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**EXAMINING LEGAL FRAMEWORKS FOR CRISIS MANAGEMENT
AND EMERGENCY POWERS A COMPARATIVE STUDY OF
SWEDEN VS. NORWAY VS. DENMARK**- Adv. Barkha¹**1. Introduction****1.1. Background**

Crisis management due to national disaster, global pandemic and various other emergency situation is an important governmental function that people look forward to. Especially, during the global pandemic caused by Covid-19, countries were tested in relation to their ability to manage crisis and control emergency situation. Some countries were able to do better than most others due to early preparedness for dealing with unexpected and unprecedented situations. In this regard, it is not necessary that a country with all the important resources would be successful in managing crisis and emergency situation since most developed countries failed to adequately manage the critical situation effectuated by the global pandemic. However, past studies have noted that the Nordic region showed more promise than most other bigger economies like the US, UK, China, India and several others. For example, a recent study found that covid-19 crisis management response from the Nordic countries were better than other countries for various reasons like better collaboration with neighboring countries which helped the government to assess the situation and implement policies accordingly in the early phase of the pandemic². In this regard, Nordic Council of Ministers in its report on economic policy review noted that even though economic development in the Nordic countries reduced during the global pandemic like other adversely affected countries, however, countries like Sweden, Norway, Finland and Denmark

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experienced quick re-opening of commercial activities and successfully resumed economic development because of the strict measures taken by most Nordic countries to contain the impact of covid-19³. The findings of such studies reasonably imply that efficiency and constructiveness of the laws, policies and regulations of the Nordic countries in relation to crisis management and emergency powers.

1.2. Purpose

Based on the above background, the purpose of this research is to make a comparative analysis of Sweden, Norway and Denmark in relation to their legal framework for crisis management and emergency powers. In this process, the research investigates deeper into the laws and government policies that exist in these countries that helped them to manage the health crisis caused by covid-19 pandemic. Considering the widely accepted success of Sweden, Norway and Denmark in managing health crisis, the research aims to analyze what these countries did differently from each other which proved to be beneficial for their citizens. Lastly, the research provides a brief explanation of the lessons that can be learnt from the Nordic countries and a few recommendations that can be enforced to improve the overall crisis management framework.

2. Research Methodology

For the purpose of this research, secondary sources have been used for obtaining information and substantiating all the claims. Secondary sources include, peer-reviewed articles, government reports, legislations, case studies and other scholarly sources. This is one of the limitations of this study since first hand empirical research has not been done and the research relies on information obtained from past studies. As far as the methodology is concerned, a comparative analysis approach has been considered based on the nature of the topic and theme of discussion. The comparative analysis also explores the socio-legal aspect of the legal framework for crisis management for assessing the effectiveness.

3. General Responsibilities of Government and Approaches

3.1. Government and Public Agency Capacity

³ Nordic Council of Ministers, 'Covid-19 effects on the economy in the Nordics' (2022) Nordic Economic Policy Review, <https://norden.diva-portal.org/smash/get/diva2:1665244/FULLTEXT01.pdf> (accessed 12 March 2024).

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The capacity of the government to manage and deal with emergency situations is a multidimensional concept which includes formal structure of the government for crisis management and ability of the public agencies to respond. It means that how well the government is prepared makes a huge difference since preparedness is an essential factor even if something cannot be reasonably foreseen. A study in the past noted that the Nordic countries have increased cooperation between them so that they can help each other to ensure preparedness⁴. The author also noted that the health care system in countries like Norway, Sweden and Denmark are constructive enough for their small population and hence it is expected that they will do better than highly populous countries⁵. Another study noted that preparedness means the ability to maintain equipment for preventing infections, emergency medical supplies on hand, collaborative training and drills, a testing and contact tracing agency, the ability to provide critical care, and psychological and legal readiness are examples of national emergency stockpiles⁶. In addition to that, governments need to have good analytical capacity which include conducting risk and vulnerability assessments, offering expert advice, and analyzing data. It concerns the caliber of professional counsel, the capacity to foresee and comprehend the course of the crisis, the capacity to learn while it is unfolding, and ability to streamline all the required resources at the right place and at the right time in order to mitigate the risks posed by unprecedented emergency situations. Apart from all these, another important criteria of managing crisis efficiently is the capacity to coordinate with other countries and agencies. Past studies have noted that this has been one of the strongest factor for the countries like Sweden, Norway and Denmark because they have excellent coordination and collaboration among themselves whenever any one of them is in need of external support⁷.

Therefore, it can be said that being ready is one of the most important requirement for handling crisis and emergency situation and as shown by past studies that Nordic countries like Sweden, Norway and Denmark have shown good and constructive preparedness if not

⁴ P. Örténwall, 'Disaster preparedness in Scandinavia' (2005) 94 Scandinavian Journal of Surgery 319.

⁵ Ibid, p.320.

⁶ Olivier Rubin, Nicole A. Errett, Ross Upshur Erik, and Baekkeskov, 'The challenges facing evidence-based decision making in the initial response to COVID-19' (2021) 49(7) Scandinavian Journal of Public Health 790.

⁷ Furqan B Irfan, Raoul Minetti, Ben Telford, Fahad S Ahmed, Ayesha Y Syed, Nick Hollon, Seth C Brauman, William Cunningham, Mohamed E Awad, Khaled J Saleh, Akbar K Waljee, and Nele Brusselaers, 'Coronavirus pandemic in the Nordic countries: Health policy and economy trade-off' (2022) 12 Journal of global health 05017.

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perfect in the process of dealing with the public health crisis created by the global pandemic.

3.2. Approaches for the benefit of the Public

The global pandemic caused by covid-19 has been considered a trans-boundary wicked problem that is not possible for any country to completely avoid. Most importantly, one of the main responsibilities of governments is to handle emergencies. In the past, it has been noted that government capacity and legitimate action are necessary for good crisis management⁸. Political and administrative executives must thus possess the necessary abilities. In order to maintain governance legitimacy, managing crises requires both the capability of governance and the ability to shape public opinion and expectations for government response⁹. It was a stress test for crisis management and it examined the boundaries of what public organizations are structured to manage. It was distinguished first and foremost by its complexity, which meant that it was trans-boundary, existing at the nexus of nations, administrative levels, policy domains, and industries, as well as between governmental organizations and specialists. Secondly, the lack of evidence-based understanding about the most successful technique and the ambiguous causes and consequences contributed to ambiguity regarding means-end knowledge. Third, decision-makers had to weigh various trade-offs between the lives and health, wealth, and freedom of the populace due to the unclear objectives and purposes of the system. It must be noted that the situation created by covid-19 called for an urgent and immediate response which is a serious challenge for any country regardless of its economic powers or resource advantages. Under intense time constraint, difficult choices had to be made, and action had to be done before the crisis's scope expanded. Lastly, the government had to deal with the expectations of the people and persuade them to follow the law, look out for one another, and take care of themselves.

In addition to capacity, it is also essential for a government to ensure that its citizens are able to accept the implementation of crisis management policies. This is why there has to be a legitimate relationship between the capacity of the government and legitimacy of the government to enforce policies for public health and safety. It is a very known and common

⁸ Tom Christensen, Per Lægheid, Lise H. Rykkja, 'Organizing for Crisis Management: Building Governance Capacity and Legitimacy' (2016) 76(6) Public Administration Review 887.

⁹ Boin, Arjen McConnell, Allan 't Hart, Paul, 'Governing the Pandemic: The Politics of Navigating a Mega-Crisis' (2021), <https://library.oapen.org/handle/20.500.12657/48725> (accessed 12 March 2024).

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fact that most legal frameworks allow the government to take any measure required to safeguard the rights and interests of the people. This is simply because people have the right to live in a safe environment which was significantly threatened by the global pandemic. Hence, strong legitimacy may support strong capability, and strong capacity may boost strong legitimacy, thus they may reinforce one another. On the other hand, poor legitimacy might cause weak capacity to lose credibility and even great capacity to suffer. Therefore, it is important to consider not just what the government really does but also what the public expects the crisis management system to accomplish and how they evaluate its effectiveness.

Having discussed the background of crisis management in detail, now it is important to identify and make a comparative analysis of the legal framework for crisis management in Sweden, Norway and Denmark.

4. Legal Framework for Crisis Management: A Comparative Analysis

4.1. Background on Crisis Management in Sweden

The Public Health Agency is responsible for enforcing legislation in relation to controlling infection and related diseases. Sweden became a developed country with all the modern amenities. In modern times, the system for crisis management is built to handle a wider range of crises than those brought on by natural disasters. The method of crisis management in Sweden involves assigning sector wise responsibilities to multiple parties¹⁰. It is mostly dependent on the cooperation of these players, which is difficult but generally effective in the cultural setting of reaching consensus and abiding by established norms of conduct. In addition, there is a frequent discrepancy between policy and practice when it comes to the delegation of area responsibility, and the sector-specific laws that pose uncertainty.

4.1.1. Containment Strategy of the Swedish Government

The primary framework of crisis management in Sweden involves three main principles based on which laws and regulations are enacted. First is the principle of responsibility which means that In an emergency, accountability for everyone in charge of an operation should extend to those in charge of it normally. This implies, for instance, that the towns look after schools and the elderly, that the regular health care system treats wounds even during emergencies, and so on. Then comes the principle of equality based on which operations

¹⁰ Jon Pierre, 'Nudges against pandemics: Sweden's COVID-19 containment strategy in perspective' (2020) 39(3) Policy and Society 478.

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should be as close to regular as feasible during a crisis. If at all feasible, events ought to take place in the same location as they would in regular circumstances. Lastly, as per the principle of proximity, When a crisis arises, it should be handled by people who are directly affected and accountable¹¹. As a result, the impacted municipality and area are the ones that spearhead and carry out the reaction. The government will only get in when there are not enough local resources.

Interestingly, a study noted that Sweden is located in such a geographical location of the earth that the Earth's crust in that region has the lowest seismic activity which means that Sweden experiences limited occasions of natural disasters and hence, was never truly capable of having the required preparedness for handling a global pandemic or emergency situations¹². However, the legislative guidance on crisis is quite constructive as seen from the definition of crisis under the Swedish legislation (2006:544, 1 Ch 4§) which defines crisis as an extraordinary event that leads to serious disturbance and poses imminent risk to the society. In this regard, it must be noted that the definition of crisis does not include any numerical requirements and rather keeps the scope wide open for interpretation depending on the situation and leaves it up to the county council or municipality to determine whether or not an event qualifies as remarkable.

4.1.2. Risk and Disaster Management Strategy

One of the most important and prominent disaster management framework in Sweden is the Sendai Framework for Disaster Risk Reduction 2015-2030 which aims to strengthen the legal framework for crisis management in Sweden. This framework calls for better understanding of types of disasters that can occur and prepare accordingly. The Sendai Framework not only focuses on how to minimize the risk but also investigate on the economic and political impact on the country. This process helps in analyzing how vulnerable Sweden is to hazards. The Swedish Civil Contingencies Agency in 2020 stated that clarity on responsibility of different departments of the government is one of the strengths of Sweden¹³. Sweden has municipal

¹¹ Marika Ericson, 'How can Swedish laws of crisis and war be improved?' (2022) Swedish Defence University, <https://www.fhs.se/en/swedish-defence-university/news/2022-12-06-how-can-swedish-laws-of-crisis-and-war-be-improved.html> (accessed 13 March 2024).

¹² Fredrik Bynander and Per Becker, 'The System for Crisis Management in Sweden: Collaborative, Conformist, Contradictory' (2017) In book: Handbook of Disaster Risk Reduction and Management Publisher: Imperial College Press Editors: Madu, Christian N., Kuei, Chu Hua.

¹³ Swedish Civil Contingencies Agency, 'Sweden and the Sendai Framework for Disaster Risk Reduction 2015-2030' (2020), <https://www.msb.se/siteassets/dokument/publikationer/english-publications/sweden-and-the>
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level policies and governance framework which increases the efficiency. Therefore, understanding the risks posed by the disaster, prioritizing national and local requirements, taking appropriate national and local measures, and risk governance strategy are the primary elements of the Sendai framework. Past study concluded that Sweden has several municipalities with varied preparedness to deal with disasters/crisis but due to lack of financial resources, some municipal authorities were unable to fund the crisis preparedness at a municipal level¹⁴. Lastly, Swedish government in 2020 revisited the crisis preparedness and found that there is lack of clarity in relation to the authority of the Health Agency of Sweden and the National Board of Health and Welfare since these two bodies play an important role¹⁵.

4.2. Crisis Management and Emergency Powers in Norway

In Norway, the Directorate of Health has the responsibility to take care of health and safety of the public. Norway, during the covid-19 pandemic saw liberal approach from the government as compared to the Swedish government. The Norwegian government imposed short period restriction on mobility and did not implement much curfew compared to several other European countries. The Norwegian commission report has been analyzed by scholars in the past where they noted that the first factor examined in Norway was to which extent the authorities were ready to deal with a wide spread pandemic. Reports show that Norway did not manage the crisis as good as Sweden who had several policies and frameworks in place to deal with unprecedented situations.

According to existing laws, international and national emergency preparation guidelines and plans, and fundamental administrative and democratic norms, the Norwegian panel evaluated the government's crisis management. The findings of the commission showed that Norway as not sufficiently prepared due to which death toll in Norway was higher even though the government did not release a comprehensive analysis of the pandemic's societal effects¹⁶.

sendai-framework-for-disaster-risk-reduction-2015-2030---a-gap-analysis.pdf (accessed 13 March 2024).

¹⁴ Samuel Forsberg, 'Soft Governance & the Implementation of Policy Instruments A Study on Municipal Crisis Preparedness in Sweden' (2023), <https://www.diva-portal.org/smash/get/diva2:1775625/FULLTEXT01.pdf> (accessed 13 March 2024).

¹⁵ Mariette Hägglund, 'Rebuilding Sweden;s crisis preparedness' (2020) FIAA Briefing paper 283, https://www.fiia.fi/wp-content/uploads/2020/05/bp283_sweden_crisis-preparedness.pdf (accessed 13 March 2024).

¹⁶ Tom Christensen and Per Lægred, 'Assessing the crisis management of the COVID-19 pandemic: a study of inquiry commission reports in Norway and Sweden' (2023) 42(4) Policy and Society 548.

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While the emergency response system delegated authority to each sector and municipality to evaluate their own risks and vulnerabilities, this approach proved inappropriate for evaluating the wider impact of the pandemic on society as a whole. To be more specific, personal infection prevention equipment was lacking, and there were insufficient emergency supplies, respirators, critical care nurses, and medications¹⁷. In addition to that, the Commission also found that most specialists had failed to predict the extent of the virus and how quickly it would spread. There were shortcomings in the pandemic management monitoring systems. People have condemned the government for failing to consider the potential evolution of the epidemic and how best to handle it in the future, particularly in relation to preventing the virus from spreading into Norway from other nations.

However, even in the presence of several drawbacks of the crisis management policies and framework in Norway, reports revealed that vaccination of population in Norway was very efficient since the municipalities played an important role in ensuring that the infection rate is under control even though it increased during the initial stages¹⁸. One of the biggest factor in this regard was the support and contribution of the people in Norway who shows enormous strength in complying with the policies and frameworks enforced by the government. Another source of evidence found that the social security model in Norway has a solid and constructive framework based on which the government successfully provides social welfare and benefits¹⁹.

Therefore, it can be said that Norway managed the crisis quite well if not better than Sweden. The economy of Norway did not suffer adverse impact since the government was generous enough to provide financial support to its people and most importantly the business entities who were hit the hardest.

4.3. Crisis Management in Denmark and its Framework

4.3.1. Brief Background of Framework

¹⁷ Laage-Thompson J., & Frandsen S. L, 'Pandemic preparedness system and diverging COVID-19 responses within similar public health regimes. A comparative study of expert perception of pandemic responses in Denmark, Norway and Sweden' (2022) 18(1) *Globalization and Health* 1, 18.

¹⁸ Tom Christensen and Per Lægreid, 'Balancing Governance Capacity and Legitimacy: How the Norwegian Government Handled the COVID-19 Crisis as a High Performer' (2020) 80(5) *Public administration review* 774.

¹⁹ Tomas Bergström and Jostein Askim, 'Between lockdown and calm down. Comparing the COVID-19 responses of Norway and Sweden' (2021) 48(2) *Local Government Studies* 291.

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The National Emergency Plan enforced by the Danish government with the help of Government Security Committee revolves around three primary factors. According to the National Crisis Management System, as reported by the Danish government, the crisis management system aims to identify the current situation to assess the risk and damage caused. Such a step is necessary to provide the government agencies with sufficient data and information based on which policy level decisions can be made²⁰. Further, the framework aims to have active cooperation and coordination with various authorities which shows that the Danish government is not reluctant in obtaining support at jurisdictional and administrative levels²¹. Lastly, the Danish government has a transparent approach where clear communication is made with the public so that the society is aware of the situation so that they can realize the importance of compliance.

4.3.2. Danish Principles for Preparedness for Crisis Management

In relation to the principles of preparedness, Denmark has a comprehensive framework using which it divides the responsibility among different departments so that there is separation of power with uniform objectives. This is why sector-wise responsibility, international cooperation, precautionary approach and flexibility are the biggest elements of preparedness for Denmark. Under the Emergency Management Act section 24 and 26, the government is empowered to make any policy and procedure required to manage a major crisis and emergency situation. The European Commission also hailed

the Danish government in its report stating that pin point risk assessment using the EU Civil Protection Mechanism and risk management plan were the primary reasons why Denmark succeeded more than other Nordic countries²². Most importantly, the government does not believe in concealing facts and this has proven to be an important step in increasing the

²⁰ Tom Christensen, Mads Dagnis Jensen, Michael Kluth, Gunnar Helgi Kristinsson, Kennet Lynggaard, Per Lægred, Risto Niemi Kari, Jon Pierre, Tapio Raunio, and Gústaf Adolf Skúlason, 'The Nordic governments' responses to the Covid-19 pandemic: A comparative study of variation in governance arrangements and regulatory instruments' (2022) 17(3) Special Issue: Grand challenges and the Nordic model: regulatory responses and outcomes Symposium for Regulation & Governance 658.

²¹ Danish Emergency Management Agency, 'Crisis Management in Denmark' (2021), <https://www.brs.dk/globalassets/brs---beredskabsstyrelsen/dokumenter/krisestyling-og-beredskabsplanlagning/2021/-crisis-management-in-denmark-.pdf> (accessed 14 March 2024).

²² European Commission, 'The national crisis management system: Denmark' (2023), https://civil-protection-humanitarian-aid.ec.europa.eu/what/civil-protection/national-disaster-management-system/denmark_en#:~:text=The%20Danish%20Emergency%20Management%20Act,also%20draw%20up%20emergency%20plans. (accessed 14 March 2024).

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awareness of people which eventually proved to be beneficial. Denmark also has early warning and public warning systems that can be used to alert the entire nation.

5. Conclusion

Based on all the discussion and comparative study, it can be concluded by saying that the Nordic countries have a robust framework for crisis management even though small and limited in size and scope. Considering the increased demand for government action to safeguard the public, Sweden, Norway and Denmark have successfully protected its citizens compared to other bigger economies. Most importantly, the crisis management framework in all these three countries are quite similar as all three of them value the extent of preparedness. It might be true that Sweden did better than Norway and Denmark, however, some policies of Denmark are way better than Sweden and Norway. Norway has been excellent in managing its vaccination requirements, Denmark has been excellent in spreading public awareness and Sweden has been excellent in its long term strategy to fight crisis and emergency situations. Lastly and most notably, due to the nature of these Nordic countries, they are never reluctant in seeking external cooperation and collaboration. In fact, all these countries helped each other at the time of crisis which led them to succeed at safeguarding the rights and interests of their citizens.

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