

PART 1: CRISES AND SWEDISH COUNTER- TERRORISM POLICY CHANGE PATTERNS

Brief introduction to the Swedish policymaking scene

Before entering the first empirical chapter, here follows a brief introduction to the policymaking context in Sweden for the benefit of the non-Swedish reader. On the surface, it does not deviate much from that of its European neighbors. A popularly elected Parliament has the legislative power, a Cabinet governs the country, the public authorities are organized under the Cabinet, and independent courts exert judicial power.

However, upon closer examination there are a few particularities that should be highlighted. These are not particular to the extent that the Swedish form of government merits a different designation than a representative and parliamentary democracy, but still gives the execution of power in Sweden a distinctive touch (Petersson 2002).

The Constitution was under revision between 1970 and 1975 and changed gradually. The new 1974 Constitution, which is in fact then a set of bills, came into full effect on 1 January 1975 (Holmberg and Stjernquist 1988). Before this, the two-chamber Parliament was abandoned in 1971.³ With the 1970 general elections, the term of office for MPs changed from four years to three. In 1971 it was also decided that the monarchy should continue to exist, albeit with a monarch deprived of political and economic authority. The Privy Council was abandoned and a cabinet office was established close to the prime minister. From 1974 the Cabinet had the power to make decisions when a minimum of five ministers were present. This was partly in reaction to the experiences of the Bulltofta skyjacking, where – as will be described in chapter 3 – it had been difficult to gather the whole Cabinet.

The old Constitution dating from 1809 had been very flexible in its interpretation and application; the new 1974 Constitution therefore did not signal a major change in how Sweden was governed (Ibid.).

The unicameral Parliament has 349 seats, which is quite a lot for a country of nine million.⁴ Parliament has a self-assumed duty to handle all errands raised by MPs or otherwise referred to it, for which reason it is weighed down by small matters. Therefore, the parliamentary standing committees play a more instrumental role in the preparation of errands, compared to for instance the English or French parliament (Petersson 2002: 47). On the other hand, and consequen-

3 The last general elections to the 2nd chamber were held in 1968. In 1970 the Swedish electorate for the first time voted to the unicameral parliament. Amendments to that part of the new Constitution were carried out until 1971 (Holmberg and Stjernquist 1988).

4 Until 1976, the unicameral Parliament had 350 seats, but between 1973 and 1976, the two political blocks had 175 seats each, which made it difficult to govern. In order to avoid future stalemates the number of seats went down to 349.

tially, Parliament's own capacity to take an overall responsibility is limited. It functions more as an arena for negotiations than a forum for debate and critical scrutiny (Ibid.). There are sixteen standing committees in Parliament, and the political parties are represented in each with the same proportions as their overall parliamentary representation. The standing committees prepare governmental propositions and motions from MPs, and can also bring forth errands on their own initiative within their area of competence. The standing committee of most interest to this study is the Parliament Justice Committee, which prepares errands that are related to courts of law, public prosecutors, police, correctional treatment, rent and leasing tribunals, and errands that are connected to the Criminal Code and the Code of Judicial Procedure (Birgersson and Westerståhl 1989).

In Parliament, the Justice Committee handled counter-terrorism issues during this period. But for the government, several ministries have been involved on such issues. The Justice Ministry has been in charge of the police with the exception of the years 1988–91, when police issues were run by the Ministry of Public Administration (interior ministry). The Terrorist Act, when it first came into being in 1973, was administered by the Labor Ministry. From 1976, some parts of the law were transferred to the Aliens Act and thereby run by the Ministry for Foreign Affairs. In 1989, terrorism-related parts of the Aliens Act were transferred to a new Terrorist Act run by the Labor Ministry. In 1991, a new Terrorist Act was implemented, then under the jurisdiction of the Justice Ministry. How criminal justice issues have moved around between portfolios will be further elaborated in the thesis, and is here only briefly introduced for the sake of clarity.

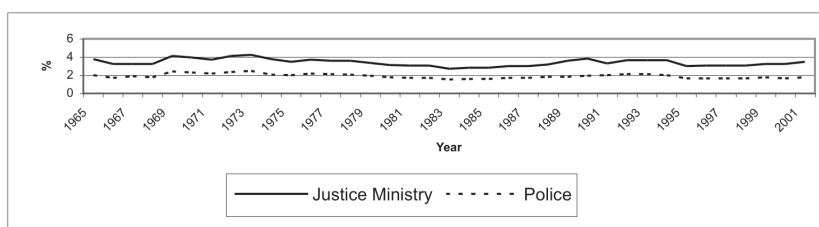
Swedish cabinets make decisions collectively. Contrary to most European governments, ministers in the Swedish Cabinet can only in exceptional cases make individual decisions. The Prime Minister appoints the departmental ministers, who comparatively speaking are few and relatively detached from their ministries. This gives the Prime Minister great power in controlling the work of government, and it makes coordination within the government very important. This construction is meant to facilitate coordinated policy planning (Larsson 1986).

Public authorities are organized under ministries, but are not under the direction of their ministry or minister in the everyday implementation of public policies. This arrangement is quite unique in western democracies. Ministerial rule is in fact unlawful, even though it has proved to be very difficult in practice to ascertain the exact influence of ministers in particular cases (Petersson 2002; Larsson 1986).

In principle, there are two processes by which the government prepares and shapes its policymaking: the budget process, and governmental inquiry

committees and commissions. Public authorities have quite limited prospects in influencing budget processes, but these normally result in only marginal changes to previously made decisions (Larsson 1986: 15). If looking at all proposed budget suggestions between 1965 and 2001, the Justice Ministry has been rather stable at between three and four percent of total governmental spending. The police have been even more stable at an annual two percent of the total governmental budget.

Figure 2: Justice Ministry and police shares (in %) of proposed total annual governmental spending, 1965–2001



To the budget process should be added the government's annual letters of regulation to the public authorities, which are more or less detailed in terms of earmarking allocated means. The budget process does not make the Swedish system particular, but the system of investigative committees may seem more unusual.

Governmental inquiry commissions prepare most major policy decisions. Normally the Cabinet establishes such a commission, but Parliament can also urge the Cabinet to do so. In either case, the Cabinet appoints members to the commission, and decides its directives, time frames and budget. When the commission presents its results, the Cabinet decides whether or not they should be referred to organizations, authorities, etc. for consideration. Ultimately the Cabinet decides whether or not to write a proposition based on the commission report and the considerations provided by the bodies it was referred to. Inquiry commissioning is hence an important instrument for the Cabinet in shaping policies (Larsson 1986).

Compared to other European countries, Swedish ministries are quite small. Instead of increasing the size of the ministries, the system with inquiry commissions helps the Cabinet in preparing suggestions. Each commission is its own temporary authority, which allows certain flexibility to the Cabinet. In the 1970's commissioning was seen as an emblem of the corporatist state, where organizations and government met. Since the 1980's, the trend has been that the Cabinet appoints fewer commissions and instead relies more on the minis-

tries. The commissions that are appointed have less time and resources at their disposal (Petersson 2002).

Nationalization of the police

Since the National Police Board is one of the most important authorities with regards to Swedish counter-terrorism activities, a section on its coming into being is presented here.

Until 1965 police forces fell under the responsibility of local municipal governments and were therefore rarely prioritized. Parish constables were divided into hundreds of small, scattered, isolated and unequally equipped districts (Falkenstam 1983; Persson 1990). Above the parish constable, the district superintendent – a police chief, prosecutor and distrainer all in one – had several municipalities under jurisdiction. Each county had a superintendent who was subordinate to the county governor in police, prosecution and distraint issues. The county board was the regional representative of the national government.

This organizational model was popular, especially in the countryside, since each village had its own local law enforcement. It infused the populace with a sense of security even though, given the police's poor resources, that feeling may have been illusionary. However, problems arose as soon as criminals moved across municipal borders, or when it otherwise was unclear where an investigation should be carried out (Persson 1990). By the 1960s, the parish constables had become obsolete. The need for reform had been expressed on several occasions since the 1920s with no result. In 1962, however, Parliament decided to nationalize the police and a working committee was organized within the Ministry of Interior. Its politically unaffiliated deputy minister Carl Persson chaired the committee and became the architect behind the nationalization of the police (Persson 1990).⁵

On January 1st, 1965 the National Police Board was established with Carl Persson as its first director-general. One of the principal ideas was to separate police and prosecution authorities. The National Prosecution Board was therefore created the same year. Both operated under the Ministry of Justice and became the first government authorities to have a board with parliamentary representation (with the exception of the Communist Party).

Even before the nationalization of the police there existed a limited state police force that, among other duties, handled intelligence operations. The state police was organized under the Stockholm police, since most problems they handled were related to the capital. For the state police, issues related

⁵ At this time it was common that the minister and his political adviser were the only politically appointed persons at the ministries (Persson 1990).

to national security included counter-espionage and counter-subversion. The National Police Board absorbed the state police upon its creation in 1965. The nationalization of the police led critics to warn of implications similar to those seen before and during World War II in authoritarian European regimes, where national police forces formed states within states (Persson 1990). The national police concept was not universally endorsed by left wing elements of the Social Democrats and parties further to the left. It was therefore important for both Carl Persson – when drafting the plans for the national police – and the Cabinet that oversight bodies were empowered to look into the work of the police, especially Säpo (the Swedish Security Service).⁶ Apart from parliamentary representation in the National Police Board, the Justice Ombudsman, the Attorney General and a panel of parliamentarians – headed by the speaker of the parliament – also monitor the National Police Board (Persson 1990; see also Protocol 1966:38 § 7).

The remainder of this study will go deeper into some areas of Swedish policymaking, either when presenting empirical puzzles in part one, or when trying to explain these in part two. But the peculiarities presented above hopefully makes the non-Swedish reader a bit more familiar with some basic conditions.

6 Throughout this study, the police security service will be referred to as Säpo. This acronym was adopted by the organization in 1987. Before that the Swedish abbreviation was RPS/Säk.