

Swedish government adopts invasive wire-tapping measures

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On June 17, the Riksdag (parliament) approved new laws to allow the Swedish central intelligence bureau to spy on e-mail, faxes and telephone calls.

The legislation, which resembles the Bush administration's wire-tapping programme in place since 2001, permits the National Defence Radio Establishment (Försvarets Radioanstalt—FRA) to monitor all e-mail and telephone communications that enter, leave or even pass through Sweden. The proposal, in common with the Bush administration's policy, does not require a warrant to carry out the surveillance.

The bill first appeared in its current form early last year and passed a vote in parliament on June 14, 2007. But a minority of MPs enabled a constitutional provision that allows for the vote on a piece of legislation to be delayed for one year. Despite the delay, the new legislation is entirely in keeping with the original bill. The bill drafted by the then-defence minister in the Alliance government, Mikael Odenberg, was based on a previous draft prepared by the former Social Democratic administration that lost power in 2006.

The Swedish government has attempted to reassure everyone that far from encouraging blanket surveillance, the legislation will only be used in exceptional circumstances. Few are convinced.

Last year, Google criticised the proposals, threatening the government that it would be forced to remove its servers from Sweden and withhold future investment in order to protect the privacy of its users. Google spokesman Peter Fleischer likened the proposal to “dictatorial regimes,” stating that the legislation “stems from a tradition begun by Saudi Arabia and China.”

Such comparisons are not far-fetched. Where previously the FRA was permitted by law to monitor “external military threats,” the wording in the new legislation simply allows for the surveillance of “external threats.” Importantly, the government has been granted the power

to “order” the FRA to provide it with any information from its surveillance.

The government has invoked the “war on terror” to justify these draconian powers, as well as suggesting that they can be used to prevent organised crime. When the bill was first proposed last year, then-Defence Minister Odenberg commented, “Thirty years ago, it was about listening to radar stations and military radio traffic to track troop movements in the east. Today, the line between military and civilian threats is blurred, and threats can be radiological, terrorist attacks and so on.”

The government attempted to gain the support of those opposing the legislation by including a provision setting up a “privacy protection council” within the FRA, to give the impression that individuals' privacy will be defended. Furthermore, it has assured critics that the FRA would have the power to decide whether information gathered should be destroyed and particular surveillance operations halted. In a final gesture to convince the sceptics, the promise of a full inquiry into the operation of the legislation after the first three years in 2011 has been made.

Such claims are worthless. As the experience of US domestic spying illustrates, not to mention numerous examples worldwide, governments cannot be relied upon to defend the democratic rights of their citizens.

Together with many European governments, Sweden has been implicated in a number of reports for collaborating with the US in renditions, of which a vital part has been the Bush administration's wire-tapping policy. Just one example of this came in 2006, when the Swedish government was accused in a European Parliament report of handing over two Egyptian citizens to the US authorities, despite being well aware that they would likely be tortured.

While those supporting the legislation asserted that the information to be intercepted will only apply to telephone

and e-mails sent between Sweden and another country, there is the likelihood that domestic communications can also be targeted. Modern communication, particularly over the Internet, is often routed through servers outside the country, even if an e-mail is being sent domestically, and could therefore be deemed to have “crossed Sweden’s borders.”

The assertion that individuals cannot be targeted for wire-tapping should be dismissed. While government claims the surveillance will involve searching e-mails and telephone calls for key phrases, a provision within the bill allows for individuals to be targeted “when it is of utmost importance.”

The far-reaching attacks on democratic rights contained within the legislation produced concerns about the abuse of the system within a section of the Swedish ruling establishment. Even the National Security Police Agency, SAPO, has been forced to question the proposal’s legitimacy. Chief legal counsel Lars-Åke Johansson observed that the measures being proposed would be “completely foreign to our form of government.”

The National Registry Authority commented that the law “is compatible with neither the Swedish Constitution nor the European Convention on Human Rights. Such an immense expansion of wiretapping of telephony and other forms of communication cannot be legislated under any circumstance.”

In spite of these professed concerns, the debate over the implementation of these measures raised uncomfortable questions regarding the previous level of surveillance.

Max Andersson, member of parliament for the Greens, pointed to a report that appeared recently in the magazine *Computer Sweden*. Comments were made by former FRA chief Anders Wik to the effect that the organisation has in the past been listening in to telephone conversations, in spite of the fact that this represents a breach of current Swedish law. Andersson commented, “If FRA has trespassed over the powers which it already has, that is yet another reason not to broaden their power to watch over citizens.”

Last year, at the time of the first parliamentary vote, Maud Olofsson, leader of the Center Party, a member of the Alliance government, claimed that when the telephone network was under state control, regular intercepts of calls going abroad were made.

“Sweden has always listened in as a means of ensuring that we have had the information necessary to protect national security. I don’t think that is a secret,” said Olofsson.

She has claimed that now that Telia, the telephone operator, is a registered company and the telephone network has been deregulated, legislation is required to protect the individual. Such arguments turn reality on its head. The token proposal of a “privacy council” can give absolutely no guarantee that ordinary Swedes will not be targeted for intrusive surveillance. Beyond that, there is nothing within the legislation to guard against increasing the uncontrolled levels of monitoring by the state.

The new law significantly blurs the distinction between the work of the police and the military. The police are just one of the numerous authorities permitted to request information from FRA. Wilhelm Agrell, a professor of intelligence analysis at Lund University commented, “What citizens should worry about is a kind of indiscriminate surveillance. In principle, there is no legal protection for the individual.”

Regarding Olofsson’s claims about previous spying activities of the state, Agrell stated, “I have a suspicion that this unpopular law that the government is trying to launch has come about as a result of a wish to legalise an activity that in some respects already exists in reality.”

Such claims are backed up by comments made by former FRA head Per Kjellnäs. While denying that any surveillance was carried out on communications transmitted via wires, he admitted that satellite activity was monitored.

For most of the period since World War II, Sweden was led by the Social Democrats, more recently in coalition with the Greens and Left Party. Therefore, those who now raise their voice in protest against the wire-tapping legislation as being overly authoritarian have themselves been complicit in the state’s surveillance activities.



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