

# JUDGING EMERGENCIES IN THE AFTERMATH – COMMISSIONS AS A TOOL FOR SYSTEMIC CHANGE

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*Responsibility. Accountability. These two concepts seem to take centre stage in the aftermath of emergencies. This article uses these words in a specific context: how Sweden uses commissions to review how authorities at different levels and the government have handled their responsibilities and tasks during an emergency. Over the years, numerous commissions have reviewed and analysed emergencies and other events that have put pressure on the Swedish administrative system. The argument here is that commissions focus on what should happen after an emergency has been handled, i.e. the aftermath. They review decision-making processes, systems, and legislation to improve them. Despite often being initiated during an emergency, they review decisions taken and laws implemented to determine how emergencies could be better regulated or handled in the future. The commissions' reviews are based on government decisions outlining specific tasks or questions for each commission. It is argued here that these commissions are an essential part of how Sweden addresses accountability after an emergency, with the focus on systemic learning and change rather than the personal accountability of decision-makers.*

## 1 INTRODUCTION

States organise their legal systems for peace and war in different ways. Sweden opted for a regulatory structure that creates two distinctly separate legal systems for peacetime emergencies and war. They differ both in structure and regulatory framework. The two systems were also developed separately. Although its origins can be traced back further, the former whole-of-government approach (total defence system) was built up from around 1940 to the end of the 20<sup>th</sup> Century. During that period, Sweden built a total defence system encompassing all of society to handle situations of war and danger of war.<sup>1</sup> The idea was that by planning and preparing for the absolute worst imaginable emergency – war – society would also be able to handle other types of emergencies – floods, forest fires, or major accidents.

From the beginning of the new century, focus shifted to peacetime emergencies. The total defence system was abandoned based on a belief that there was no immediate risk of war anymore. Society's preparedness, focusing on peacetime emergencies, was built up from the municipal level. Preparedness was built to manage a wide range of societal threats from natural disasters and pandemics to terrorist attacks. The emergency management system that was created as a result was continuously developed further over the coming decade. The system and its rules gradually evolved based on evaluations and lessons learned

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<sup>1</sup> For the meaning of the terms 'war' and 'danger of war': Prop. 2009/10:80, 'En reformerad grundlag', 204; SOU 2023:75, 'Stärkt konstitutionell beredskap', 83 ff; Prop. 1987/88:6, 'om de offentliga organens verksamhet vid krig och krigsfara', 20, and Hans Blix, 'Om definition av krig' in Arne Gadd et al, SOU 1972:15, *Ny regeringsform Ny riksordning* (Göteborgs Offset Tryckeri AB 1972) 349f.

from emergencies, for instance, the tsunami in 2004, the storm Gudrun in 2005, and a large forest fire in 2014.<sup>2</sup>

As the general security situation deteriorated again, and especially after the Russian invasion of Ukrainian Crimea in 2014, the government in 2015 decided to start planning for war, and the danger of war throughout society again.<sup>3</sup> The regulatory preparedness for total defence was still in place, even though many of the exceptional laws had not been updated for many years. The massive Cold War total defence, with stockpiles and preparedness work on all levels of society, was, however, dismantled and gone. Since 2015, emergency management and total defence have both been in place and under development. Authorities on different levels have had to learn to manoeuvre two systems. Systems with completely different legal structures. Emergency management focuses on handling emergencies that occur during peacetime. Total defence consists of all measures taken to prepare Sweden for war and is thereby a planning tool until the Government decides on high readiness.<sup>4</sup>

Total defence is regulated from the top down and includes regulatory preparedness measures at all levels of society.<sup>5</sup> The Instrument of Government regulates war and the danger of war<sup>6</sup> and contains far-reaching provisions for delegating decision-making and implementing exceptional laws in those situations. Preparedness rules in regular laws and ordinances further strengthen the regulatory preparedness and create a network of laws from the constitution down to regulations by authorities. Today, the systems are more entwined than ever since threats are multifaceted and difficult to label as war, danger of war, or peacetime emergencies.<sup>7</sup>

Peacetime emergency management, in contrast to total defence, is mainly regulated and handled by the normal legal framework and administrative system. Special laws exist, but only in certain sectors of society and not as generally applicable rules at the constitutional level. In the constitution, some rules also include peacetime emergencies. There is a rule on taxes and other state fees in war, danger of war, and severe financial crisis.<sup>8</sup> Rules are limiting the rights to free assembly and free demonstration due to national security and in order to combat an epidemic.<sup>9</sup> Parliament sessions can also be held outside of Stockholm in case of threats to the safety and liberty of the Parliament.<sup>10</sup>

## 1.1 REVIEW AND ANALYSIS AS A TOOL FOR CHANGING LAW AND POLICY

Analysis and review are vital parts of Swedish administration. There is a long tradition of

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<sup>2</sup> For a description of the emergency management system during the years 2002-2022 see chapter 2 in: Viktoria Asp et al, *Förutsättningar för krisberedskap och totalförsvar i Sverige* (Försvarshögskolan 2025).

<sup>3</sup> Proposition 2014/15:109, Försvarsopolitisk inriktning – Sveriges försvar 2016–2020.

<sup>4</sup> 1 § lagen (1992:1403) om totalförsvar och höjd beredskap & Proposition 2014/15:109, 117.

<sup>5</sup> See for instance: lagen (1993:1403) om totalförsvar och höjd beredskap, förordningen (2015:1053) om totalförsvar och höjd beredskap och lagen (1988:97) om förfarandet hos kommunerna, förvaltningsmyndigheterna och domstolarna i händelse av krig eller krigsfara m.m.

<sup>6</sup> Chapter 15 Instrument of Government (IG). On the meaning of the terms see for instance: Prop. 2009/10:80, 204 & SOU 2023:75, 83 ff.

<sup>7</sup> SOU 2021:25, Struktur för ökad motståndskraft – Slutbetänkande av utredningen om civilt försvar, Elanders Stockholm 2021.

<sup>8</sup> See 2:10 IG. This rule is only for use in peacetime emergencies that are severe financial crises.

<sup>9</sup> See 2:24 para 1 IG. But also in those instances, the measures are not necessarily linked to emergencies and emergency management.

<sup>10</sup> See 4:1 IG.

including analysis and review in the government's steering of authorities in Sweden. Analysis and review are also important parts of the process to create new laws and change policy and administrative structures.<sup>11</sup>

There are authorities specialised in analysis and review who are tasked with investigating the work of other authorities within a specific sector of society or related to a particular area of work.<sup>12</sup> One example with a bearing for total defence is the Swedish Agency for Defence Analysis.<sup>13</sup> In its instruction, the authority is tasked to follow up, analyse, and evaluate activities within total defence from a system perspective, focusing on the overarching functionality of total defence.<sup>14</sup> There is also the National Audit Office, an authority under Parliament, tasked with auditing how well governmental agencies and political reforms function.<sup>15</sup> Two other authorities with tasks to evaluate and review will be merged in 2026: the Swedish Agency for Public Management and the Swedish National Financial Management Authority.<sup>16</sup>

There are more examples of authorities with review and evaluation as main tasks. Here, a different type of structure is in focus; the reviews conducted by a type of temporary authority, like the ones described above for changing laws or policy. These committees are, in a sense, a temporary authority set up for a specific time frame with a specific task.<sup>17</sup> There is an ordinance on committees regulating their work.<sup>18</sup> Setting up a committee is a decision by the government, and it will receive a task description, framing its work.<sup>19</sup> The constitution refers to an obligation for the government to incorporate needed information and opinions from authorities, municipalities, associations, and the general public.<sup>20</sup> Committees and the follow-up remit for receiving input on the committee's results are one way to live up to that obligation.<sup>21</sup> Setting up a committee to prepare a policy change, systemic change, or a new law is an important tool for governments, but it is not unproblematic.<sup>22</sup> But, the Government has the final responsibility for preparing the proposals before presenting them to Parliament. It will therefore also be the Government that decides how to prepare

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<sup>11</sup> Johan Hirschfeldt, 'Kommissioner och andra undersökande utredningar – en utflykt i gränsmarkerna mellan politik och juridik' in Lena Marcusson (ed), *Festskrift till Fredrik Sterzel* (Iustus förlag 1999); Johan Hirschfeldt, 'Undersökningskommissioner – extraordnära inslag i "the Audit Society"' in Thomas Bull, Olle Lundin, and Elisabeth Rynning (eds), *Festskrift till Lena Marcusson* (Iustus förlag 2013).

<sup>12</sup> See for interesting examples and a review of the system with review authorities for instance: SOU 2018:79, *Analyser och utvärderingar för effektiv styrning*, Stockholm 2018.

<sup>13</sup> Myndigheten för totalförsvarsanalys, information about the authority in English:  
<https://www.mtfa.se/en> accessed 20 December 2025.

<sup>14</sup> 1 § förordningen (2022:1768) med instruktion för Myndigheten för totalförsvarsanalys.

<sup>15</sup> Lagen (2002:1023) med instruktion för Riksrevisionen. Information about the authority in English:  
<https://www.riksrevisionen.se/en/about-us/our-remit.html#h-Lawsthatgovernouractivities> accessed 20 December 2025.

<sup>16</sup> The new authority will be named Statskontoret and the new instruction enters into force 1 January 2026: Förordningen (2025:681) med instruktion för Statskontoret.

<sup>17</sup> Hirschfeldt, 'Undersökningskommissioner' (n 11) 156.

<sup>18</sup> Kommittéförordningen (1998:1474).

<sup>19</sup> 1 § kommittéförordningen (1998:1474).

<sup>20</sup> 7:2 IG. The principle is rather vague in formulation, a more in depth discussion around what it entails can be found in: Anna Jonsson Cornell, 'Sverige och Rättsstaten' in Anna Jonsson Cornell and Richard Sannerholm (eds), *Rättsstatens principer – Juridik och politik i världen, Europa och Sverige* (Iustus förlag 2023) 161f.

<sup>21</sup> On the use of remits see for instance: Erik Nymansson, 'Remissfasen och lagrådets roll' (2020) 1 Svensk Juristtidning 34, 34ff.

<sup>22</sup> See for instance Svensk Jurist Tidning (SvJT) who has come back to scrutinizing the use of committees on several occasions. SvJT 2011 häfte 8 och SvJT 2020 häfte 1.

those proposals.<sup>23</sup> The outcome or result of the work of committees is normally a report. That report, together with the proposition from the Government, are the *travaux préparatoires*.<sup>24</sup>

A specific type of commission is the one that conducts a review or evaluation of an event or emergency.<sup>25</sup> The commissions in focus for this article are all examples of that type. They evaluate emergencies based on decisions taken, implementation of laws, and systemic challenges caused by the emergency. This type of commission can be used to review and evaluate both peacetime emergencies and war. Since Sweden has so far never operationalised the laws and structures for war and danger of war, the only available examples are, however, from peacetime emergencies. For total defence purposes, several inquiries have been of a different kind, investigating the planning structures and laws for total defence. Changes have also been implemented based on proposals from those inquiries.<sup>26</sup>

## 1.2 OUTLINE

This article will focus on three, or more accurately five, commissions enacted to evaluate and review the handling of three different emergencies – foreign submarine incursions into Swedish territorial waters in the 1980s and 1990s, the tsunami in 2004, and the COVID-19 pandemic.<sup>27</sup>

The article began with a description of how Sweden uses commissions and how they have been implemented and regulated in Swedish laws. Now focus turns to the terms responsibility and accountability. The following part of the article then focuses on the commissions that will be examined in more detail: the Submarine Commission of the 1980s, the Catastrophe Commission from 2005, and the Corona Commission from 2022. The Submarine Commission is a rather special case since two follow-up commissions reviewed the original commission's work.<sup>28</sup> The article includes all three submarine commissions.

The article will address two questions. Firstly, did the respective commission lead to changes in the system or law? Secondly, were any other forms of judicial accountability mechanisms triggered or developed by the work of the respective commissions?

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<sup>23</sup> Prop. 1973:90, Kungl. Maj:ts proposition med förslag till ny regeringsform och ny riksdagsordning m.m., 288, see also Anders Eka, 'Att ändra grundlag med hjälp av parlamentariska kommittéer' Anna Jonsson Cornell, Mikael Ruotsi, Caroline Taube, and Olof Wilske (eds), *De lege, Regeringsformen 50 år 1974-2024* (Iustus förlag 2024) 67.

<sup>24</sup> Bertil Bengtsson, 'SOU som rättskälla' (2011) 8 Svensk Juristtidning 777.

<sup>25</sup> See for more on this type of commission for example: Hirschfeldt, 'Undersökningskommissioner' (n 11).

<sup>26</sup> Some examples: SOU 2021:25; SOU 2025:6, *Plikten kallar!* Elanders, Stockholm 2025 & SOU 2024:65 *Kommuners och regioners grundläggande beredskap inför kris och krig*, Elanders, Stockholm 2024.

<sup>27</sup> For summaries in English of the respective commission's reports see: SOU 1983:13, *Att möta ubåtshotet - ubåtskränkningarna och svensk säkerhetspolitik*, Ubåtsskyddskommissionen, 1983. 79-82; SOU 1995:135, *Ubåtsfrågan 1981-1994*, Fritzes 1995, 325-340; SOU 2001:85, *Perspektiv på ubåtsfrågan*, Fritzes, 2001, 353-370; SOU 2005:104, *Sverige och tsunamin - granskning och förslag*, Lind & Co, 2005, 509 – 536 & SOU 2022:10, <<https://www.regeringen.se/globalassets/regeringen/block/fakta-och-genvagsblock/socialdepartementet/sjukvard/coronakommissionen/summary.pdf>> accessed 10 November 2025.

<sup>28</sup> SOU 1995:135 & SOU 2001:85.

## 2 RESPONSIBILITY AND ACCOUNTABILITY

In this article, the term responsibility is used in a forward-looking sense. It establishes tasks that a certain authority is responsible for or oversees.<sup>29</sup> For national authorities, their mandated tasks are listed in their respective government ordinance with instructions.<sup>30</sup> For certain authorities, there are also other laws or ordinances outlining specific tasks or mandates that are to be implemented by that authority. Some authorities also have tasks in addition to their regular tasks in the event of a peacetime emergency. Responsibility is often viewed against the backdrop of a more general sense of what responsibility a certain task requires. A review of tasks and responsibilities is, therefore, in that sense, a precondition for moving over to processes for accountability.

Accountability, on the other hand, is used in a more hindsight sense. A review in the aftermath of an emergency lays the foundation for establishing what was done, how the authority or the government interpreted and operationalised their tasks, and whether or not the decisions taken and actions implemented lived up to their mandated tasks and responsibilities.<sup>31</sup>

### 2.1 EMERGENCY MANAGEMENT – SOME LEGAL AND SYSTEMIC FEATURES

In order to start analysing commissions focused on peacetime emergencies, there is a need to first present some of the legal and systemic features of Swedish emergency management. A peacetime emergency can be defined as a situation that:

- deviates from normal;
- affects many people, big parts of the society or threatens basic values;
- implies a serious interference or imminent risk of serious interference with important societal functions;
- demands coordinated and prompt measures from several actors.<sup>32</sup>

This definition has changed several times since the beginning of the 2000s, but the essence of it has remained in place over time.<sup>33</sup> There are, however, many different terms relating to peacetime emergencies to be found in different parts of the system and in different legal instruments.<sup>34</sup>

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<sup>29</sup> A similar definition of the term can be found in: SOU 2005:104, annex 5, 490.

<sup>30</sup> See for example: Förordningen (2024:1333) med instruktion för Försvarsmakten, Förordningen (2008:1002) med instruktion för Myndigheten för Samhällsskydd och beredskap.

<sup>31</sup> SOU 2005:104, annex 5, p. 490f.

<sup>32</sup> Authors translation, 6 § förordningen (2022:524) om statliga myndigheters beredskap. A similar description of peace-time emergencies on the local level is given in 1:4 law (2006:544) on municipalities and regions measures before and during extraordinary situations in peacetime and during high readiness (lagen (2006:544) om kommuners och regioners åtgärder inför och vid extraordinära händelser i fredstid och höjd beredskap).

<sup>33</sup> See: Proposition 2007/08:92, Stärkt krisberedskap - för säkerhets skull, 97.

<sup>34</sup> For a few examples see note 38; peace-time emergencies and extraordinary event (extraordinär händelse) in 1:4 lagen (2006:544) om kommuners och regioners åtgärder före och under extraordinära händelser i fredstid och höjd beredskap, Societal disturbance (samhällsstörning) is a term used by MSB and defined in their guidance: MSB 2024, *Centrala koncept – En grund för aktörsgemensamt arbete med ledning, samverkan och örrig styrning*, publ nr MSB2383.

The emergency management system builds on the notion that emergencies will always impact the local level. The system takes a clear bottom-up perspective. That is a clear difference to the activation of the system for handling war and danger of war, which is a decision of the government and parliament, a top-down perspective. Municipalities thereby have substantial decision-making power to declare a situation as a peacetime emergency or extraordinary situation.<sup>35</sup> In contrast to the national level, the local level has access to exceptional rules for peacetime emergencies by activating the emergency management committee (*krisledningsnämnd*). It can take over tasks and decision-making from other departments in the municipality and speed up decision-making processes and administration during a peacetime emergency. It is the chairperson of the committee who decides that an extraordinary situation is occurring and activates the committee.<sup>36</sup> This means, that on the local level, where municipalities have a clear responsibility within a geographical area, there are exceptional rules in place for peacetime emergencies.

It also means that for peacetime emergencies, the situation is distinctly different from war. There are no specific rules in the Instrument of Government relating to the handling of peacetime emergencies.<sup>37</sup> Instead, the general legal and constitutional framework applies to these situations.<sup>38</sup> Sweden has also not built a comprehensive regulatory preparedness for peacetime emergencies. That is rather oxymoronic considering that one of the first articles in the Instrument of Government reads: *Public power is exercised under the law*.<sup>39</sup> Another principle has been formulated by several inquiries reviewing the constitution: constitutional necessity (extra-legal powers) is not accepted as a basis for acts and decisions during an emergency. In practice, without constitutional rules on peacetime emergencies, the constitutional necessity, however, will become the last resort for decision-makers. It has been accepted by the Constitutional Committee for decisions taken by the government in individual cases during the 1970s. Still, it is viewed as an undesirable deviation from the principle that public power is exercised under the law.<sup>40</sup> There are instead some flexibilities built into the Instrument of Government which have proven useful in times of emergency. The legislative process can, for instance, be faster than normal. There are numerous examples of that from several emergencies, especially from the pandemic in 2020 and the tsunami in 2004.<sup>41</sup>

The system for handling peacetime emergencies is further built on the geographical

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<sup>35</sup> See *supra* note 10.

<sup>36</sup> Asp et al (n 2) 157.

<sup>37</sup> Inquiries have suggested to include rules, or a chapter on peace-time crisis several times, SOU 1963:16, *Författningsutredningen*: VI, Sveriges statsskick, del I. Lagförslag Justitiedepartementet, 1963, 43. An interesting analysis and discussion around rules or no rules for 'civilian crisis' in the Instrument of Government can also be found in: SOU 2008:61, *Krisberedskapen i grundlagen - översyn och internationell utblick* (Expertgruppsrapport), *Grundlagsutredningen*, chapter 7.3. The latest inquiry on the topic provides a suggestion for adding a chapter on serious peacetime crisis situations in IG, SOU 2023:75, chapter 11.

<sup>38</sup> Asp et al (n 2) Attachment 2.

<sup>39</sup> 1:3 IG

<sup>40</sup> For more information see: Ericson and Wilske (n 23) 1088, and SOU 2022:10, vol II, 268.

<sup>41</sup> *Lagen* (2020:148) om tillfällig stängning av verksamheter på skolområdet vid extraordinära händelser i fredstid, also see *Utbildningsutskottets betänkande 2019/20:UbU25*, *Lag om tillfällig stängning av verksamheter på skolområdet vid extraordinära händelser i fredstid* & the changes to: *lagen* (2002:297) om biobanker i hälso- och sjukvården m.m. decided upon after the tsunami in 2004. The processes and the criticism against them have for instance been described in Johan Hirschfeldt, 'Svensk Krishantering i fredstid' (2020) 105 *Svensk Juristtidning* 1148, 1159.

area responsibility on the local, regional, and national levels. It is paired with the responsibility of national societies to provide their expertise on, for instance, public health, transport, energy, or telecommunications. The expert authorities have a strong standing in emergency management, as seen in, for instance, the Corona Commission. Their responsibilities cut across the geographically defined area of responsibility of local and regional authorities, as well as the national geographical responsibility vested in the government.

The principles of emergency management are not legal principles; they are not written into any law on emergency management. The principles of responsibility, similarity, and proximity have been part of both total defence and emergency management, but have not always been defined in the same way in both systems.<sup>42</sup> The *principle of similarity*, means that an organization's structure and localization, to the extent possible, should remain the same during peace, emergency, and war. Changes should not be larger than necessary. The *principle of proximity* means that emergencies should be handled at the lowest possible level in society close to those directly affected.<sup>43</sup> We will return to the *principle of responsibility* below.<sup>44</sup>

## 2.2 RESPONSIBILITY AND ACCOUNTABILITY IN EMERGENCY MANAGEMENT

As already mentioned, one of the most important principles for emergency management is the *principle of responsibility*. It was originally defined as a responsibility held in normal conditions, is also held in peacetime emergencies and situations of war.<sup>45</sup> It was somewhat refined over time and is now defined as the one responsible for an activity in normal times, also having that responsibility in an emergency.<sup>46</sup> The principle of responsibility also entails taking measures to create robustness and increase the ability to handle emergencies. Further, it has been described as containing a responsibility for actors to cooperate.<sup>47</sup> The principle of responsibility is often referred to as a cornerstone in Swedish emergency management.

But what does responsibility, more in general, mean? How is the term normally used within the state administrative system? Sannerholm starts by concluding that a responsibility is linked to something that is to be done. It can also be linked to an omission if someone neglected their responsibility.<sup>48</sup> Responsibility then becomes a virtue based on a normative starting point where organizations take responsibility by behaving in a certain way.<sup>49</sup>

Accountability, on the other hand, is a mechanism where somebody or something is held accountable for what they have or have not done based on the responsibility they have. Sannerholm takes a broader perspective on accountability. His perspective is valuable to implement here since it can be related to how emergency commissions work. In essence, even though traditional legal accountability is a possibility after emergencies, the commissions in focus here use more semi-legal administrative processes. The outcome becomes more of a political, professional, or even social form of accountability.

<sup>42</sup> Hirschfeldt, 'Svensk Krishantering i fredstid' (n 41) 1159f.

<sup>43</sup> The original principles are described in: Proposition 2005/06:133, 51f & SOU 2022:10, vol II, section 9.4.

<sup>44</sup> See Section 3.1

<sup>45</sup> Prop. 2001/02:158, Samhällets säkerhet och beredskap, 22.

<sup>46</sup> SOU 2022:10, vol II, 291ff.

<sup>47</sup> Regeringen skrivelse 2009/10:124, Samhällets krisberedskap - stärkt samverkan för ökad säkerhet, 5, 79.

<sup>48</sup> Richard Sannerholm, *Ansvar och ansvarsutkravande – Institutioner, regler, processer* (Studentlitteratur 2024) 24.

<sup>49</sup> ibid 24.

For an individual, responsibility can be a positive notion, providing meaning to a profession and giving a rationale for an increased salary or better terms of employment. But when facing accountability for a responsibility not taken, the individual will connect it to negative consequences.<sup>50</sup> The terms, therefore, mirror one another. The legal and administrative responsibility focused on here is linked to norms at different levels. Those norms ideally clarify what act, or what behaviour, is required to live up to the responsibility. For authorities, one could argue that this boils down to how the principle of responsibility is implemented in practice. For accountability purposes, it becomes relevant to analyse how the authorities have interpreted their tasks and responsibilities, but also how the responsibility was formulated in the respective norms. Accountability will then stem from an analysis of whether or not those tasks and responsibilities were completed.

For purposes of responsibility and accountability, the division of tasks between decision-makers and authorities should be further elaborated. The administrative system in Sweden rests on certain pillars. The government works under a collective decision-making structure.<sup>51</sup> Swedish ministries are comparably small, and the national authorities are larger than in other countries.<sup>52</sup> The relationship between authorities and the government is also signified by a large degree of independence for authorities in handling and deciding on individual cases and implementing laws.<sup>53</sup>

Responsibility and accountability can only function effectively if authorities are well aware of their tasks and the responsibilities they entail. The principle of responsibility reinforces that as it connects the authorities' responsibility in emergencies to their tasks in normal times.<sup>54</sup>

Where are the tasks and responsibilities of individual authorities found? Well, to start with, each national authority has an ordinance with instructions, containing provisions stating the tasks and responsibilities of the authority.<sup>55</sup> The tasks and responsibilities stated there will further provide a basis for evaluating authorities' responsibility and accountability in the aftermath of an emergency.

If responsibility is defined by the tasks authorities are responsible for, there is also a need to state who is accountable for not fulfilling those tasks. If the state fails in protecting its citizens or the state's handling of an emergency is experienced as a failure, the social order may also be at risk.<sup>56</sup> It is argued here that the quest for accountability in the aftermath of an emergency can serve several purposes. There are aspects of upholding a democratic

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<sup>50</sup> SOU 2005:104, annex 5, 493.

<sup>51</sup> 7:3 IG.

<sup>52</sup> This is partly linked to the fact that Swedish authorities are not incorporated in the ministries. For a description of the Swedish administrative model and the relationship between the government and public authorities see for instance: Statskontoret, 'Förvaltningsmodellen under coronapandemin' (2020) 17, available here with a summary in English: <<https://www.statskontoret.se/siteassets/rapporter-pdf/2020/oos41.pdf>> accessed 10 November 2025.

<sup>53</sup> 12:2 IG. The provision reads: 'No public authority, including the Riksdag, or decision-making body of any local authority, may determine how an administrative authority shall decide in a particular case relating to the exercise of public authority vis-à-vis an individual or a local authority, or relating to the application of law'.

<sup>54</sup> This is also one of the descriptions of responsibility in the Catastrophe Commission: SOU 2005:104, annex 5, 490.

<sup>55</sup> See for instance: Förordning (2024:1333) med instruktion för Försvarsmakten, Förordning (2008:1002) med instruktion för Myndigheten för samhällsskydd och beredskap & Förordning (2017:868) med instruktion för Länsstyrelserna.

<sup>56</sup> SOU 2005:104, efterord (afterword).

system based on the rule of law. Decision-makers and holders of power must know that their decisions and acts will be under review. That can contribute to reinforcing their sense of commitment to work in accordance with the law, but also to work efficiently and in a way that will uphold the trust of the citizens.<sup>57</sup> Being under constant scrutiny and review can, however, also lead to a feeling of uneasiness. A fear of doing something wrong may hamper an organisation during an emergency so that necessary decisions are not taken. The difference between different authorities in preparedness and structure for decision making, and how it impacted the management of the pandemic, was raised by the Corona commission as a lesson learned for future emergencies.<sup>58</sup>

Review is also not the same as accountability, and it is the latter that is sometimes criticised as a weak point in the Swedish system.<sup>59</sup> As was raised in the introduction to this article, there are several public authorities with tasks described as including review and/or control functions. But accountability is not within their task and mandate. Sannerholm argues that the amount of review within the public administration has increased over time, especially within elderly care, schools, and health care. The review is designed to contribute to the continuous improvement of the activities or to increase the legitimacy, before something happens.<sup>60</sup> Sannerholm, however, lists three aspects of importance for processes of accountability: good decision-making, a sense of justice, and learning for the future.<sup>61</sup> Accountability could arguably be based on a review or evaluation of how a certain emergency was handled. And in Sweden, that is the case to a certain extent. In many cases, accountability by review will instead focus on learning. The aim is to improve the organization and its decision-makers so that the next emergency is handled in a better way.

The laws on emergency management do not prescribe clear rules on accountability, for instance, in the ordinance (2022:524) on state authorities' preparedness. That ordinance also contains wording that arguably will make accountability difficult. When and how does an authority live up to taking the necessary measures to handle the emergency and its consequences?<sup>62</sup> What measures have to be taken to ensure that information systems are up to security standards so that their activities can be conducted in 'a satisfactory manner'?<sup>63</sup> Formulations like these arguably make accountability processes more challenging, as they lack of clearly formulated standard for officials and authorities to live up to, paired with a lack of predictability.

The government governs all state authorities that are not specifically governed by

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<sup>57</sup> Sannerholm (n 48) 27.

<sup>58</sup> SOU 2022:10, vol II, 628ff.

<sup>59</sup> Sannerholm (n 48) 27.

<sup>60</sup> See the reasoning in Sannerholm (n 48) 28f.

<sup>61</sup> *ibid* 31-35.

<sup>62</sup> 9 § förordningen (2022:524) om statliga myndigheters beredskap – 'Varje myndighet vars ansvarsområde berörs av en fredstida kris situation ska vidta de åtgärder som behövs för att hantera den uppkomna situationen och konsekvensen av den. Myndigheterna ska samverka och stödja varandra'. ('An authority with an area of responsibility affected by an emergency is to take necessary measures to handle the situation and its consequences. Authorities are to cooperate and support each other'). Author's own translation.

<sup>63</sup> 13 § förordningen (2022:524) om statliga myndigheters beredskap – 'Varje myndighet ansvarar för att egna informationshanteringssystem uppfyller sådana grundläggande och särskilda säkerhetskrav att myndighetens verksamhet kan utföras på ett tillfredsställande sätt. [...]' ('Every authority is responsible for making sure its information management fulfills basic and special security requirements in order for the activities of the authority to be conducted in a functional way'). Author's own translation.

Parliament.<sup>64</sup> Governing is, for instance, done through the ordinances with instructions outlining responsibilities and tasks, budgeting, and also through appropriation directions (*regleringsbrev*) that are updated yearly. The government follows up on tasks, responsibilities, and budgets. Reviews are conducted regularly. Sannerholm concludes that reviews of the public sector have increased. It is also an *ex ante* review, meaning it is done before something has gone wrong and aims at continuous improvement of activities.<sup>65</sup> As general director or head of an authority, your term is time-limited, but the government can decide to prolong it. The government may also decide to move a general director to a different role or authority, for instance, if he or she is not living up to the responsibilities and tasks handed to the authority. In certain cases, an employment contract can also be cancelled.<sup>66</sup> This right of a government to remove a general director or head of authority is used, with several examples only from later years from for instance County Administrative Board of Stockholm in 2024, the Swedish mapping, cadastral and land registration authority in 2024, and the Swedish Social Insurance Authority (Försäkringskassan) in 2018.<sup>67</sup> In most cases, former heads of authority are moved into a special department in the Governmental offices, in public often referred to as the Cemetery of elephants. They are there for the remainder of their term as general director, retaining their salary, and can receive other tasks. In several cases, they have taken the lead on state inquiries.<sup>68</sup> The referral of former high-ranking public officials to the Cemetery of elephants has continuously been criticised, and several governments have stated that the system will be changed, but so far it still remains in place.

Accountability today forms a rather unclear structure. Officials used to be held accountable by their managers, managers answered to the head of authority, the head of authority answered to the politicians, and politicians were held accountable by their voters. Today, the structure is not as clear-cut.<sup>69</sup> There are also other forms of accountability in the modern public sector. A head of authority may be questioned and reviewed by the media, causing a loss of trust at the political level, leading to a removal or the official leaving office voluntarily. It may also be difficult to assess where the actual responsibility lies, making accountability difficult to attain.

From a legal point of view, all public employees are subject to criminal law regulations on dereliction of duty (*tjänstefel*). Public authorities are encompassed in tort law if they act with negligence or omission in their exercise of authority. That is however an institutional responsibility, and only in a very limited sense connected to a personal accountability for an individual public employee.<sup>70</sup> A majority of public officials also fall under regulations on

<sup>64</sup> 12:1 IG.

<sup>65</sup> Sannerholm (n 48) 28f.

<sup>66</sup> Art. 33 lagen (1994:260) om offentlig anställning (law on public employment).

<sup>67</sup> <<https://www.regeringen.se/pressmeddelanden/2024/09/anna-kinberg-batra-lamnar-sin-anstallning-som-landshovding-i-stockholms-lan/>> accessed 14 November 2025; <<https://www.lantmateriet.se/sv/om-lantmateriet/press/nyheter/susanne-as-sivborg-lamnar-sin-anstallning-som-generaldirektor-for-lantmateriet/>> accessed 15 November 2025, and <<https://www.svt.se/nyheter/inrikes/uppgift-begler-far-lamna-forsakringskassan>> accessed 18 November 2025.

<sup>68</sup> One recent example of this is the head of the Financial Inspection who was removed from his position in 2025 and will be in charge of an inquiry about the functioning of the bond market.

<<https://www.affarsvarlden.se/artikel/fi-chefen-far-ga-hamnar-pa-elefantkyrkogarden>> accessed 18 November 2025.

<sup>69</sup> Sannerholm (n 48) 36.

<sup>70</sup> The different forms of legal accountability are for instance described here: SOU 2005:104, 63.

disciplinary measures in the employment law.<sup>71</sup> Disciplinary measures are reviewed by the Government Disciplinary Board for Higher Officials (Statens Ansvarsnämnd) and can consist of a warning or a reduction of salary.<sup>72</sup> There are also specific regulations to prevent a double punishment of public officials. If an official has been charged with dereliction of duty, the employer cannot start or continue a process for disciplinary measures relating to the same act or behaviour.<sup>73</sup>

### 3 JUDGING EMERGENCIES IN THE AFTERMATH – SWEDISH CRISIS COMMISSIONS

As already stated, there are ample examples of how commissions have been enacted for different types of reviews, investigations, and inquiries in Sweden over time. Their tasks and mandates have shifted. They have been enacted both by the parliament, the government, and at the municipality level.<sup>74</sup> Commissions are, in part, at least one aspect of accountability processes, although research clearly indicates that the accountability aspects of commissions are rarely clearly stated or mandated.<sup>75</sup>

In focus here are three emergencies that have been the subject of five commissions or inquiries. Each commission will be viewed focusing on:

- What tasks and mandate did the respective commission have, and were questions around responsibility and accountability included?
- What conclusions did the commission present, and were any proposals made about systemic or regulatory changes?
- What was the outcome in terms of accountability, systemic, and/or regulatory changes after the commission finished its work?

#### 3.1 FOREIGN SUBMARINES IN THE SWEDISH ARCHIPELAGO

In 1981, a Soviet submarine went aground in the southern Swedish archipelago outside Karlskrona. That event has remained the only one where an actual submarine was visibly present on Swedish territory. Reports on submarine observations and the Armed Forces reports on traces of submarines on the seabed surged in the years after 1981. The public debate on foreign submarines along the Swedish coast, the event in Karlskrona archipelago in 1981, and whether or not the Soviet Union violated Swedish territorial waters continued during the 1980s and 1990s.<sup>76</sup>

In 1982, a major anti-submarine operation was initiated with a focus on Hårsfjärden in the Stockholm Archipelago. No submarine was intercepted during the operation. Already,

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<sup>71</sup> Art 14 Law on public employment (Lagen (1994:260) om offentlig anställning (LOA)).

<sup>72</sup> Art 15 LOA.

<sup>73</sup> Art 18 LOA.

<sup>74</sup> Hirschfeldt, 'Undersökningskommissioner' (n 11).

<sup>75</sup> See for instance: Sannerholm (n 48) 46.

<sup>76</sup> See for different perspectives for instance: Fredrik Bynander, *The Rise and Fall of the Submarine Threat: Threat Politics and Submarine Intrusions in Sweden 1980-2002* (Doktorsavhandling, Uppsala Universitet 2003); Wilhelm Agrell, 'Soviet Baltic Strategy and the Swedish Submarine Crisis' (1983) 18(4) Cooperation and Conflict 269; Anders Hasselbohm, *Ubåtshotet – En kritisk granskning av Hårsfjärden-incidenten och ubåtsskyddskommissionens rapport* (Prisma, Stockholm 1984).

while the operation was ongoing, the first Submarine Commission was initiated. It was followed by two other commissions in 1995 and in 2001. An interesting aspect of these commissions is that the later ones reviewed the findings and conclusions from the earlier commissions. As late as 2001, the 'mother of all submarine commissions' presented their final report. That report provides an overall assessment of the handling of alleged submarine threats from the 1980s onwards. It reviews and evaluates how different governments and authorities have handled and responded to the alleged violations of Swedish territory. This flora of investigations and commissions makes submarines a relevant case to start with when analysing how Sweden uses commissions for review and/or accountability.

### *3.1[a] The Submarine protection commission 1983 (Ubåtsskyddskommissionen SOU 1983:13)*

The government decided to create this commission in October 1982 and gave it until April 1983 to investigate several questions related to allegations of foreign submarines violating Swedish territorial waters. The commission was initiated while the Swedish navy was still conducting the operation in and around Hårsfjärden. The incident in Hårsfjärden, but also the earlier Whisky-class Soviet submarine that ran aground in the Karlskrona archipelago in 1981, was viewed as especially serious examples of Soviet incursions into Swedish territory.<sup>77</sup> The commission consisted of five members, all of them worked in the political sphere. A group of experts from the Armed Forces and the Ministry of Defence was tasked to support the commission. The secretary of the commission came from the Government office.<sup>78</sup>

#### *Tasks and mandate*

The tasks given for the commission included, among other things:

- Disclose and review the development around foreign submarines unlawfully entering Swedish territory and discuss possible motives for these violations;
- Map and review the Swedish ability in peacetime and when neutral in war to discover, identify, and repel foreign vessels;
- Evaluate the operative, tactical, and technical experiences, especially from the operation in Hårsfjärden;
- Take a position on whether or not current regulations that are in use, as well as regulations that have been decided on but are still not in force, are suitable and enough for serving their intended purpose.

The task formulations show that this commission was focused on learning from the Hårsfjärden operation. It is clear that the commission was to focus on what was done, but also review and propose changes to equipment, tactics, and regulations for submarine operations.

#### *Conclusions*

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<sup>77</sup> SOU 1983:13, 7.

<sup>78</sup> *ibid* 6f.

The report concluded that the incident was not a singular event, but that violations of Swedish territory by foreign submarines were a recurring phenomenon.<sup>79</sup> The report includes a detailed report on how the operation in October 1982 was carried out by the Swedish navy. It also details what types of foreign submarines were present, as well as maps and documentation of tracks on the seabed. The commission further states details around the number of submarines, and where they were observed during 1981 and 1982. To be noted is also the conclusion on the nationality of the submarines that were violating Swedish territorial waters during 1981 and 1982. They were, according to the commission, mainly from the Warsaw Pact, meaning Soviet submarines. There was no evidence suggesting NATO submarines had violated Swedish territorial waters.<sup>80</sup> That determination of nationality rests on observations and not on specific evidence obtained during the submarine operations.<sup>81</sup> The latter commission comes to a different conclusion.

The commission suggests alterations to the future Ordinance Concerning Intervention by Swedish Defence Forces in the Event of Violations of Swedish Territory in Peacetime and in Neutrality etc. (IKFN-Ordinance).<sup>82</sup> The report includes a legal analysis of the basis for interventions against other states' unlawful entries into Swedish territory and suggests further, sharper measures to be included in the ordinance. The ordinance was not in force during the submarine operation in 1982; it entered into force in 1983. Measures taken by the Swedish navy during the operation were, however, based on what would become the IKFN-Ordinance, which at the time was viewed as a customary practice. The commission, linked to the IKFN-Ordinance, also reviewed the use of depth charges (dive-bombs). It concluded that the new IKFN-ordinance, based on experiences from Hårsfjärden, needed to include rules on their active use despite the risk of sinking the intruding submarines.<sup>83</sup>

The commission's report further refers to the decision of the Commander-in-Chief on the 7<sup>th</sup> October 1982 to use mine barriers as a weapon to prevent submarines from leaving the area of operation.<sup>84</sup> Mine barriers were at the time used to detect marine vessels invading Sweden. The barriers were, however, during the Hårsfjärden operation deemed to be useful as submarine weapons. It was the first time the Swedish navy used mines as a weapon in a peacetime submarine operation.<sup>85</sup> All operations and the increased use of sink bombs had the aim of forcing submarines to the surface but also came with an increased risk of sinking the submarines targeted.<sup>86</sup> The government was informed about the decision to use mines, and the commission describes it as the government being aware of the increased risk of sinking submarines.<sup>87</sup> To keep the risk at an acceptable level, the mines were not automatically fired, but were used with a delayed firing function to nuance the use of the weapon.<sup>88</sup> The commission does not question that decision by the Commander-in-Chief but concludes that the use of mine barriers in this way is a balancing act between security

<sup>79</sup> SOU 1983:13, 9, 23, 40.

<sup>80</sup> *ibid* 10.

<sup>81</sup> *ibid*.

<sup>82</sup> Förordningen (1982:756) om Försvarsmaktens ingripanden vid kränkningar av Sveriges territorium under fred och neutralitet m.m. (IKFN-förordningen).

<sup>83</sup> SOU 1983:13 47.

<sup>84</sup> *ibid* 48.

<sup>85</sup> *ibid* 41.

<sup>86</sup> *ibid* 42.

<sup>87</sup> *ibid* 48.

<sup>88</sup> SOU 1983:13 48.

policy considerations and the risk of sinking foreign submarines in peacetime.<sup>89</sup>

The commission also concludes that there were deviations from adherence to the general command structures of the Armed Forces in October 1982. Deviations where higher command intervened and took decisions bypassing lower command levels occurred on several occasions.<sup>90</sup> It was also difficult to align a command structure and decision-making designed and trained for use in war, with the use of weapons similar to a war situation, in a situation that was actually a peacetime emergency.<sup>91</sup> Higher command made use of the new IKFN-Ordinance, although it was still not formally implemented, without having detailed instructions for lower command levels in place. Higher command wanted to control the measures used to avoid too aggressive use of force at the operational level.<sup>92</sup> But the bypassing of commanders at lower levels created insecurity among staff, and situations occurred where conflicting views arose on the actual content of orders.<sup>93</sup>

This commission can be said to follow a general tradition of reviewing major events with a clear starting point to improve the system ahead. There are limited references to individuals' or the government's decision-making. There is also a limited analysis of the tasks and responsibilities that the Armed Forces had in the event of submarine incursions into Swedish territory. The report seems to view it as self-evident that the task is to remove the submarine unlawfully entering Swedish territory. The commission never discusses what that task entails in question of responsibility on different levels and what kind of use of force is connected to that task. This commission is also special since it provides a clear formulation of how the rules in the IKFN-Ordinance should be developed. It is rather unusual for a commission to be that specific.

The commission report includes a discussion around how the government and the military leadership handled their tasks and responsibilities. The commission discusses orders given by the Commander-in-Chief and how the chain of command was bypassed. There are certain criticisms, but the report does not consist of a clear review of tasks and responsibilities. There is also, as stated above, no mention of accountability. The report focuses on challenges posed by structural problems on different levels, the lack of regulatory frameworks, and the lack of appropriate weapons and equipment for submarine operations. The report takes a clear systemic development approach by proposing purchases and regulatory changes. It does not focus on accountability for decision-making during the operation. The lack of focus on accountability could be linked to the fact that the report does not outline any clear wrongdoings. Conclusions are rather technical and focused on what capabilities and resources need to be added or developed within the Armed Forces for the future.

### *Outcome*

When it comes to clear outcomes from the commission in 1982, at least two developments can be seen.

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<sup>89</sup> *ibid.*

<sup>90</sup> *ibid* 49.

<sup>91</sup> *ibid.*

<sup>92</sup> *ibid* 50.

<sup>93</sup> *ibid* 50f.

The legal framework for operations to protect the Swedish territorial integrity in peacetime was developed further in line with what the commission had proposed. The IKFN-ordinance had already been decided upon, but was not in force when the operations in 1982 were carried out. Before entering into force on 1 July 1983, the IKFN-ordinance was amended based on the commission's findings.<sup>94</sup> The ordinance is still the main regulation for the Armed Forces' use of force when responding to other states violating Swedish territory.

Another outcome was that the Swedish Government handed over a sharply formulated protest to the Soviet Union. The note protested against the violations of Swedish territorial integrity and also specifically raised conclusions from the commission about the nationality of the violating submarines. The note is referenced in the later submarine commission's report from 1995.<sup>95</sup>

### *3.1[b] The Submarine commission (Ubåtskommissionen SOU 1995:135)*

During the 1990's the questions on foreign submarines in Swedish territorial waters were revisited. In February 1995, the Submarine commission was initiated. It presented a report entitled 'The submarine question 1981-1994' in December the same year.

The background to this commission was the recurring criticism and attention caused by the questions around foreign submarines in Swedish waters. Specifically, and as a clear deviation from the earlier Submarine Protection Commission, this commission consisted of a group not linked to politics, and not working for authorities with tasks or responsibilities for submarine operations. The five members were professors, one assistant professor working as head of the Space Authority, and the head of the Union for public officials. The secretary of the commission was originally an army officer who had recently finished his term as general director of the National Defence Radio Establishment (Försvarets Radioanstalt (FRA)).<sup>96</sup>

#### *Tasks and mandate*

The tasks included, among others:

- To review and present a comprehensive view of what had occurred between 1981 and 1994.
- To test the validity of conclusions drawn concerning the character and extent of violations
- To evaluate the efficiency of Swedish operations and discuss both the results of the measures taken as well as the conditions under which operations took place and their implications on the results.<sup>97</sup>

It should be noted that the government specifically conditioned the commission's work in two respects. It should consider territorial incursions by foreign submarines and

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<sup>94</sup> SOU 1995:135 23.

<sup>95</sup> ibid 57f.

<sup>96</sup> ibid 1.

<sup>97</sup> SOU 1995:135 24f.

the Swedish anti-submarine operations against the backdrop of Swedish history, as well as its security and defence policy. However, the commission should not review Swedish security policy during the period. It was also not to give concrete suggestions for future measures within the Armed Forces.<sup>98</sup>

### *Conclusions*

As a general starting point, it is clear that this commission lacked the military expertise of the former commission. Henceforth, this commission focused on including information, analysis, and interviews with the Armed Forces and the Defence Research Agency (Försvarets Forskningsanstalt (FOA)) in their report material. It is further clear that the technological developments between 1982 and 1995 provided this commission with improved material, methods, and instruments to analyse what actually happened in 1981 and 1982. This may be one reason for the Submarine commissions' questioning of both signal surveillance material and hydrophone evidence that the commission from 1983 relied on in their conclusions on the foreign submarines' whereabouts and nationality.<sup>99</sup> The Commission details the different reports from the Commander-in-Chief on submarines violating Swedish territory during the years under review. The total number in the statistics is over 6000 incursions, where the main part consists of observations reported to the Armed Forces by the general public.<sup>100</sup> The commission further analyses the media reporting during this period and presents several books that have been discussed heavily. The books are critical of the view on the threat from foreign submarines presented by Swedish authorities and the government. They are questioning whether it really was Soviet submarines or also NATO submarines that were present in the Swedish archipelago in the 1980s.<sup>101</sup>

The commission details other criticisms that argue that the government and the Armed Forces have been too weak and hesitant in their handling of submarines violating Swedish territorial waters during the given time period.<sup>102</sup> It provides a thorough run-through of debates around this topic, especially from the 1990s.<sup>103</sup> More critical voices also went public after the Commander-in-Chief in 1994 informed the public that sounds from the years before, originally designated as clear submarine sounds by the Armed Forces, in some cases had proven to emanate from swimming minks.<sup>104</sup>

In line with earlier investigations, this commission also came to the conclusion that the submarine running around outside Karlskrona in 1981 had made an intentional violation of Swedish territory. The commission further confirmed the earlier analysis that the submarine was armed with nuclear weapons.<sup>105</sup> The commission confirmed reports on violations of Swedish territorial waters and sabotage acts directed towards military equipment on the seabed.<sup>106</sup> Regarding recorded sounds earlier defined as emanating from submarines, and signal surveillance as a basis for concluding foreign submarine activities on Swedish

<sup>98</sup> *ibid* 25.

<sup>99</sup> SOU 1983:13 39f, and SOU 1995:135 chapters 6 and 9.

<sup>100</sup> SOU 1995:135 chapter 3.

<sup>101</sup> *ibid*.

<sup>102</sup> See especially: *ibid*, chapter 3.3.

<sup>103</sup> *ibid* 45ff.

<sup>104</sup> *ibid* 52.

<sup>105</sup> SOU 1995:135 266.

<sup>106</sup> *ibid* 267.

territory, the commission dismissed earlier findings.<sup>107</sup> This commission had a clear task to re-evaluate earlier findings, and based mainly on technical knowledge and systems, the commission stated that it was not possible to determine which nationality the intruding submarines had. In essence, none of the available methods used at the time, for instance, optical observations, sound recordings from sonars, and signal surveillance, were accepted as solid evidence.<sup>108</sup> This commission presented far more material and analysis than the former commission did, and they were equally certain as the former commission that their conclusions were right.

Nothing in the report indicates that decision-making or decision-makers acted wrongfully. However, it would also seem that the commission's tasks did not include any kind of accountability aspect. The tasks were focused on establishing what had happened and what measures to take to improve future handling of submarine incursions. There is little reference to specific tasks and responsibilities, and no clear discussion on accountability, even though the commission ended up questioning earlier conclusions.

To be noted is also the difference in approach between this commission and the one from 1983, which at least in part may emanate from the very different skill-set present in the commissions. Politicians versus researchers and public officials. It was a conscious choice by the government to have a more freestanding group look at this topic without a clear political or military connection or experience. Both commissions, however, used experts with a professional background in the Armed Forces.

Another aspect to be noted, according to this author, is the difference in the security policy landscape visible in the respective reports of the commissions. In 1983, the Cold War was still cold, and total defence planning was an integral part of society on all levels, meaning the threat from the Soviet Union was self-evident for most of society. In 1995, the situation had altered drastically with the end of the Cold War and the dissolution of the Soviet Union. Sweden had become part of the EU, and the view on total defence was gradually shifting towards planning for other emergencies than war. It is not evident in the report from 1995 that this difference is also apparent to the members of the commission. The report can be perceived as not noticing that just as it was self-evident to the commission in 1983 to see the Soviet Union as a threat, and maybe jumping to conclusions about the submarines' nationality, maybe the commission in 1995 is doing the same thing.

#### *Outcome*

The outcome of this commission was rather bleak. It suggested two new inquiries, both of a technical nature.<sup>109</sup> The last inquiry refers back to this commission by presenting statements from both former Prime Minister Carl Bildt and the then Prime Minister Ingvar Carlsson. Carlsson views it as problematic that the commission report was not followed up with clear military and political conclusions. It disappeared in the sand.<sup>110</sup> Bildt on the other hand argued that the commission had actually confirmed the continuous violations of Swedish territory, but that the question of the nationality of the submarines had gotten entangled in

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<sup>107</sup> ibid 269.

<sup>108</sup> ibid chapter 9.5.

<sup>109</sup> ibid 10-12, 211-234.

<sup>110</sup> Swedish original quote: 'Det rann ut i sanden', SOU 2001:85 256.

a situation where ‘everybody knows what we know, but does not dare or want to state it openly’.<sup>111</sup>

*3.1[c] The Submarine investigation (Ubåtsutredningen SOU 2001:85)*

The different opinions and alleged facts surrounding discussions about foreign submarines in the Swedish archipelago still surged after 1995. As a consequence, in 2001, for the third time, a commission, this time an inquiry, was formed to perform another final evaluation of everything that had happened between 1980 and 2001.

*Tasks and mandate*

The tasks of the Submarine inquiry were, among other things:

- Assess political and military actions concerning the submarine question from 1980 until the present time;
- Present and evaluate how the government, the Armed Forces, and other concerned authorities since the beginning of the 1980s handled submarine incursions and indications for such violations of Swedish territory;
- Analyse decisions taken and the basis for them in forming political actions and positions;
- Illustrate how earlier commissions and inquiries affected political and military positions on this matter;<sup>112</sup>
- Analyse the efficiency of Swedish operations and present what affected the ability to achieve intended results;
- What other information should be presented to achieve a complete picture?<sup>113</sup>

As in the earlier commission, the government delimited the task. The question of whether or not foreign submarines had been violating Swedish territory had been analysed and did not need further attention. The investigator should instead focus on reviewing measures taken, how decisions on measures were taken, and on what basis decisions were taken, as well as how the decisions were implemented. Finally, the inquiry should examine how politicians and military commanders had been affected by the public debate.<sup>114</sup>

The mandate for the Submarine inquiry was given in October 2000. This inquiry was assigned to a single investigator, an ambassador, along with two secretaries, who came from the government offices. A group of experts was also connected to the inquiry for support with military expertise, security policy perspectives, historical perspectives, peace research expertise, and for archival research.<sup>115</sup>

*Conclusions*

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<sup>111</sup> Swedish original quote: ‘Och i nationalitetsfrågan har man trasslat in sig i en situation där alla vet vad det är vi vet och bedömer, men där man inte vågar eller inte vill säga detta öppet’. SOU 2001:85 257.

<sup>112</sup> SOU 2001:85 26.

<sup>113</sup> *ibid* 27.

<sup>114</sup> *ibid*.

<sup>115</sup> SOU 2001:85 1.

One difference between the commission from 1995 and the one from 2001 was that the evaluation of political handling of the submarine question was not included in the first, but specifically included in the 2001 inquiry.<sup>116</sup> This inquiry referred to vast amounts of new data and new information, which affected the picture of how the Armed Forces, especially the Commander-in-Chief and the Navy, and several former governments had handled their tasks.

The tasks seem to include different actors' responsibilities as well as accountability questions.<sup>117</sup> Another valuable clarification initially in the inquiry is that it includes an evaluating review (*värderande granskning*) of the earlier Commissions' reports, which is relevant, especially since they come to opposite conclusions, for instance, on the nationality of submarines.<sup>118</sup>

The learning perspective was again very present in the Submarine inquiry. The inquiry presented an ambition to gather and archive as much information as possible from open sources on the submarine question. The material could then be used for continued studies by researchers, journalists, and others with an interest in the topic.<sup>119</sup>

The most relevant part here is however, the very last chapter 11, Perspectives on the submarine question.<sup>120</sup> Initially, focus is put on security policy and how the analysis was made, especially in the 1980s. The inquiry states that earlier reports were not based on the full picture or understanding of Sweden's position in relation to the Cold War powers. In 2001, the picture was that Sweden was not a primary target for the Soviet Union, but more of a secondary target for reaching certain limited objectives.<sup>121</sup>

The inquiry moves over to analysing the division of tasks and roles between the military leadership and the government. The inquiry describes a working method, which is also stipulated in the Instrument of Government, where the operational handling of alleged violations is left mainly to the Armed Forces.<sup>122</sup> According to the inquiry, this addresses accountability. The blame for wrongdoings or bad decisions is almost exclusively put on military authorities.<sup>123</sup> The inquiry concludes that governments, regardless of political affiliation, when consulted, almost without exception, support the Commander-in-Chief. The question is whether it implies that the government is too eager to hand over responsibility to the Commander-in-Chief, also in politically sensitive questions. The inquiry shows examples from Härnfjärden and Gåsöfjärden where it is the military authorities that take action and initiative, and politicians then, in a more reactive way, start creating policy based on those actions and in the end lose control over the political fallout.<sup>124</sup> The Swedish tradition of strong authorities with clearly defined tasks and responsibilities, and ministers not interfering in the handling of individual cases, is described as a challenge by the inquiry.<sup>125</sup> In foreign policy, authorities' responsibilities are trumped by the government's responsibility

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<sup>116</sup> ibid 28.

<sup>117</sup> ibid.

<sup>118</sup> ibid 29.

<sup>119</sup> ibid note 1, 27.

<sup>120</sup> ibid 321-344.

<sup>121</sup> ibid 325ff.

<sup>122</sup> 12:2 IG.

<sup>123</sup> SOU 2001:85 328.

<sup>124</sup> ibid.

<sup>125</sup> SOU 2001:85 329.

for the relationship with other states.<sup>126</sup> That risks making a hands-off approach by the government problematic. Authorities were in the 1980s, and still are, under an obligation to report to the government anything in their activities that could have implications for Sweden's relationship to other states.<sup>127</sup> In cases involving the Armed Forces and possible use of force against state vessels from other states, this perspective is, of course, inherently vital to understand. The inquiry concludes that several governments gave the military authorities too much of a free rein, which led to political considerations being invisible and political decision-making being reactive. The inquiry also clarifies that this is not to be interpreted as a criticism of the Commander-in-Chief's handling of the submarine question, but an underlining of the responsibility of the political level to live up to the responsibility they have.<sup>128</sup> The inquiry further concludes that governments from 1982 onwards bit by bit took a tighter grip on the political dimensions of the submarine questions.<sup>129</sup>

Of interest is also that the inquiry criticises the government for allowing the Submarine Protection Commission from 1983, to go to work without a 'strong hand' from the government. According to the inquiry, this contributed to an analysis and evaluation strongly dominated by the Armed Forces' perspectives, based on weak evidence that locked perspectives on submarine incursions as preparations for future violent attacks on Sweden and the Soviet Union as the only possible actor behind it.<sup>130</sup>

One further note here is that the inquiry distinguishes between different governments and their different ways of handling the submarine question. However, the Commander-in-Chief is never referred to as acting differently depending on who actually held the command responsibility.<sup>131</sup> Again, it gives a clear impression that focus is not on accountability for specific holders of decision-making power, but more on the institution of Commander-in-Chief or Prime Minister, and what can be learned for the future on an organizational level.

On a final note, the Inquiry takes up certain strands of challenges, which, read together with the later commissions' findings from the tsunami and the pandemic, ring a clear bell of recognition.<sup>132</sup> The authority with the main responsibility, in the submarine case the Armed Forces, generally handled their tasks with a great sense of responsibility and a high degree of professionalism. There were structural and organizational issues that hampered their ability to perform their tasks. Their analysis was based on a belief that was not challenged or altered over time – that the Soviet Union was the state violating Swedish territory. One specific group of experts was given a central role with a monopoly on analysing events, which led to information from other parts of the Armed Forces never being included in the analysis. There were challenges with cooperation between authorities, in this case, the Armed Forces and FOA. The handling of information and registering, and archiving documents, and especially sound recordings, was poor, leading to vital information missing when reviewing or analysing situations afterwards. Media handling at the beginning of the 1980s was very

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<sup>126</sup> *ibid* 331.

<sup>127</sup> 10:13 IG.

<sup>128</sup> SOU 2001:85 332.

<sup>129</sup> *ibid* 330-333.

<sup>130</sup> *ibid* 330f.

<sup>131</sup> From 1980 to 2001 Sweden had four different Commanders-in-chief. See:

<<https://www.forsvarsmakten.se/sv/information-och-fakta/var-historia/artiklar/alla-vara-overbefalhavare/>> accessed 18 August 2025.

<sup>132</sup> See below in 3.2 and 3.3.

open, and communication was handled in a way that was highly unusual for this type of situation from an international perspective. By the end of the 1980's the Armed Forces changed their approach, and submarine operations became more low profile and handled more discreetly.<sup>133</sup>

The inquiry then finishes off with a rather scathing criticism of the former foreign and defence minister from 1983, who, early on, 'lacking complete and sustainable evidence, on the basis of a political judgement' designated the Soviet Union as the violating power.<sup>134</sup> According to the inquiry, he was assisted by the Commander-in-Chief, who contributed with poorly based information emanating from signal surveillance. The government as a whole was partly to blame, as they enacted a Commission with politicians, which in essence meant that they abdicated from their responsibility as a government. They failed their constitutional responsibilities in the Hårsfjärden incident.<sup>135</sup> The inquiry states that later governments altered the power balance between the Armed Forces and the government by, for instance, evaluating reports and materials handed over by the armed forces through creating their own expert groups. They also required the Armed Forces to more consistently cooperate with and report back to the government, and started a political-level action by initiating political talks with Russia at the beginning of the 1990s.<sup>136</sup>

#### *Outcome*

As is clear from above, this is an inquiry that does place blame, not necessarily on persons, but on roles.<sup>137</sup> The government, specific ministers, and the Commander-in-Chief are all pointed out in the report for certain wrongdoings. They are, however, more of omissions than active decisions – at least in the case of politicians. There is also no clear analysis or any suggestions for how to proceed with accountability questions. Instead, the inquiry finishes by clarifying that the Commander-in-Chief took measures that could have had far-reaching consequences for Sweden's relationships to other states, but again does not relate that statement to any questions on accountability.<sup>138</sup>

### 3.2 THE CATASTROPHE COMMISSION

In late December 2004, when the tsunami hit Southeast Asia, it caused enormous suffering for many people around the world. It was maybe also the first time Sweden as a society saw the implications of internationalisation. Swedes were present in the affected areas, both as tourists, as employees, or as inhabitants. Thereby, the tsunami also raised questions around the responsibility of individuals travelling abroad as well as the state's responsibility for citizens abroad. The emergency management system was also a new construction and had not yet been put to the test in an actual emergency when the tsunami happened.

Already early on, the public criticised the government and authorities for acting too

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<sup>133</sup> SOU 2001:85, 340.

<sup>134</sup> "...även i avsaknad på fullständig och hållbar bevisning, på basis av en politisk bedömning utpeka Sovjetunionen som kränkande makt." Ibid, 340.

<sup>135</sup> Ibid, 341.

<sup>136</sup> Ibid, 342f.

<sup>137</sup> The whole of chapter 11 is noteworthy in this respect, but especially the inquirer's concluding observations are worth reading, SOU 2001:85, section 11.4.

<sup>138</sup> Ibid, 343f.

slowly. Media reports of the foreign minister prioritising a visit to the theatre and being on holiday rather than taking an active role in the initial emergency management in the governmental offices caused outrage in the days and weeks following the tsunami.<sup>139</sup>

*Tasks and mandate*

Already on 13 January 2005, the Government decided, after consulting the parties in parliament, to initiate an independent Commission tasked with evaluating society's ability to handle the tsunami and clarify how those experiences could be used in the future.

The tasks included, among other things:

- To evaluate how parliament, government, central authorities, including the Governmental offices and embassies abroad, acted in relation to the tsunami;
- To focus especially on the initial response to the tsunami and how the work was later organised and conducted;
- To evaluate organisation, cooperation, and information exchange between actors involved;
- To evaluate tasks and the division of responsibility between different actors;
- To evaluate whether or not preparatory works and earlier experiences from emergencies had been taken into account in the work conducted during the tsunami.

The President of the Svea Court of Appeal was named head of the Commission, which further consisted of a professor of political science, a former Head of Swedish Red Cross who was at the time National Coordinator for Psychiatry, the chairperson for Swedish Mailservice (Posten), and a colonel 1<sup>st</sup> degree from the Swedish Armed Forces. Several secretaries, mainly lawyers with a background from the court system and the Government office, were included in the commission.<sup>140</sup>

It is already from the start clear that the focus is on learning for the future and drawing conclusions by evaluating the events. This particular commission, however, starts off with a thorough presentation of workways and methods that provide valuable insights into how the task was approached at the time.<sup>141</sup> The first chapter of the report contains headings like: What is a commission? There are sub-chapters focusing on key terms for the task, problems, and evaluation methods.

The directive stating tasks for the commission uses the term 'citizens commission'.<sup>142</sup> The commission connects that term to the directives' formulations on working in an open way and taking a clear citizen-perspective. This is interpreted as meaning that the commission, among other things, is to actively include information about experiences and views from individuals affected by the disaster.<sup>143</sup> To include individuals' perspectives and accounts is an unusual feature in reports like this. It is something that, for instance, the

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<sup>139</sup> <<https://www.aftonbladet.se/nyheter/a/Xwbv8B/hon-gick-pa-teater>> accessed 20 August 2025.

<sup>140</sup> SOU 2005:104.

<sup>141</sup> ibid, especially chapter 1.1 and 1.5.

<sup>142</sup> The term used is: 'medborgarkommission'. See: Direktiv 2005:3, Kommissionen för utvärdering av nationell krishanteringsförmåga med anledning av naturkatastrofen i Asien, 13 januari 2005, in SOU 2005:104 473.

<sup>143</sup> SOU 2005:104 38.

later Corona Commission did not do.

Further, the commission was to conduct its work independently. This was interpreted as working in line with the tasks and limits of the directive, but completely independently for parts like organization, analysis, and all other activities of the commission.<sup>144</sup> The commission report clarifies that it also interprets independently as in relation to experts. The commission only cooperates with experts who were not responsible for any authority functions during the disaster. The commission will also independently view the expert's analysis and conclusions.<sup>145</sup>

### *Conclusions*

It is already clear, viewing the table of contents, that this commission focused on questions regarding responsibility and accountability. Chapter five is named 'Concluding diagnosis and distribution of responsibility'. In the introduction to that chapter, the commission clarifies that the discussion is limited to so-called institutional and strategic deficiencies. This further means that individual handling errors of an operative nature will not be handled in the report.<sup>146</sup> Again, focus is on learning from mistakes made and suggesting changes to systems, laws, and authorities rather than establishing who should be held accountable for decisions taken during the emergency. However, it is also clear reading chapter five of the Catastrophe Commission report that the commission has included aspects of accountability for each aspect of emergency management that they evaluate.

The commission details failures on many levels within the Swedish state during the tsunami. The governmental offices lacked a crisis organization.<sup>147</sup> This is deemed to be a clear reason for many of the shortcomings at the level of ministries and the governmental offices as a whole. It led to a late situational awareness, difficulties in gathering information, difficulties with coordinating analysis, and identifying relevant actions both within the governmental offices and in the relationship between ministries and authorities.<sup>148</sup> It also caused problems with efficiently operationalizing decisions taken. The Government did not initially gather and did not take decisions to support the management of the emergency.<sup>149</sup> It was believed that the regular structures and decision-making within the normal regulatory framework would be enough on the ministerial level. The division of tasks and responsibility between the ministries was unclear during the emergency. The Ministry of Foreign Affairs took the lead since the disaster happened abroad and initial information came through that ministry's channels. However, questions around authority between ministries showed themselves early on, where, for instance, officials from the ministry were not allowed to have direct contact with authorities under other ministries. These issues had a clear impact and delayed the operative response from the Rescue Services Agency to Thailand.<sup>150</sup> The commission further describes that, lacking a clear structure for emergency management, a lot of responsibility ended up on the shoulders of individual officials within the ministries.

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<sup>144</sup> ibid 39.

<sup>145</sup> ibid.

<sup>146</sup> ibid 265.

<sup>147</sup> ibid 265ff.

<sup>148</sup> ibid.

<sup>149</sup> ibid 266.

<sup>150</sup> SOU 2005:104 266.

Without clear instructions and with the normal institutional order as the norm for action, this led to a delay in understanding that the regular consular regime was not enough and had to be replaced with something else. An example of this concerns the costs for supporting individuals in Thailand. It took time before informal signals were sent out to staff that the costs would not be an issue. However, no formal decision was taken by the government, clarifying that costs would be met. The general conclusion is that it is simply not good enough to work during an emergency of this magnitude without a formal structure and organization for emergency management with clear mandates to lead and take necessary decisions.<sup>151</sup> The commission also clarifies that the responsibility for the shortcomings at the level of government and the Governmental offices falls on the Prime Minister.<sup>152</sup>

On the level of ministries, the commission outlines several challenges. To mention some, there was unclear leadership for handling emergencies and unclear routines and structures for sharing information between ministries. Within the Ministry for Foreign Affairs several of the central managers did not initially break off their holiday; instead, it took more than 24 hours for several within the leadership to physically come into work. The responsibility for actions and omissions is placed on the level of central leadership within the ministry. The commission also addresses accountability aspects for the Foreign Minister and the state secretary level, just below the minister.<sup>153</sup>

The healthcare system and responsibility for disaster medicine also came into focus after the tsunami. The commission concludes that a Swedish operation focused on disaster medicine would have been needed early on. It would have contributed to supporting the Thai health-care system, which was under heavy pressure, but also to planning and efficiently conducting the evacuation of injured people from Thailand.<sup>154</sup> The authority in charge was the National Board of Health and Welfare. According to the commission, they reacted late. The department in charge of emergency management was understaffed during the first week after the tsunami. The Board itself stated that it did not have an operational responsibility and also no task to contribute to operations outside of Sweden.<sup>155</sup> Instead, responsibility, according to the Board, rested with the regions. In addition, via a delegation in the law on health care, the government had the right to issue rules on national perspectives on disaster medicine. The Commission accepted that the emergency management structures and the rules for disaster medicine were not appropriate for handling a situation like the tsunami. It also, however, clarified that despite that, it could reasonably be expected of both the Ministry for Social Welfare and the Board on Health and Welfare that they take a more active role in this situation.<sup>156</sup>

The commission also reviewed the consular system in relation to emergencies. Even though the commission is clear on that planning for something as exceptional as the tsunami is not reasonable to expect, it also concludes that the system and preparedness did not live up to even more modest expectations.<sup>157</sup> The data registration contained many faults, and

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<sup>151</sup> *ibid* 267.

<sup>152</sup> *ibid* 268.

<sup>153</sup> *ibid* 272f.

<sup>154</sup> *ibid* 273f.

<sup>155</sup> *ibid* 274.

<sup>156</sup> *ibid* 276.

<sup>157</sup> SOU 2005:104 276.

the methods used created risks for further faults; mobilization of staff was difficult and also not prepared.<sup>158</sup> The ambassador acted initially according to applicable rules and the emergency plan, but information flow between the embassy and the Ministry for Foreign Affairs was not smooth.<sup>159</sup> Many victims and their next of kin expressed to the Commission that they felt a severe lack of empathy emanating from the Ministry for Foreign Affairs, both locally and in Sweden.<sup>160</sup> The regulatory framework for consular support was also upheld initially despite the extraordinary situation that was handled.<sup>161</sup> A new law from 2003 on consular economic support, which was rather strictly formulated, also formed the behaviour of officials during the initial phase of the response to the tsunami.<sup>162</sup> The commission raised the question of accountability and placed it with the responsible functions in the Ministry. Better training, better planning, and a focus on empathy and the task to support people in need were suggested as ways forward.<sup>163</sup>

Of the commissions analysed here the Catastrophe commission has the most clear and structured approach to questions on responsibility and accountability. The commission in chapter five of the report goes through responsibility and accountability and places them even on the individual level.<sup>164</sup> When it comes to accountability, the commission is equally clear that their task is to draw conclusions and suggest improvements that will improve the handling of the next emergency. The report itself, therefore, does not handle individual accountability questions, other than voicing criticism against certain acts and decisions taken. It is a conscious choice to work with the concept of modified personal responsibility. That means a focus on personal responsibility, but modified through taking into consideration the special conditions applicable in organisations reviewed.<sup>165</sup> This approach is traceable when reading the report's conclusions on responsibility. The commission works with a combination of responsibility put on individuals, together with clear descriptions of systemic failures and proposals on how to improve both decision-making and the system for the future.

#### *Outcome*

In many ways, the commission's suggestions for changes in the system, the role for authorities in times of emergency, and legal changes had a defining impact on the new emergency management systems over the coming years. There were four major weaknesses according to the commission: the lack of a central emergency management function, ill-functioning information sharing also within ministries, the far-reaching sector-division, and unclear boundaries between the Government offices and authorities.<sup>166</sup> These four features led to a lack of clear leadership, a lack of an overall view and management of the emergency due to compartmentalising functions, responsibilities, and tasks to different sectors without creating clear cooperation between them. Further, the commission criticises strict

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<sup>158</sup> *ibid* 223ff.

<sup>159</sup> *ibid* 276f.

<sup>160</sup> *ibid* 223f.

<sup>161</sup> *ibid* 226.

<sup>162</sup> *Lagen* (2003:491) om konsulärt ekonomiskt bistånd.

<sup>163</sup> *SOU* 2005:104 254f.

<sup>164</sup> See for instance: *SOU* 2005:104 267f, 272, and 278.

<sup>165</sup> *ibid* annex 5, 503f.

<sup>166</sup> *SOU* 2005:104 282f.

hierarchies, rivalries between and within different ministries and authorities at different levels, believing they could not take action without a clear directive from the government office. This all led to delays in operations and handling of the emergency. The role of a government and the governmental offices during emergencies in relation to the role of national authorities was in need of clarification.<sup>167</sup>

Finally, the main suggestion from the Commission was the creation of a central emergency management function established directly under the Prime Minister's office.<sup>168</sup> This is also the main outcome from a system point of view. The function was initially created as a warning and alarm function. Over the years since the tsunami, the functioning, tasks, and also the place in the Government office have changed several times. At the time of writing, the function has been closely integrated with the new function of the National Security Advisor, created in 2022, and is placed in the Prime Minister's office.<sup>169</sup> The commission further suggested that the constitutional law on peacetime emergencies should be reviewed together with the laws on rescue services operations and emergency management.<sup>170</sup>

Another effect of the commission's work was a change in the authority structure. The Swedish Civil Contingency Agency (Myndigheten för Samhällsskydd och Beredskap) was formed in 2009 through a merger of the Emergency Management Agency (Krisberedskapsmyndigheten), the Rescue Services Agency (Räddningsverket), and parts of the Board for psychological defence (Styrelsen för Psykologiskt Försvar). The idea was to improve the integration of international and national aspects into the operational emergency management work and improve coordination and cooperation between authorities.

In 2008, a constitutional inquiry, including a review of the rules on war and danger of war, also included a proposal for including rules in the constitution on peacetime emergencies.<sup>171</sup> The proposal did not result in a law proposal. After criticism from several authorities, the government decided to let that proposal rest. In 2021, when the pandemic again caused discussions around the possible need for rules in the constitution for peacetime emergencies a new parliamentary commission was initiated.<sup>172</sup>

### 3.3 THE CORONA COMMISSION

The Covid-19 pandemic hit Sweden, as it did the rest of the world, and in just a few weeks, life as we knew it ground to a stop. The home office became the new normal for those of us who can work remotely. For all people working in schools, pre-schools, health care, public transport, and who conduct work tasks that simply cannot be done remotely, everyday life

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<sup>167</sup> *ibid* 283ff.

<sup>168</sup> *ibid* 308.

<sup>169</sup> It had been moved to the Ministry of Justice for a few years before coming back to the Prime Minister's Office in 2022. The move had for instance been criticised by the Corona Commission in 2022 as a factor hampering the Government's possibility to take an active lead in the Corona handling. See: SOU 2022:10, vol II, 645.

<sup>170</sup> SOU 2005:104 309.

<sup>171</sup> See for more background: SOU 2008:61.

<sup>172</sup> The Commission presented its report in 2023: SOU 2023:75. At the time of writing the law proposal has been presented and is now pending parliamentary decision. New rules can enter into force earliest in 2027. See: Proposition 2024/25:155.

became a balancing act between taking responsibility for the common good and keeping society running.

#### *Tasks and mandates*

The start of the Corona Commission came after a governmental decision on 30 June 2020, so only a few months into the ongoing pandemic. The decision was preceded by deliberations with all parties in the Parliament. The tasks included for instance:

- To evaluate measures taken by the government, authorities, regions, and municipalities to limit the spread of the virus causing COVID-19 and the effects of the spread of the virus;<sup>173</sup>
- To evaluate how the crisis organisation within the governmental offices, concerned authorities, regions, and municipalities functioned during the emergency;
- To evaluate how the principle of responsibility and the geographical area responsibility functioned during the emergency.<sup>174</sup>

The head of the commission was a former Justice of the Supreme Court and President of the Supreme Administrative Court. The commission consisted of professors in political science, in leadership, and medicine, as well as representatives from the Swedish Association of Local Authorities and Regions<sup>175</sup> and the Swedish Church. On the whole, 10 secretaries assisted with the work and the commission presented three reports between 2020 and 2022. The first report focused on the care for the elderly during the pandemic.<sup>176</sup> The second report was focused on the virus as such, the spreading of the disease, and the healthcare system during the pandemic.<sup>177</sup> The third report focused on economic aspects of the pandemic and in the second volume of the third report, presented conclusions from the complete work of the Corona-commission with conditions and paths to choose from. It is the third report and especially volume two that is in focus here, as it contains the more overarching aspects and an evaluation of the pandemic response.

#### *Conclusions*

The Corona Commission's final report outlines the choices Sweden made and analyses how those choices impacted or may have impacted the outcome of the pandemic in Sweden. The pandemic response was heavily questioned from the outset, and there are aspects where Sweden chose a different path from neighbouring countries or even most countries in the world. Sweden did not completely close down, but kept especially schools for younger children open. However, elderly care facilities were closed down, and in the aftermath of the pandemic, that is a choice that has been questioned by experts, and also by the Corona-

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<sup>173</sup> SOU 2022:10 (vol I), Coronakommissionen, Sverige under pandemin: Volym 1, Samhällets, företagens och enskildas ekonomi.

<sup>174</sup> Full directive can be found here: SOU 2022:10, vol II, 687ff.

<sup>175</sup> Sveriges kommuner och regioner (SKR).

<sup>176</sup> SOU 2020:80, Coronakommissionen, Delbetänkande – Äldreomsorgen under pandemin.

<sup>177</sup> SOU 2021:89, vol 1, Coronakommissionen, Delbetänkande – Sverige under pandemin: Volym 1, Smittspridning och smittskydd; SOU 2021:89, vol 2, Coronakommissionen, Delbetänkande - Sverige under pandemin: Volym 2, Sjukvård och folkhälsa.

commission in their first report from 2020.

The report also focuses on the legal framework for handling peace-time crises and details how the emergency management system is structured and the deficiencies of the system that have been evaluated and also reported on several times since the system came into place at the beginning of the 2000s.<sup>178</sup> The commission, just like the Catastrophe commission, focuses on the responsibility of the government, the division of labour between ministries and authorities, and how different authorities, the municipalities and regions, worked and handled their tasks and responsibilities during the pandemic.<sup>179</sup>

It is clear in the report that certain conditions shaped the Swedish response during the pandemic, but also the specific choices that were made. One of the aspects shaping the response is the decision-making of the expert authority that became the leader of society's response to the pandemic, the Public Health Agency.<sup>180</sup> Another focus area is the communication to the general public, as this particular emergency quickly became a battle for the information space. Who knows best what response is the right one, and how do authorities communicate with the public – by rules or by recommendations?<sup>181</sup> The last two chapters of the report then focus on concluding observations, questions on responsibility, and lessons learned.

The Corona-commission concludes in their report that taken over the whole time period from 2020 to 2022 Sweden managed well in comparison to many other states, with regard to the number of deaths and the effects on society as a whole. The first wave in 2020 however, hit Sweden hard, and during that time Sweden stood out as a country that trusted their citizens to take responsibility for the situation rather than using very restrictive measures.<sup>182</sup>

The report clearly addresses the inequality and the human rights implications of both how the virus affected society and the measures taken to prevent its spread.<sup>183</sup> Gender imbalances, socio-economic imbalances, geographical differences, and many other factors affected the spread and the efficiency of measures taken, but also contributed to different impacts on people. Measures taken have many times fitted 'the well-educated middle class with good possibilities to protect themselves against the virus, navigate the care system and work from home'.<sup>184</sup> The Corona Commission, as did the Catastrophe Commission, also addresses the trust in institutions and society and how vital it is to uphold people's trust in order for society to keep functioning and maintain social order.<sup>185</sup>

The Corona Commission further brings up the recurring deficiencies in emergency management. These are clearly recognizable from other evaluation reports and especially from the earlier Tsunami Commission:

- Lacking cooperation before the emergency;
- Questionable usability of risk and vulnerability analysis;

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<sup>178</sup> SOU 2022:10, vol II 298, 364ff.

<sup>179</sup> *ibid* chapter 11.

<sup>180</sup> *ibid* 364ff.

<sup>181</sup> *ibid* chapter 13.

<sup>182</sup> SOU 2022:10, vol II 237.

<sup>183</sup> SOU 2022:10, vol II, especially chapter 8.

<sup>184</sup> Own translation, *ibid* 636.

<sup>185</sup> SOU 2022:10, vol II 549.

- Too few exercises and a lack of preparedness planning;
- Deficiencies in how lessons learned are taken care of after emergencies.<sup>186</sup>

In the report, the commission repeats the demand for the government to take a larger responsibility for the overarching perspectives in emergency management and give a clear direction for emergency management as a whole in society, as well as to clarify what different actors have to manage.<sup>187</sup> A better balance between the government's responsibility to govern and the free-standing authority structure should have been found. The government was in this respect, too dependent on the analysis made by the Board for Public Health. The Board for Public Health, despite its broad responsibility for analysis of its measures and recommendations, kept most tasks internal instead of cooperating and taking in expertise from other authorities or academia to support them during the pandemic.<sup>188</sup> A broader input for decision-making would have been needed.<sup>189</sup> The commission concludes that the focus on advice and recommendations meant that Sweden, to a higher degree than many other countries, upheld personal freedom. The advice and the recommendations could however have been communicated in a clearer way as rules for behaviour.

The Corona Commission, in their conclusions, also focuses again on the legal structure for emergency management and criticises that the government waited so long to initiate the constitutional inquiry on peacetime emergencies, even after two different evaluations of emergencies had stated the need for a review.<sup>190</sup> The pandemic showed again how legal regulations are managed in times of emergency. During 2020 and 2021 several new laws entered into force to address different aspects of the pandemic. Some were more general in nature. One example is the law that delegated a possibility for government through ordinances to restrict the number of people in restaurants or other public places. Other ordinances provided rules for closing down schools.<sup>191</sup> The Corona Commission suggested a complete review of the legal preparedness as well as a full review of the principles of responsibility, proximity and similarity.<sup>192</sup>

#### *Outcome*

The last and most comprehensive report was presented to the government on the 25<sup>th</sup> February 2022. Needless to say, all attention, and rightly so, was on the Russian invasion of Ukraine. From a Swedish emergency management perspective, this was, however, detrimental, as a highly needed debate and discussion around the findings of the Corona Commission, to an extent, got lost. On the homepage, where the report can be found, there are no follow-up measures listed.<sup>193</sup> There have been no remits and no law proposals that are directly linked to the suggestions from the Corona Commission's final report so far. It is important to stress that this does not mean that nothing has come out of the work done.

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<sup>186</sup> SOU 2022:10, vol II 10.3.1-10.3.4

<sup>187</sup> *ibid* 326, 639.

<sup>188</sup> *ibid* 651.

<sup>189</sup> *ibid* 639.

<sup>190</sup> *ibid* 653, 661.

<sup>191</sup> For more examples on laws and ordinances from 2020 see for instance: Ericson and Wilske (n 23).

<sup>192</sup> SOU 2022:10, vol II 665, 668, 675f.

<sup>193</sup> <<https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2022/02/sou-202210/>> accessed 25 August 2025.

There is, as an example at the time of writing, a law proposal awaiting decision by parliament that could create a new chapter in the Instrument of Government dedicated to peacetime emergencies.<sup>194</sup>

When it comes to responsibility and accountability questions the Corona commission is also pointing out who, in this case authority or the government, or a region, is responsible for things that have not gone according to plan or functioned in a good way.<sup>195</sup> The Corona Commission handles questions on responsibility and accountability in a similar way as the Catastrophe Commission.

#### 4 CONCLUSIONS

The Swedish emergency management system has developed rather organically since it was first created at the beginning of the 2000s. It is argued here that governments are consistently using commissions in the aftermath of emergencies as a tool to evaluate, draw conclusions, and suggest changes to the emergency management system. It is also common that the commission is initiated while the emergency is still ongoing, although its focus is on what should happen after the emergency. The initial Submarine Commission from 1982, the Catastrophe Commission and the Corona Commission all started their work while active management of the emergency was still ongoing. Why is that so? Well, there are probably many reasons, and some have already been mentioned earlier. One main argument may be to move questions from the political debate sphere while showing a sincere will to learn from mistakes and take responsibility for necessary changes without pointing the finger at specific decision-makers. A certain appeasement to criticism from the public and from political opponents may also be visible. That appeasement may also be a reason for acting fast, while the emergency is still underway.

For authorities, the rationale may be different. There is, arguably, a strength in a system that is always willing to be reviewed and to draw lessons learned. Hopefully, it leads to decision-makers who are feeling safe and thereby are more willing to take certain risks by focusing on the handling of an emergency for the common good, not only on following rules and regulations. Based on conclusions from all commissions analysed here, the common good perspective is, however, not always serving as a guiding light. Rules and regulations are often perceived as absolute, rather than containing room for interpretation.

However, looking at these different commissions that have worked over a time period from 1982 to 2022, it is striking how many of their conclusions are the same, or at least consistently linked to the same aspects of the system and structures for emergency management. The lack of efficient cooperation between authorities keeps coming back despite being a constant feature in applied system changes. The government's role and responsibility for the national level of emergency management, and the relationship between the government and authorities, were raised by all commissions focused on here. Another example is the question of taking active decisions and measures in emergency management instead of waiting for more information, and the suggestion of adding a principle of action and precaution to the other principles for emergency management. These aspects keep

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<sup>194</sup> Proposition 2024/25:155.

<sup>195</sup> SOU 2022:10, vol II 653ff.

coming back and can be found in all reports analysed here.

When it comes to the questions on responsibility and accountability, it is also argued here that responsibility is in focus for all commissions. Tasks are formulated, reported on, and also suggested when perceived as missing. The reports are based on ordinances with instructions, and commissions seem unafraid to evaluate tasks given as well as tasks implied for different authorities and for the government.

Accountability is referred to. In the reports on the submarines and the tsunami, roles, but also named decision-makers and politicians, are held accountable for certain shortcomings or deficiencies in the handling of the respective emergencies. That does not, however, lead to starting processes for formal accountability. Instead, accountability often seems to become a process based on the media demanding answers, the Constitutional Committee organizing hearings with ministers, their state secretaries, and heads of authorities. This may lead to ministers leaving the government or heads of authority being transferred to the 'Cemetery of elephants' as described earlier. But, formal processes for misconduct or formal dismissals are unusual.

For many public officials who belong to the first generation in the 'new' emergency management system in Sweden, the tsunami occurring in Asia in 2004 became a defining moment in many ways.<sup>196</sup> It happened far away, but the effect on Swedish citizens and Sweden as a state was immediate and far-reaching. For those of us working in emergency management, certain parts of the system failed in both anticipated and unforeseen ways. The Catastrophe Commission was, as has been described, also labelled a Citizens' commission. It shines through in the report that the commission performed a balancing act. Due to the heavy criticism that the media and the public had voiced, the commission had to address mistakes that were made and systemic as well as leadership failures that occurred. Still, the main task was not accountability, but to learn for the future and to suggest improvements to the newly established emergency management system. Questions on accountability were also raised in the Constitutional Committee (Konstitutionsutskottet) where both ministers and state secretaries were questioned and held responsible in a very public way for decisions taken and not taken.<sup>197</sup>

Sweden, despite not being at war for centuries, has seen its fair share of emergencies. To just mention a few, the ferry Estonia sinking in the Baltic Sea in 1994 is often referred to as a defining emergency in Sweden. Prime Minister Olof Palme was murdered in 1986, and the Minister for Foreign Affairs Anna Lindh in 2003. Just after the tsunami happened, in January 2005, the storm Gudrun ravaged parts of Sweden, and in 2014 and 2018, major forest fires occurred. The COVID-19 pandemic hit Sweden just as it hit the rest of the world. But, for many Swedes, the magnitude of the tsunami and the number of people affected by it stand out also in a historical context.

When societies face an emergency of a certain magnitude, humans' best but also worst

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<sup>196</sup> The authority started its work in 2002 and was among other things tasked with supporting the build up of the new emergency management system. At the same time the Agency for civil Emergency Planning was closed down. The author started working in the Swedish Emergency Management Agency in the beginning of 2004. The tsunami was the first major emergency that the authority ended up in the middle of, despite not having a mandate to handle anything operational related to the emergency.

<sup>197</sup> Konstitutionsutskottets betänkande 2005/06:KU8, Regeringens krisberedskap och krishantering i samband med flodvågskatastrofen 2004.

sides tend to exhibit themselves. Looting and extortion serve as examples of the latter, but self-organization, a tremendous drive to assist others are example of the former. A transparent handling of an emergency, openly communicating to the public, can also increase trust between the public and decision-makers. Not communicating or hiding risks can cause the opposite and thereby also hamper the efficient handling of an emergency.<sup>198</sup> In the afterword to the Catastrophe Commission, this is very well formulated, and with examples of how people affected by the tsunami have described the best sides of other people, but also failings in the Swedish handling of it. In the commission's report, a specific part is dedicated to testimonies from affected people. There, it is visible how the human factor, both among victims and public officials handling the emergency, affects trust between individuals and the public authorities and the government.<sup>199</sup> The Catastrophe Commission concludes that emergency management at its core will be about upholding social order.<sup>200</sup> Similar aspects are often brought to the fore as reasons for reviewing and learning from emergencies that occur. It is important to keep social order intact during the next emergency, and a way to uphold people's trust in public authorities and the society's ability to handle emergencies next time they occur.

A striking feature of the different commissions handling the questions on submarines between 1982 and 2001 is how commissions can review other commissions' conclusions and also review their review material and data. When the last, so far, commission presented its report in 2001, that report was written in a completely different mindset, methods for data gathering and analysis than the initial one in 1982. The security policy situation was different, the authority structure altered, and the regulatory framework altered. The reasoning behind initiating these latter commissions seems to be that public debate kept going and differences in opinions were causing friction between political parties, authorities, and the general public. But when is it time to let an emergency rest? When is it time to close down analysis and accept that all answers will never be found? In the submarine case, that seems to be a question that has never been answered. Accountability questions also tend to be more relevant in the aftermath of an emergency, rather than 20 years after the possible deficiencies or wrongdoings occurred. The perspective of later submarine commissions thereby automatically becomes less focused on accountability questions.

Commissions can also mutually reinforce each other. The last submarine commission hailed the description of the factual events and analysis made by the commission from 1995 and used it as a starting point. The Corona Commission referred to conclusions and analysis by the Catastrophe Commission on regulatory frameworks, principles for emergency management, and the need for improved constitutional preparedness for peacetime emergencies. Commissions may thereby legitimise each other's work and reports, and the writings become established as absolute truths for good and bad. In a sense, this contributes to not forgetting the results of commissions and hopefully leads to lessons learned being taken further.

Finally, the Catastrophe Commission has contributed with a highly relevant analysis of what a commission really is and its status under law. It is an authority under the government,

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<sup>198</sup> See for instance: Misje Wester, 'Fight, Flight or Freeze: Assumed Reactions of the Public During a Crisis' (2011) 19(4) *Journal of Contingencies and Crisis Management* 207.

<sup>199</sup> See especially around the expectations from victims on the Swedish government, SOU 2005:104 376ff.

<sup>200</sup> SOU 2005:104 349.

without a specific rule on how to run its activities. Administrative law does not apply to commissions' work other than how administrative cases are handled, and regarding public access to documents.<sup>201</sup> It is therefore up to the commission itself, based on the directive given by the government, to decide how the task of investigating the emergency is to be conducted and interpreted.<sup>202</sup> This is important to remember when analysing commissions' reports and their analysis of emergencies. Formulations on the method of inquiry and data gathering have become more prominent in reports in recent years. Of the reports analysed here, the Catastrophe Commission and the Corona Commission stand out in this respect by writing both about their methods and their interpretation of terms, tasks, and questions. That transparency is vital for future commissions to uphold trust in commission reports in the future.

Commissions reviewing emergencies have been and will most likely also for the future be an important part of presenting lessons learned and developing the emergency management system further. At the same time, the government has also expressed willingness to review and develop what is referred to as systems for personal accountability further.<sup>203</sup> What this will mean for commissions ahead is still unclear. Will future commission reports become material for accountability processes against individual decision-makers? Will the more political or informal accountability processes stay intact? Is it in our system's best interest to formalise accountability after emergencies to a greater extent than is the case today? Many questions can be asked, but here and now they will regrettably remain unanswered.

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<sup>201</sup> SOU 2005:104, 38f.

<sup>202</sup> *ibid* 39.

<sup>203</sup> See for instance: Justitiedepartementet, *Direktiv 2024:14, Kommittédirektiv: Straffrättsliga åtgärder mot korruption och tjänstefel* (2024)

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