

Chapter 7

The turning and a Norwegian legal settlement

The Commission: Aksel Kloster dismissed

Aksel Kloster was the representative for LO¹⁰⁵, and was the only one in the Commission who built positive relationships with the bereaved and survivors. He also got the Commission's support to launch important recommendations on better security in the North Sea.

Since the Commission from the outset was expecting that the rig would be turned around, making it possible to do inspections on board, Aksel Kloster chose in 1981 to accept the position as head of the Kielland Foundation - the bereaved' and survivors' organization. In the spring of 1983, Phillips demanded that Aksel Kloster should be removed from the Commission. The Ministry of Justice supported the demand, and Aksel accepted this. LO appointed Jan B Strømme in his place.

At the same time, in the last major public debate on this in the spring of 1983, the Commission publicly stated that they were against a turning operation.

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- Why did Phillips demand Klosters' resignation from the Commission?

- What was the background for the fact that the Commission of inquiry - which had not had the opportunity to visit the disaster scene until now - chose to oppose the turning operation of the rig, and thereby also removing their own opportunity for inquiries?

Reference is made to questions 50 and 51.

¹⁰⁵ The Norwegian Trade Union Federation

The Commission's employer was the Ministry of Justice. In the spring of 1983, Phillips contacted the Ministry. Phillips claimed that Aksel Kloster was ineligible, as he was also chairman of the board of the Kielland Foundation.

Phillips was scarcely visible in the media after Kielland. Most likely, this is connected to their reputation and the question of being held accountable. Or more correctly: to avoid being made accountable. The Office of the National Auditor criticizes the Norwegian Commission for failing to raise questions about the operator's and owner's responsibilities: *"It is highly objectionable that the authorities did not carry out a complete survey of the responsibilities of Stavanger Drilling and Phillips Petroleum after the accident."* ¹⁰⁶

The Commission assumed in its report from 1981 that the rig should be turned around. In 1982, Aksel Kloster also received Commission chairman Thor Næsheim's confirmation that it was "desirable" that the rig was turned around. When Kloster took on the leadership position for the Kielland Foundation, he justified it by saying that the Kielland Foundation and the Commission worked for the same goal, namely to turn the rig, find the remains of the missing workers and investigate the rig. One must question the basis for the demand for his resignation. As seen, two members of the Commission - Torgeir Moan and Sivert Øveraas - had connections to parties that were under investigation.

Phillips thus claimed that connections to the perpetrators were not a problem, while connections to victims through the Kielland Foundation were a problem. Incredibly, Minister of Justice Mona Røkke (Conservative) accepted this, and sacked Aksel Kloster.

What were the motives for getting rid of the only person in the Commission who had established contact with bereaved and survivors? Phillips has not publicly justified the demand for Kloster's resignation, so we have to apply some reasoning until we arrive at an answer.

The spring of 1983 saw the last round in the debate about whether Kielland should be turned around or sunk. In the Kielland Foundation we experienced that there was a systematic campaign to prevent the completion of the turning operation, which a majority in the Storting had ordered the government to carry out. Storebrand and Stavanger Drilling had

¹⁰⁶ The Office of the National Auditor, in their summary, ref p 143.

long been ongoing and active opponents of a turning operation. Phillips treaded more carefully in public, but they apparently non the less lobbied the Ministry of Justice. In the last attempt to stop the turning operation, it was obviously Phillips's contribution to get rid of the only member of the Commission who clearly was in favor of turning the rig. The newspaper *Dagbladet* wrote that contradictions were apparent within the Commission. The leader Thor Næsheim kept making hints that a turning operation was not necessary, since the Commission had already found the cause of the accident. Aksel Kloster, for his part, believed that there were "lots of unanswered questions", and that issues related to the accident could not be resolved until the platform was turned around. ¹⁰⁷

Although his successor Jan B Strømme also expressed that there remained unanswered questions, he did not have the same weight and authority in the Commission that Aksel Kloster had. In practice, he was an easy match, and the Commission went public and declared the turning operation was unnecessary.

The campaign in the spring of 1983 to stop the turning operation thus received long-awaited support from the Norwegian Commission. It is natural to describe this as Phillips' motive for demanding Aksel Kloster out of the Commission. Phillips must have feared that a turning operation and the following inspections of the rig would reveal faults and deficiencies for which the operator and shipowner were responsible.

The Norwegian Kielland Commission must be the only Inquiry Commission ever to have refused the possibilities to inspect and investigate the wreck they were set to investigate.

When the campaign to stop the turning operation failed, it was due to the opposition from bereaved and survivors, from the trade union movement and from the Church of Norway. But the main reason was the extension of the Willoch government in May 1983 from a pure Conservative government to a three-party government in which Christian Democrats (CD) and Center Party (CP) joined. Both these parties were supporters of a turning operation, and the Conservative cabinet minister Arne Skauge in charge of the operation was replaced with Asbjørn Haugstvedt from CD. It thus became clear that the turning operation was to be carried out. In return, the Prime Minister's office was to decide what should happen to the rig after it was turned. ¹⁰⁸

¹⁰⁷ Skretting, p 266

¹⁰⁸ Reme, *Kielland - the Battle*, p 177 (page no. refer to the Norwegian edition)

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Who were the other players who opposed turning the platform?

Firstly, a reflection on what kind of contradictions applied in the dispute over Kielland: From the very first day until today, the dispute has been a classic class struggle. Workers and their bereaved gained support from the workers' own organizations and stood up against wealthy owners, strong companies and the political right. What we call the "Norwegian model" means that class antagonisms are mitigated through compromises, cooperation and contributions from the state. Such tripartite cooperation was never established in the dispute over Kielland.

The actors against turning the rig for search and inspections acted largely in silence. Who had a motive to prevent the turning of Kielland?

Phillips has already been mentioned. When the Norwegian Commission published its report in April 1981, they failed, as we have seen, to place responsibility on the American operator Phillips, nor on the Norwegian owner Stavanger Drilling. In effect, the responsibility was placed on the French parties, on the constructor Forex Neptune and the shipyard CFEM. This was very beneficial for the operator and owners - including Storebrand in its role as co-owner. It could be just as favorable for the rest of the Oil Insurance Pool, which through the lawsuit in France hoped to be reimbursed the entire insurance payment to Stavanger Drilling of NOK 340 million. The Norwegian Commission's report became the natural basis for the lawsuit against Forex Neptune and CFEM, where the claim was NOK 700 million.

As we have seen, Stavanger Drilling had received the full amount in the insurance settlement. They therefore had nothing directly to gain from the lawsuit in France, and eventually withdrew as plaintiffs. It was Phillips and the Oil Insurance Pool - and the French parties - who had major financial interests in the French courts. As long as the Norwegian Commission's report was not compromised, Phillips and the Oil Insurance Pool had a solid foundation for their lawsuit against the French.

Turning the rig back in an upright position could lead to new causal facts to be revealed and was therefore contrary to these strong economic interests. In addition, Stavanger Drilling risked that a discovery of new causal facts could lead to recourse, where the insurance companies demanded payback of the money they had lost in the insurance settlement. The question of liability could also come back to the table.

From within the Kielland Foundation the resistance against the turning operation was seen as very strong. The Oil Insurance Pool led by Storebrand owned the wreck after the settlement with Stavanger Drilling. The Nordli and Brundtland governments' (Labour) promises and commitments to turn and salvage the rig entailed a demand on the owners to do the work. The Pool and Storebrand had to play along, but in practice required that the government should pay the bill. The Kielland Foundation demanded that the government should take over the rig through expropriation and take responsibility for carrying out the operation. But the government did not want to take over the wreck. The tug-of-war between the Oil Insurance Pool and the government continued until the summer of 1981, without clarification.

And then came Kåre Willoch. The new Conservative government led by Willoch decided to sink the rig.

Opponents of the turning operation were thus given a stronger hand. The Government's decision to sink the rig was well received, both by Storebrand, the Oil Insurance Pool and by Stavanger Drilling. They all went public and supported the government's decision to get rid of the rig. There is every reason to believe that the same was true of Phillips, although they still stayed away from the media.

And the list of opponents to the turning operation grew. The alliance now consisted of Storebrand and the Oil Insurance Pool, Phillips, Stavanger Drilling - and the new Conservative government.

But what about the Storting, our Parliament? The Conservative Party's parliamentary basis also consisted of the other conservative and liberal parties - the Christian Democrats (KrF) and the Center Party (SP). There was reason to fear that the Storting majority would follow the government's decision to sink Kielland. However, the Kielland Foundation had

established good relations in the Storting. The Labour Party and Socialist Left Party were clear opponents of Willoch's eagerness to sink Kielland, and now it became important to get KrF and SP on board. In 1982, it was settled: the Storting majority ordered the government to ensure that the rig was turned around for search and investigations.¹⁰⁹

In the spring of 1983, opponents of the turning operation made their last attempt to stop the operation. Several different "seamen's associations" and maritime officers' unions appeared with demands to sink the rig. Organized letter campaigns and chronicles cast doubt on whether the salvation of the platform still had the support from those who were affected. Widows were contacted by telephone and encouraged to oppose the turning operation. The Kielland Foundation therefore carried out a new and final survey which clearly showed that support for turning the rig around actually had increased. Only two widows were now against a turning operation.

And as seen, Phillips made the initiative to remove Aksel Kloster from the Commission, which they succeeded in doing. The Ministry of Justice accepted this sensational demand. The result was that the Norwegian Commission of Inquiry became a clear part of the resistance team against salvaging the rig.

The class struggle line-up

In summary, we can present the following lineup:

THE TURNERS

- Bereaved and survivors through the Kielland Foundation. A large majority supported a salvage operation.
- The Trade Union movement. Especially the LO confederation "Iron & Metal" and OFS (later SAFE).
- The Church of Norway, where Bishop Sigurd Lunde, on behalf of all the bishops, stood up with a clear message that the rig had to be turned.
- The Labour Nordli and Brundtland governments - admittedly with a passive role.
- The Parliament's left wing (Labour Party and Socialist Left Party), with support from the centrist parties.

¹⁰⁹ This battle is described in more detail in my book "Kielland - the Battle" from 2021

THE SINKERS

- Storebrand, which had the dual role as one of the major owners and as an insurance company.
- Norwegian Oil Insurance Pool, led by Storebrand.
- The American operating company Phillips Petroleum Company Norway.
- Stavanger Drilling, which owned the platform before the Oil Insurance Pool took over.
- Veritas.
- The Norwegian Commission of Inquiry. The Commission had initially supported salvage but changed its mind in the spring of 1983.
- The Willoch government before the enlargement in 1983, led by Minister of Trade Arne Skauge and Minister of Justice Mona Røkke.

The rig is salvaged - the Commission dissolved

The rig was successfully turned 180° in September 1983. The French participated with two inspection teams with more than 20 participants, involving both the French Expert Commission and representatives from the shipyard and constructor. Both teams worked on the rig for several weeks. The supplementary report from the Norwegian Commission (NOU 53:1983) was very brief and contained nothing new. After submitting its report, the Commission ceased to exist.



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- Why did the Ministry of Justice approve that the Commission resigned before the follow-up work after the various parties' inspections had been completed?**
- What was the Commission's justification for failing to carry out a more thorough investigation after the salvage operation?**

Minister of Justice Mona Røkke (Conservative) made at least two decisions concerning Kielland that should be criticized.

Firstly, she accepted the sensational and unreasonable demand from Phillips to fire Aksel Kloster from the Norwegian Commission of Inquiry in the spring of 1983. This is discussed above, see question 67.

Secondly - the dissolution of the Commission.

The Norwegian Commission's mandate and assignment was *"to investigate the circumstances surrounding the accident and, if possible, bring the cause of the accident to light"*.¹¹⁰

As seen, the Commission believed early on – just days after the accident – that they had found the cause: a fatigue crack in D6 brace linked to a bad weld in the hydrophone holder. The Commission made some reservations, however.

Firstly, they emphasized on page 11 that *"the report does not deal with other accident situations ..."*.

Secondly, the Commission assumed from the start that the rig would be turned, as the Labour government had decided. In about twenty places in the report, it is indicated that answers to many questions will only be clarified "when the rig is turned".

The employer, the Ministry of Justice, was from the autumn of 1981 headed by Mona Røkke from the Conservative Party. She and her government had decided that the rig should not be salvaged at all. While the other members of the Commission gave in and eventually accepted the new government's decision, Aksel Kloster stuck to his original position.

As seen, the solution was to throw Aksel Kloster out of the Commission - see question 67.

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When Commission chairman Thor Næsheim went public and declared that turning the rig was not necessary, we must assume that this was encouraged by the Minister of Justice and the government. It also signaled that the Commission was not interested in finding anything new on board after the turning operation. They had arrived at their own explanations and stuck to them.

The expansion of the government in May 1983 meant that the turning operation would be carried out, with Asbjørn Haugstvedt from KrF now having the political responsibility.

Haugstvedt gave a promise that the rig would not be handed over to the private owners until all parties had completed the investigations they needed.

This promise was broken. After the turning operation it was no longer the Ministry of Trade and Asbjørn Haugstvedt who had the responsibility for the rig. Now the Prime Minister's office took over. In line with the strong wishes of Storebrand and the other owners, preparations to sink the wreck were given the highest priority. Neither the French parties,

¹¹⁰ NOU 11:1981, p 9

the French Commission nor the Kielland Foundation considered themselves finished with the investigations, but they were ordered off the rig.

The rig was sunk at record speed in November 1983.

And the Norwegian Commission was shut down in record speed.

The question of why the Ministry of Justice accepted the Commission shutdown can be understood as the Commission asking for permission to close their work. I believe it is more correct that the Ministry of Justice was the driving force for the Commission to be terminated. The lid had to be closed for good.

What communication took place between the Ministry of Justice and the Commission about this sensational development? Was the Commission pressured by a government that was opposed to the Storting's decision in 1982? On this topic, a clarification in the report from the Office of the National Auditor would have been desirable, and these processes should have triggered a clear and formal criticism.

What was the Commission's reasoning for opposing turning the rig around? The rationale was, in short, that they knew they were right. They knew it before the rig was turned. The Office of the National Auditor writes in its report that the Commission:

*"... was clear that it had uncovered the cause of the accident, and that it was unnecessary to turn the platform around to clarify the cause further".*¹¹¹

There was only one cause for the accident, and this the Commission had long since found. Everybody else were wrong. That was the succinct message of the small additional Commission report of six pages.

The Office of the National Auditor should have contributed with some critical reflections on these issues. When the Norwegian authorities set up an official Commission to examine a physical object - a capsized rig - it should be quite obvious that a physical inspection is not only desirable, but absolutely necessary. It is actually startling that the Commission actively opposed the Storting majority's decision to turn Kielland.

Investigations on board

¹¹¹ National Audit Report, p 40

Several actors criticized the Commission for not having investigated the platform thoroughly enough after it had been turned around, writes the Office of the National Auditor. The constructor Forex Neptune argued that the Commission should examine the parts of the platform that were under water, and all the documents and books that were on board the platform. The Kielland Foundation thought the same. *"Of the input the interested parties had made, there were several points that were not followed up by the Commission because they did not consider it appropriate."*¹¹² This applied to the following:

- * They did not tend to all the written material that was on board.
- * They did not raise the platform to inspect the braces which were still under water.
- * No tilting test of the platform was carried out.

After the original report was delivered in April 1981, it can be established that the Commission was fundamentally skeptical of all questions and theories that came from others than themselves. But why wasn't there a will to possibly demonstrate errors and shortcomings in such theories scientifically, through professional investigations? Instead, the Commission shut down a few weeks after the salvage operation, after a bland summary report about what they did not find - and were not looking for, since there was nothing to be found...

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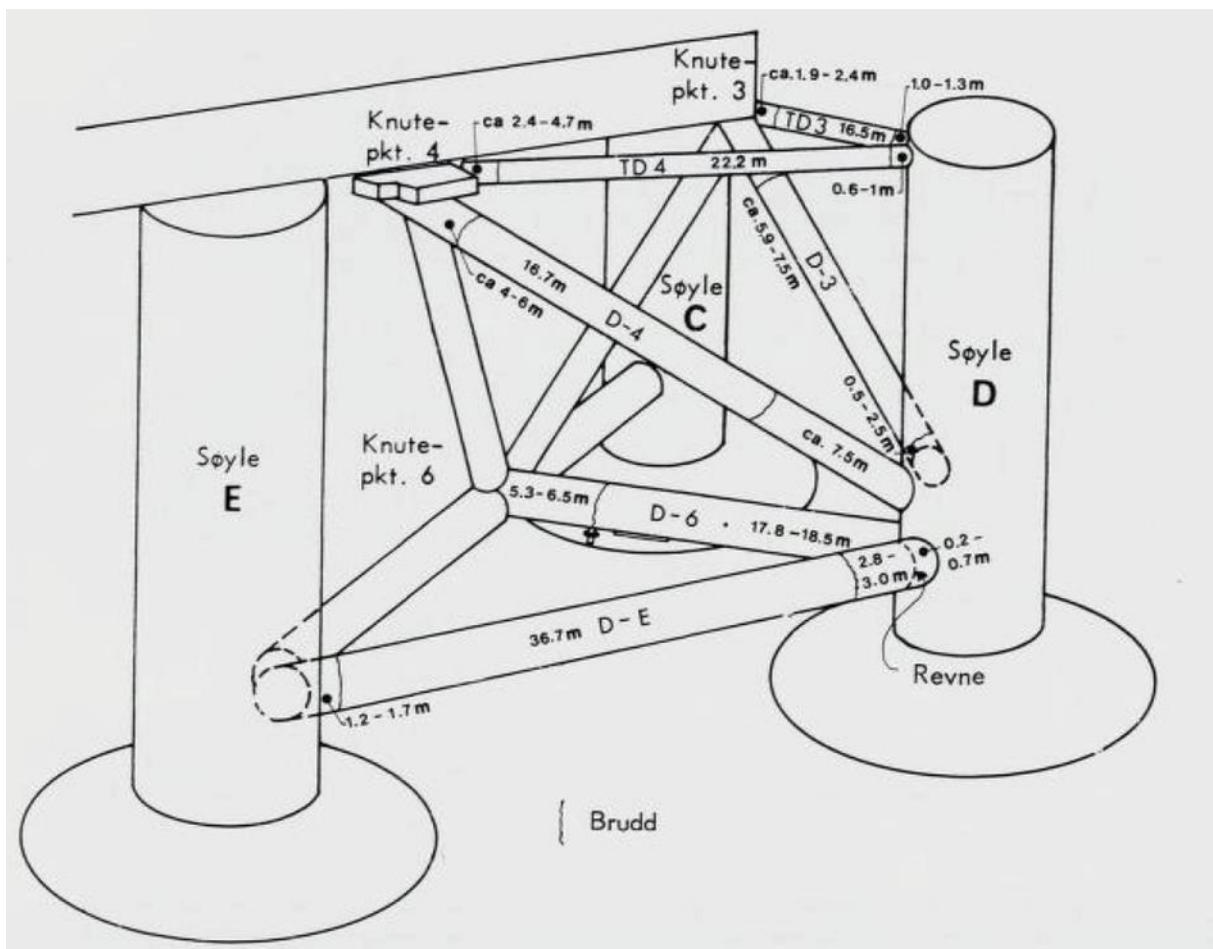
Why wasn't a new and independent Commission set up after the turning operation?

The reason why a new and independent Commission was not set up, was probably primarily that the Willoch government did not want it. The Conservative Party and the Prime Minister had committed themselves to following up on the wishes of Phillips, Storebrand and eventually the Norwegian Commission: Sink the wreck as quickly as possible. And stop all further work on inquiries and investigations. A new and independent Commission would undermine both the financial interests and the government's clear decision to remove Kielland both from the surface of the sea and from Norwegian politics.

¹¹² National Audit Report, p 42

Explosion in the D4 brace

The six braces connecting the D leg to the rig had two horizontal braces under water – D6 which ran from the D leg under the structure, and the DE brace situated between the D and E legs. These were filled with seawater during normal operation. The two upper horizontal braces – TD3 and TD4 – ran from the deck structure and to the top of the D leg. D3 and D4 were closed air-filled inclined braces that ran from the lower part of the D leg up to the deck structure.



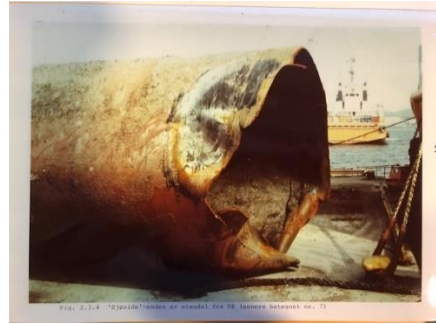
In the summer of 1980, after the accident, all brace parts were analyzed on behalf of the Commission by Statoil's Material Technical Laboratory, led by Bjørn Lian. This included the parts taken from the bottom of the North Sea, the brace stumps on the D leg, as well as measurements by divers of the brace stumps on the rig. The analyzes showed that the breaches in five out of six braces were mechanical breaks. This is shown schematically by the fact that the braces in principle can be put back together – the parts fit together.



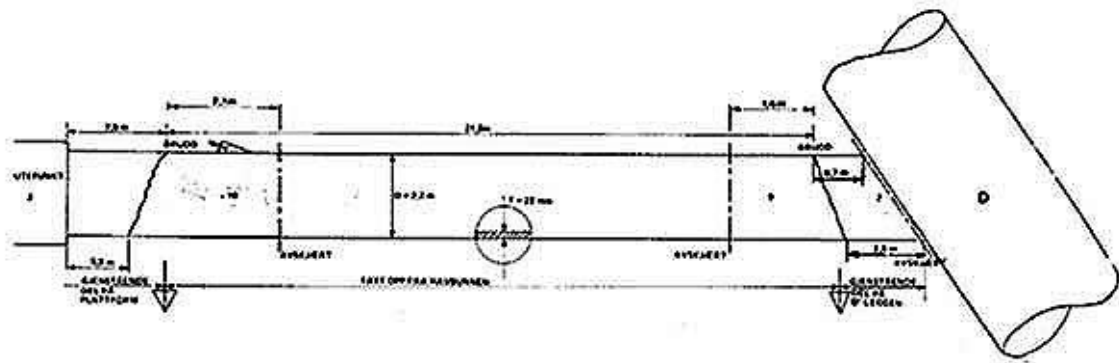
From D3 brace



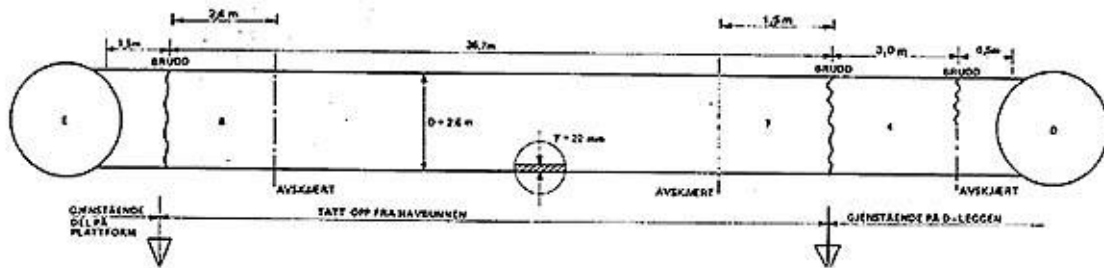
D6 brace



DE brace



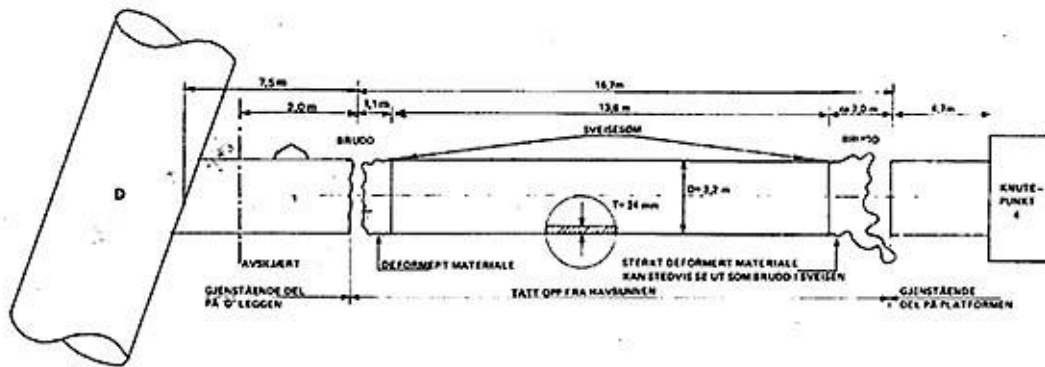
D3 brace, schematically fit together.



DE brace, schematically fit together.



D4 brace, upper breach.



D4 brace, schematically shown not fitting together.

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How is it explained that all the fracture points on five of the braces can be brought back together, as would be the case with mechanical tear-off and stress fractures, but not D4? ¹¹³

D6 with the fatigue fracture around the hydrophone holder, which the Commission was convinced broke first, had only one fracture. The other five braces broke in two places each, and the intermediate pieces thus sank to the seabed. Divers brought them up in the days after the accident, and they were given to Statoil's Materials Technology Laboratory.

¹¹³ Kielland Conference Report 2017, p 26

Neither the Norwegian Commission nor Statoil's Materials Technology Laboratory, which examined and measured the brace parts, attempted to give any explanation. Nor is there any explanation given for the fact that the upper fracture in the D4 brace had a far more dramatic appearance than the other fractures.

The technical advisors of the Kielland Foundation launched the explosion theory after the successful turning of the rig in 1983. According to this theory, the upper breach in the D4 brace was not mechanical, but the result of an explosion in the brace.

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Was explosion in the D4 brace considered at any point in the analyses?

No.

The day after the disaster, Stavanger Drilling put forth an explosion as the most likely theory for the cause of the accident. They imagined that the new welding station on deck could have exploded. CFEM also considered this a possible explanation. But the very next day this theory was abandoned.¹¹⁴

During their work, the Norwegian Commission assessed whether the welding station could have exploded. They found no signs of this.¹¹⁵ They also considered whether the D6 brace with the hydrophone holder could have exploded. They didn't find any traces there either.

¹¹⁶ A possible explosion in the D4 brace was never considered.

Since Aksel Kloster as chairman of the Kielland Foundation was declared ineligible by the Commission as an 'interested party', the Kielland Foundation used this status as 'interested party' to demand inspections on board. The Kielland Foundation was represented by two civil engineers: Knut Børseth, who had developed the turning method, and Ole Østlund, who was originally assigned the job as head of the new turning operation. They made several observations on board which indicated that there had been an explosion below deck, in the area around the upper breaking point of the D4 brace.

¹¹⁴ Aftenbladet 28.3.1980

¹¹⁵ NOU 11:1981 p 55

¹¹⁶ NOU 11:1981 p 83

Further work on this question documented, among other things:

- Lack of mechanical breaks detection in the D4 brace (Statoil's Material Technical Laboratory).
- Statements from three explosion experts selected by *Aftenposten* (leading Norwegian paper) and NRK (the Norwegian BBC) who recommended further investigation after reviewing images of the fracture surfaces.
- Findings in metallurgical investigations of the D4 brace carried out by the Institute of Physics (UiO - University in Oslo) which demonstrated 'bainite' and 'twins' in the steel that occur during explosive deformation.¹¹⁷

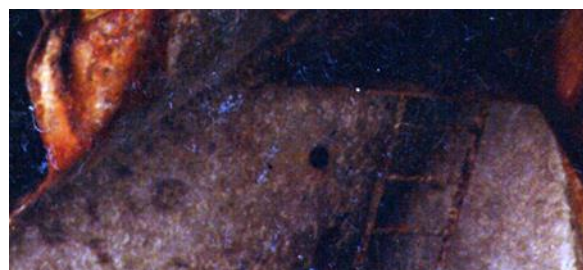
After contacting the public prosecutor in Rogaland in 1987, the findings in the report from the Institute of Physics were forwarded to SINTEF, which rejected the report. The Institute of Physics, however, maintained its assessments.

My book "Kielland - the Battle" goes into more detail on the question of the explosion in the D4 brace.

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- Did the illegal welding work carried out on the day of the accident result in an explosion in the D4 brace?

- How is the cutting torch hole in the D4 brace explained?



Explosions in braces are not unknown in the oil industry, including in the North Sea. As seen, it has been proven that welding on the structure was carried out in the days before the accident.

¹¹⁷ Report 84-09 from the Institute of Physics 1984

We know from witness observations that at least two cutting torch holes were made in the D4 brace on the day of the accident. ¹¹⁸ Here, reference is made to questions 33 and 34.

What was the purpose of these holes?

In his book from 1992, civil engineer Ole Østlund insisted that the rig was exposed to sabotage, and that holes in the D6 brace were made for the attachment of explosives.

Others have believed that the holes could be part of an attempt to temporarily strengthen the structure, to remedy the - one or more - known crack damages that platform captain Torstein Sæd had reported to Stavanger Drilling. The use of welding gases in a closed pipe combined with a spark would be enough to trigger an explosion.

The Norwegian Commission explains the cutting torch hole with underwater welding related to turning preparations. This explanation is demonstrably wrong, see comments to question 35.

At best, the question can be clarified if a professional analysis of fracture sequence and new metallurgical studies of the steel from the fracture zones from the D4 brace are carried out.

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***- Is it possible to carry out further investigations of the brace pieces that were analyzed by the Institute of Physics, as well as of two steel fragments that were found in the brace stump of the rig after the salvage?
- How is it explained that the Institute of Physics by Professor Jon Gjønnnes and P.T. Zagierski found bainite and twins in the fracture of the D4 brace indicating that the brace had exploded?***

There are still steel samples available for such scientific investigations.

The steel fragments are in principle the property of the Kielland Network and are kept at the Institute of Physics at the University of Oslo.

PT Zagierski, who together with Professor Jon Gjønnnes carried out the metallurgical investigations in 1984, has in addition carried out a private additional investigation at the *Raufoss Ammunitions factory*. A pure steel fragment from the D4 brace was subjected to a

¹¹⁸ Deck guard Oddbjørn Lerbrekk, the Kielland Conference 2017, p 26. Ref. the TV2 documentary

controlled explosion, which led to the formation of a structure in the steel called "twins".¹¹⁹ The other structure found in the D4 brace in the 1984 surveys was "bainite". To obtain bainite in steel, the heat must be higher than 880 degrees C. This did not appear in the explosion experiment, possibly as a result of an explosive charge that was too small. More such investigations can and should be carried out.

When a steel brace breaks, heat is generated. But is it possible to explain a heat of over 880 degrees C and thus the formation of bainite and twin - without an explosion? The French Expert Commission puts forward a theory that the D4 brace broke as the last, and that this could explain the violent deformations in the brace. They did not test or investigate this, however, and the theory is therefore an assumption.

The French experts write:

*"As for the two samples examined by UiO (see report 84-09 of 12 March 1984 document E-42), the first sample taken rather far from the weld and fracture area shows the same type of microstructure as the other samples examined by Statoil, but with a smaller grain size (8 according to ASTM). The second sample from one of the lips of the fracture, on the other hand, shows a different microstructure to the previous microstructures and, in addition to ferrite and pearlite, had more or less large islands of bainite in the middle part. According to this report, the localized occurrence of bainite is confirmed by transmission electron microscopy studies. To the authors of this report, the cause of these bainite colonies could not be determined. **The theory that the bainite came from the production of the plates seems ruled out, as no other sample showed this feature. The localized increase in temperature in the middle part cannot be ruled out, nor can a possible explosion. It is difficult to make a statement based only on the microphotographs.**"¹²⁰ (author's emphasis).*

This comment from the French experts firmly rejects that bainite in the D4 quarry could have occurred during production. And they more than suggest that new investigations and analyzes should be carried out.

This job can still be done, even though the decades have passed.

¹¹⁹ Kielland Conference 2017, p 25

¹²⁰ The French report, appendix 7 "Materials", point 4

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What is the explanation for the twisted steel fragment inside the D4 brace?

As seen, the D4 brace is the only brace where the parts do not fit together. An explosion in the brace would cause fragments of the steel in the fracture zones to be blown away. The twisted steel fragment was found by Ole Østlund and myself inside the brace stump from D4, which the French cut off after the turning operation in 1983. The fragment had wedged itself into the ladder inside the brace stump. We interpreted the find as confirmation of an explosion.

Can it be explained in another way?

So far, I have not registered anyone who has tried to give an alternative explanation.



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Why were the explosion experts' - Major Nils Leif Nilsen and ex-Criminal Police Nils B Skarning - assessments and recommendations for further investigation not followed up?

In addition to Major Nils Leif Nilsen, who was interviewed on television by *NRK* in 1983 ¹²¹, another explosives expert from the Norwegian Armed Forces, Sverre Steinbakken, was interviewed by *Aftenposten* together with the former head of the technical department at KRIPOS (Criminal Police) Nils Skarning. All three of them believed that the D4 brace had

¹²¹ Nilsen, «What happened?», NRK 6.12.1983

probably been exposed to an explosion, and that this should be investigated more closely.

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But they were too late.

The Kielland wreck was sunk, and the Commission dissolved. It was time to move on. The Government and Storting were finished. With few exceptions, the media were fed up.

I understand that people were exhausted. Indeed, many among the bereaved and survivors were happy that one of the two most important reasons why we had fought for so long had now been fulfilled: The remains on the rig had been found and buried, and the thirty who were still missing had finally been given a dignified grave at sea.

But there was something fundamentally wrong with the response of the state apparatus, with the prosecution authorities, the Attorney General and the Police. How could they leave it at this?

Norway's worst industrial disaster of all time must be solved, no matter how many people are fed up with the "case". This is how the state apparatus was supposed to think and act. But it didn't work out that way.

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The Office of the National Auditor's review states that the explosion theory "*was examined in more detail after the Commission finished its work*", following the initiative of the Kielland Foundation's technical advisers. The findings in the technical examinations of pieces of the D4 brace "*could be indications of an explosion but could also have other explanations*".¹²³

The National Auditor points out that in 1987 the Public Prosecutor in Rogaland commissioned an expert assessment of the explosion theory from the research institute SINTEF but does not comment that the Institute of Physics at the University of Oslo and SINTEF gave conflicting assessments. The question was therefore not sought to be clarified but rather swept under the rug.

*"In our opinion, the Commission's technical investigations were insufficient to exclude the possibility that an explosion had occurred. Findings in the later investigations indicated that an explosion could have occurred."*¹²⁴ The National Auditor believes that the evidence has

¹²² Ystad, «Explosion caused the rig disaster», *Dagbladet* 23.3.1984.

¹²³ National Audit Report, p 139

¹²⁴ National Audit Report, p 139-140

other explanations but shows at the same time, that the theory of an explosion in the D4 brace has not been clarified, neither by the Norwegian Commission nor later.

The Office of the National Auditor also writes that the Commission secured material samples from the platform which were important to explain why the D6 brace broke. *"However, they did not secure material that could confirm or deny other causal explanations."*¹²⁵ In the Kielland Network's Hearing note to Parliament in 2021, this was described as *"very serious, and weakens the Commission's credibility to a large extent"*.

Norwegian court settlement

"Limitation action" - what is it?

It is an arrangement in the legislation where shipowners get the courts to set an upper ceiling for compensation following accidents involving death or personal injury. Just a few months after the disaster, the LO's legal office had negotiated a compensation agreement with the operator Phillips and the owners Stavanger Drilling. Following this agreement, the widows were paid a compensation from Phillips that varied between NOK 0 and 800,000. In many of the cases, the deceased's employer had established their own life insurances for their employees. These insurances were deducted from the compensation, so that the widows were all paid the same amount. On average, the Phillips compensation part was around NOK 400,000. Both this compensation and the life insurances were taxed, so that the total net payment in practice was around NOK 550,000.

The children whose parent had died received compensation of NOK 50,000 each.

Parents of unmarried and childless deceased received NOK 25,000 each.

And survivors received NOK 25,000, possibly higher if one could document health damage.

The "Limitation Institute" in Norwegian legislation actually means that the responsible companies sue the victims. It sounds strange, but that's how it is. My parents refused to accept compensation. They insisted that Phillips, as an American company, was liable for damages in the United States. A total of 167 clients participated in a lawsuit against Phillips

¹²⁵ National Audit Report, p 140

in the USA. My mother in particular reacted strongly when she was sued for her eldest son's death - by a tortfeasor. Many bereaved and survivors reacted in the same way.

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What was the shipowner's and operator's motive for settlement?

In the Limitation case negotiations before Stavanger City Court proceedings in 1986, lawyer Pål Mitsem had lodged a claim on behalf of 11 survivors and survivors. The claims were based on long-term damage. Phillips rejected all of these claims.

The head of the district court was Judge Olav Laake, and he led the legal hearings. Mitsem called among others the former chief engineer at Stavanger Drilling, Leif Barkved. He stated that platform captain Torstein Sæd had found serious damage to one of the braces. In the autumn of 1979, the platform captain demanded that the rig should be lifted higher up in the sea for inspection of the lower horizontal braces. This was refused by the Phillips manager at Edda. Torstein Sæd had also demanded that the owners take the rig ashore for repairs. This was confirmed in judicial questioning by Sæd's wife Erna and speech therapist Georg Egenberg, who met Sæd just a few days before the accident.

Now Stavanger Drilling's management was called in for legal questioning.

At this point, Phillips introduced a new offer: all requirements were met in full, without any reductions. The negotiations were thus settled without the formal judicial questioning by the management of Stavanger Drilling, and the case was dismissed from court.

"- I perceived that Phillips was uncomfortable with further exposure if the Kielland case was dealt with by a new court. Some of the testimonials were so strong that they would have hit Phillips Petroleum hard and put the company in a bad light. This particularly applied to the crack which the captain and chief engineer of the "Alexander L. Kielland" would have investigated in the summer 1979, but which Phillips, according to the witness statements, the platform manager refused to perform", explains lawyer Pål Mitsem to Aftenbladet. ¹²⁶

¹²⁶ Aftenbladet 28.9.2021

The motives for this settlement thus appear to be that the companies wanted to prevent a ruling in a Norwegian court that would confirm serious errors and deficiencies and gross negligence on the part of the operator and shipowners.