The Storting also decided that there should be carried out:

"...a study on survivors and relatives after the Alexander L. Kielland accident in order to gain knowledge about the consequences of the lack of follow-up after the accident, and the accident itself, on people's physical and mental health."

This study will be carried out in collaboration with the Kielland Network. It is now likely that the study will be carried out in 2023.

In the Storting's decision point III it is stated:

"The Storting asks the government to enter into a dialogue with the Kielland Network and contribute to an effort to collect and make available the network's work, documentation and collected material in a historical documentation about the Alexander L. Kielland accident and the work afterwards, with the intention of documenting the experiences seen from the bereaved and survivor's point of view."

In other words, a Documentation Project.

As seen, the demand for a new public inquiry was not met. Perhaps this new project was meant as a plaster on the wound? One of the reasons for rejecting a new inquiry, which several people in the Storting emphasized, was about the system for commissions. If the Storting uses the term "inquiry", it is almost implicit that the regulations for such an inquiry must be followed. And these regulations are rigid and inflexible. In the Kielland Network's request for a new inquiry, there was a demand for transparency and hearings. We also believed that bereaved and survivors had to participate directly, and we demanded the

independent participation of foreign professional experts to ensure that the inquiry did not become another round of national competition between France and Norway.

Very little of this would be fulfilled if the Storting decided on a new formal inquiry.

The decision on a Documentation Project in which the Norwegian Oil Museum and the Kielland Network collaborate provides a completely different flexibility.

The project started shortly after the Storting decision. The state transferred NOK 8 million in 2022 for the implementation of the project. Director at the Oil Museum Finn Krogh contacted me, and we started planning together. The first step was to establish a steering committee and secure a project manager.

The Oil Museum advertised the position and *Else M. Tunglund* was hired as project manager. Else is a sociologist with a background as a researcher and author. Among other things, she has written a book about the North Sea pioneer divers' stories on what it was like to work in the North Sea, where the Kielland accident was an incident that everyone remembered. It was therefore with great interest that she in 2014 joined in collecting memories from those involved in the Alexander L. Kielland accident, when the work started at the University in Stavanger. She was one of those who interviewed bereaved, survivors and rescue personnel – which was later collected in five digital books in the *Kielland Memory Bank*.²² A summary of the interviews was published as paper books in Norwegian and English in 2020.²³ She was also co-author of the first book in the "CRUDE OIL" series by university researchers, which was published in 2016. This book was decisive for the decision to form the Kielland Network. She later wrote a book about the shipping company that contracted the Alexander L. Kielland rig. Else enjoys great trust among the affected bereaved and survivors.

Steering committee

In autumn 2021, we agreed on the composition of the steering committee for the project. From the Oil Museum, Finn E Krogh participates as leader, along with Bjørn Lindberg. The Kielland Network is represented by me and Anders Helliksen, who survived the accident and is the deputy leader of the Kielland Network. In addition, Tora Aasland, with a background as minister of research and governor in Rogaland, and Gro Brækken, with a background in

²² <https://ebooks.uis.no/index.php/USPS/catalog/series/Kielland>, 2019 – parts of it in English

²³ https://www.amazon.co.uk/Kielland-Based-stories-those-there-ebook/dp/B085HQ389G/ref=sr_1_1?crid=BK5H90GZHWB6&keywords=Kielland+based+on&qid=1682883561&s=books&sprefix=kielland+based+on%2Cstripbooks%2C132&sr=1-1

humanitarian organizations and *Offshore Norway* (society for oil-related businesses), are participating. As project manager, Else Tunglund is also secretary for the steering committee. In dialogue with the ministries that have allocated the funds, the project's tasks and mandate are:

- To collect documentation, obtain and make available knowledge about the Alexander L. Kielland accident, which can shed light on the case and form the basis for research projects, articles, exhibitions, books, cultural activities, etc.
- To help ensure that relatives, survivors and other affected persons after the Alexander L. Kielland accident experience that they are seen, heard and taken seriously - and that, as far as possible, they get answers to their questions.

UiS - archival studies

The University in Stavanger continues to work on the Kielland case and has received funding from the Documentation Project for its further work. UiS will specifically continue to work on expanding the Memory Bank and archival studies. One of the sub-projects concerns studies of French archives, where Eva Joly is engaged by UiS. Eva Joly has extensive knowledge of the use of documents in industry, through her years of experience as a judge, politician, special adviser and lawyer in France. French archives have not previously been studied, and there can be a lot of information to be found here. One of the important questions concerns the supporting documents that led to the settlement between the Norwegian and French parties in 1991. These documents were sealed as part of the settlement for 60 years, at the initiative of the Norwegian parties.

The Norwegian parties – Phillips, Stavanger Drilling and the Norwegian Oil Insurance Pool (NOP) – were the losers in this settlement. Of a claim of NOK 700 million, they were left with 6-7%. What was put on the table in these negotiations that led to the Norwegian loss?

By carrying out archival studies from supervisory bodies in Norway and France, and among the companies involved, it should be possible to obtain relevant documentation from the legal proceedings, investigations, contract negotiations and agreements made between subcontractors and insurance companies. Something is already available in the digital archive from the Norwegian Commission of Inquiry, but it is necessary to complement this with documentation from French actors, in order to reveal more facts, so that knowledge about

the accident is strengthened. Eva Joly assists in seeking access to the archives of the companies that designed and built the platform and their subcontractors.

Archive studies are also about other archives. As private companies, both Phillips and Veritas have refused access to their archives. The same applies to *Storebrand*, which was both a co-owner of the rig and played a leading role in the Oil Insurance Pool. As we shall see in later chapters, the access to these private archives is absolutely essential to obtaining answers to many of the 89 questions.

The Kielland Memory Bank

The work with the Memory Bank will be a parallel and partly supplementary process to the archival studies. It is desirable to supplement the archival studies with the collection of memories from contemporary witnesses related to the construction process, the subsequent dispute between the parties after the Kielland accident, and to uncover conditions and factors that led to the settlement.

Around a fifth of those killed came from the UK and some other countries, and rescue personnel from several nations took part. UiS will collect memories from relatives, survivors, rescue personnel from Norway – and from countries outside Norway. Else M. Tunglund and the Kielland Network work in parallel to establish contacts with the affected Britons and other nationals.

The Memory Bank currently consists of over 300 records, and there are constant requests from people who want to share their memories and be included in the Memory Bank.

Relatives and survivors who have not yet been interviewed are invited to tell their story. The Documentation Project together with the Kielland Network organizes annual gatherings for those affected. In 2022, sixty bereaved and survivors attended the Kielland seminar in May, and in 2023 a bilingual gathering will be held to which bereaved and survivors in the UK and other countries will also be invited. The Documentation Project has also secured an English subtitling of Norwegian TV2's documentary series about Kielland from 2022, and an English translation of my book "*Kielland – the Battle*". Large parts of the Memory Bank will also be translated into English.

The Documentation Project has a time limit for three years and ends at the end of 2024.

From the Memory Bank:

"The University in Stavanger and other investigators have uncovered things about the authorities' and owner's role in this accident which has almost shocked us bereaved and survivors and shown that Norwegian oil extraction was not a Sunday school, but a cynical and hard-nosed business."

Kåre Magne Kvåle, engine room operator ²⁴

"We were invited to participate in a study. But the psychologist was so busy and just gave us a big stack of papers to fill out. He didn't even have time to talk to us. The whole setting was wrong, it didn't suit me. So, I left."

Harry Løvø, electrician

"The worst thing is that there were so many people who were lost, you wonder why I was saved and not the others. That's the kind of thing you can wonder about. Don't think about it every day. But sometimes it's on my mind."

Malvin Hauge, insulator

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"What made the strongest impression were all the friends I lost; Berland, Vaagsbø, Kråkø and those from Førresfjorden. The camaraderie in the North Sea is different than on shore. On shore, we each go our own way in our spare time. In the North Sea, we were together in our free time and talked about everything."

Gunnar Guttormsen, electrician

"The truth that cannot stand the light of day robbed us of openness. The right to talk about, and the right to know, what happened on March 27 has been taken away from us when not all insight into the accident is available to the public. It was put under a lid."

Linda Olaug Sæbø, daughter ²⁵

²⁴ *Vi som overlevde / We who survived*, Memory Bank Kielland UiS, pages 30, 45, 50, 56

²⁵ *Vi som mistet / We who lost*, Memory Bank Kielland UiS, page 15