The Challenge of Transboundary Coordination:

The Case of the Norwegian Police and Military

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Summary

This article examines how the transboundary coordination capacity between the military and the police has changed since the terrorist attacks in Norway in 2011. We address changes in the arrangements that regulate how the police can ask for assistance from the military during a crisis and how the military and the police cooperate to implement the regulations designed to protect important public buildings and facilities. The processes and the outcome are analyzed from a hierarchical perspective, a negotiation perspective and an institutional perspective. A main finding is that there are many transboundary coordination challenges, which can mainly be explained from a negotiation and a cultural perspective. Both path dependencies and negotiations constrained the process and led to incremental changes.

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1. Introduction

Since the end of the Cold War, responsibility for internal security and crisis management has shifted from a military focus to a stronger civil focus. At the same time, however, terrorism has challenged the traditional divide between police responsibility for combatting domestic crime and military responsibility for dealing with external threats. Because of this development, the police/military collaboration is becoming more important. The field of security often faces capacity, coordination and communication challenges, unclear allocations of responsibility, and a lot of uncertainty and ambiguity. What is more, decisions often have to be taken under time pressure. Because the problem structure does not overlap with the organizational structure and straddles different ministerial areas, policy sectors, and administrative levels, the field is a typical 'wicked issue' with a lot of complexity and transboundary challenges (Alford and Head, 2017). This tends to produce many vertical and horizontal collaboration challenges such as between different ministries with overlapping responsibilities or between different administrative levels. Strategies for dealing with 'wicked issues' include collaboration and coordination, new and adaptive leadership roles, and enabling structures and processes (Head and Alford, 2013).

This article takes a public administration and an organizational theory approach to societal security. The argument is that societal security has a transboundary nature that challenge the traditional way public administration is organized especially regarding specialization and coordination. A crises management typically requires cooperation, collaboration and coordination between responding organizations (Boin and 't Hart, 2012; Boin et al., 2018). The article addresses such collaboration challenges by focusing on the transboundary coordination capacity between the police and the military. The main purpose of the paper is give an empirical study of the coordination and cooperation challenges between the Norwegian police and military following the 2011 terrorist attacks and to reveal factors that affect the changes in the collaborative arrangements. More specifically, we will examine how the transboundary coordination capacity between the military and the police has changed by addressing two cases:

- how the military and the police have cooperated to implement the Security Act, which regulates how to protect important public buildings and facilities (Object Security) and

- changes in the arrangements regulating how the police can ask for assistance from the military during a crisis (the Assistance Instruction)

The main research questions are to describe and understand the significant coordination, collaboration, and implementation challenges between the police and the military in these two cases. To understand the processes and outcome of the decision-making we will apply

a) an instrumental approach, which distinguishes between a hierarchical perspective and a negotiation perspective and

b) an institutional approach, which focuses on cultural features and administrative traditions (Christensen et al., 2007).

To get a better answer to these research questions is important both from a theoretical and from a practical side. On the theoretical side, it addresses the main problem of poor horizontal coordination in political administrative systems based on the doctrine of ministerial responsibility, which tend to constrain transboundary coordination across policy areas. The practical relevance of the research question is related to the need for a coherent and crisis management capacity in a period with increasing transboundary crises (Boin et al. 2018). Studying the implementation of the Security Act and the procedural arrangements of the Assistance Instruction are two cases that is very significant in the contemporary Norwegian context to enhance the understanding of the constraints and challenges regarding coordinating capacity on the interface between the military and the civilian side of societal security and crisis management.

We will first give an outline of the research design and the database and then present some core concepts and theoretical approaches. Second, we will outline the Norwegian context. Third, we will describe the process of changing the Object Protection and Assistance Instruction in the aftermath of the terrorist attack. Fourth, we will analyze the findings from an instrumental and an institutional perspective. Finally, we will draw some conclusions.

2. Research design, data and methods

This article uses two cases to support the argument. There are significant overlaps in the two cases regarding main actors and also the problems and solutions that they carry. Thus, the cases are combined into a single analyses underlining the similarities but also some differences between them. A focus is on the strategic level rather than on the operational level. The

empirical base of the decision-making processes are extensive public documents, letters and reports from public commissions, ministries, central agencies, the parliament, and the National Audit Office, including White Papers, parliamentary hearings, proposed legislation, and media coverage so it is very well documented. Qualitative document analyses was applied to examine the relevant documents. In addition, 13 interviews with key actors have been conducted.

Regarding the Object Protection issue the National Audit Office conducted two audit report in 2016 and 2018 (Riksrevisjonen 2016, 2018). Based on these reports the Scrutiny and Constitutional Committee (SCC) in Parliament organized two public and two closed hearings in 2017 and 2018. The members of the SCC questioned all major political and administrative executives in the Ministry of Defense and the Ministry of Justice and Public Security Prime, the Directorate of Police and the Military as well as the Prime Minister. The public hearings were broadcasted on TV and the detailed minutes from the hearings are available from the parliamentary proceeding. The handling from the committee ended up in two reports with opposing views of the process (Innst. S 483 (2016-2017, Innst. S 88 (2018-2019), and in two open and general discussions in the parliament in 2017 and 2018. Detailed minutes from the debates are available from the parliamentary proceeding.

Adding to this the comprehensive report from the public commission investigating the need for a new Security Act was published in 2016 (NOU 2016:19) giving important additional information on the Object Protection case. Finally, comprehensive media coverage added to the rich material about the Object Security issue.

Regarding the Assistance Instructions, also comprehensive public documents were available[1]. The most important were 'On the Act about the Military's responsibility for preventing airborne terror attacks and the Military's assistance to the police' in 2013[2]; Changes in the Police Act (assistance from the Police), Prop. 79 l (2014-2015); Report from the Justice Committee on changes in the Police Act, Innst. 326 L (2014-2015) and the extensive report from the public commission about the Military Assistance to the Police (Røksund Report 2016). In addition relevant public reports, White Papers, parliamentary debates, proposed legislation, consultation

[1] For more details about the database regarding the Assistance Instruction issue, please see Hjellum (2018).
[2] Please see here: https://www.regjeringen.no/no/dokumenter/ny-lov-om-forsvarets-ansvar-for-a-avverg/id732706/

reports from stakeholders, propositions to parliament, report from parliamentary committees, instructions, laws and letters between the ministries, including a couple of letters between ministries exempt from public.

In addition, 13 key persons were interviewed including the leader and members of the Røksund commission and its secretariat, civil servants in the Ministry of Defense, the Ministry of Justice and Civil Protection and the Police Directorate, the previous minister of Justice and Public Security and the member of parliament responsible for the Assistant Instruction issue in 2014-2015. The interviews were conducted in 2017-2018 based on an interview guide; they lasted from 25 to 75 minutes. All interviews, except for one were typed and transcribed and the citations used in the report were checked by the interviewed persons (Hjellum 2018). Also media coverage added to the data base on the Assistant Instruction case[3].

By use of data triangulation we have been able to build up a reliable and comprehensive data base regarding the decision making process it the two cases covering both structural and cultural features in the political-administrative administrative apparatus.

2. Central Concepts and Theoretical Approach

2.1 Administrative capacity and coordination

Administrative capacity includes formal structural and procedural features of the governmental administrative apparatus but also informal elements, that is, how these features work in practice (Christensen et al., 2016). One can distinguish four types of administrative capacity (Lodge and Wegrich, 2014). *Coordination capacity*, which is about bringing together disparate organizations to engage in joint action; *analytical capacity*, which is about analyzing information and providing advice as well as risk and vulnerability assessments; *regulatory capacity*, which is about control, surveillance, oversight, and auditing; and *delivery capacity*, which is about handling a crisis and providing public services. In this article, we will pay special attention to coordination capacity because that is most up front, but will also look at regulatory capacity and to some extent delivery capacity.

Coordination can be defined as the adjustment of actions and decisions among interdependent actors to achieve a specific goal (Koop and Lodge, 2014). Coordination is an endemic

[3] For more information about the database please see Hjellum (2018).

concern in public administration and organizational theory. It is a significant challenge and often identified as a critical area of failure in a crisis (Ansell et al., 2010; Boin and Bynander, 2015; Brattberg, 2012). In the face of a crisis, coordination may suffer from "underlap" in the exercise of authority (Koop and Lodge, 2014). Underlap refers to situations when the policy area of public security falls between the remits of different organizations so that no organization is responsible.

Distinguishing between crisis coordination as a process and as an outcome may prove helpful—"outcome" relates primarily to crisis cooperation, whereas "process" is more about how to orchestrate and achieve cooperation by connecting the different components (Boin and 't Hart, 2012). This analysis is mainly on process. A main challenge when there are major coordination problems is to move away from a negative type of coordination, implying non-interference, and toward a more positive type of coordination in which the main goal is to build coherence and improve overall performance (Bouckaert et al., 2010; Scharpf, 1988). Crisis coordination is not merely a technical task but also an important political one because it affects power relations and attentions between different actors.

2.2 An instrumental and an institutional perspective

Coordination involves not only structure but also culture (Christensen, Lægreid and Rykkja 2016). Thus, we apply two theoretical approaches from organization theory to address the explanatory part of the research question: an instrumental an institutional perspective which has different expectations regarding the processes and outcome of the decision making processes. Especially they will have different expectations regarding understanding how the transboundary coordination capacity plays out in practice. Thus they might together help to answer the research questions.

An *instrumental perspective* directs attention towards formal structural arrangements seen as instruments to achieve certain goals (Egeberg, 2012; March and Olsen, 1983). Conscious structural design of public organizations can be an important way to fulfil public goals because 'organization is a mobilizing of bias in preparation of action' (Schattschneider 1960). Behaviour is based on a 'logic of consequence' where 'bounded' rational actors try to predict the consequences of their choices and find appropriate means to achieve their goals (Simon, 1947). It presupposes a high level of control and rational calculation (Dahl and Lindblom,

1953). An instrumental approach assumes that the decision-makers have both power and means-end knowledge. Through this perspective, the formal organization of societal security and the related coordination challenges become relevant, representing preconditions for how leaders act. Gulick (1937) emphasized the dynamic relationship between specialization and coordination: the more specialization within a public organization, the more pressure for increased coordination (see also Bouckaert et al., 2010).

The perspective comes in two versions (March and Olsen, 1983). A *hierarchical version* presumes the existence of a homogeneous elite of leaders with few attention problems and clear, vertically defined roles and common interests, an elite that speaks with one voice, making consistent action and implementation highly likely (Allison, 1971). The leaders are expected to have full insight into the process and be fully informed about the security challenges from a hierarchical perspective; the decision-making process will be characterized by analytical planning. One would accordingly expect a tight linkage between overall goals, options, and consequences as well as between the problem structure and the organizational structure. One would also expect decision-makers to have power and control over the process and possess evidence-based knowledge of means-end relations. The hierarchical version assumes that administrative and political executives, defined as a homogenous group with respect to their interests and organizational thinking, will initiate and drive through reforms. Reform outcomes should therefore be predictable and close to the original plan and the implementation process should be smooth.

Based on this version we will expect that the processes are hierarchical organized in a top-down fashion and that the main actors are experts coming mainly from the defense and justice sector. The political and administrative executives have a clear and unified goal and there is a tight coupling between problems and solutions, decisions and implementation both in the object security case and the assistance instruction process. Coordination will be strong within the portfolio of each ministerial area but the challenge is that horizontal coordination across policy areas are poor producing coordination ‘underlap’.

A *negotiation version* of the perspective allows for heterogeneity within the administrative apparatus and diverse interests and explains lack of implementation by referring to conflicts of interest between different ministries and central agencies. Negotiation processes are often more legitimate since more interests are catered to, but they are at the same time potentially

less focused and rational (Mosher, 1967). Conflicts and disagreement among actors will feed into the decision-making process and power relations and winning coalitions will inform the outcome (March and Olsen, 1983). The result of negotiations may be tension-filled and may contain ambiguities concerning coordination and roles leading to unclear and ambiguous compromises (Cyert and March, 1963).The decision-making can be characterized by dissenting opinions among actors, producing majority and minority suggestions or decisions. The negotiation version assumes that the group of leaders has heterogeneous interests and views. Heterogeneity may also extend to other actors in the administrative apparatus. This makes organizational thinking potentially more ambiguous and the decision-making process more conflict-ridden. Reform processes that exhibit such features are more difficult to control and less predictable.

Based on the negotiation version we would in our case expect turf wars between the military and the justice sector and fights, characterized by competition and arguments to decide who control the area or activity in the field of object security and assistance instruction. Different actors represent different interests and stakeholders and there will be conflicts regarding what the problem is as well as what is the best solution when it comes to coordination. The process will be characterized by negotiations, bargaining, and compromises.

A *cultural–institutional perspective* is characterized by natural system processes and emphasizes the importance of informal norms, values, and practices developed over time and as a response to internal and external pressure rather than based on conscious and rational design (Selznick, 1957; Scott and Davis, 2007). This perspective assumes that an organization will add unique cultural and informal norms and values to the formal ones as part of an institutionalization process (Selznick, 1957). Leaders will act according to established informal rules and values rather than according to what is instrumental for themselves or their organization. Through a process of socialization and path-dependency, informal norms and values dating from the time the organization was established will influence the path followed later on, i.e. the ‘roots’ of an organization – contexts, norms, and values central to its establishment – will influence its ‘route’ at a later stage (Krasner, 1988). There will be layering and gradual institutional changes (Streeck and Thelen, 2005). Furthermore, central actors will follow a ‘logic of appropriateness’ rather than a logic of consequence (March and Olsen, 1989).

In our case, a relevant question is to what extent and in what ways the coordination between the police and the military have been influenced by cultural factors and the historical legacy of the two policy areas. Public leaders tend to see their role as furthering the 'necessities of history' rather than having strong, instrumentally based power. Processes of 'historical inefficiency' (March and Olsen, 1989) produce frictions in institutional design and reform. The concept of cultural compatibility matters, meaning that reform elements that are not compatible with the organization's cultural roots are less likely to be implemented (Brunsson and Olsen, 1993).

Based on the cultural institutional perspective we will expect that the processes and outcome in the object security and assistance instruction case will be constrained by different cultures and traditions in the military and the civilian field. Problems and solutions regarding coordination will be informed and influenced by the different historical-institutional paths in the two political-administrative fields.

3. The Norwegian Context

In Norway citizens' trust in the government's ability and capacity to handle and prevent crises is rather high (Christensen et al. 2011). In addition, mutual trust relations between the political and administrative leadership and between ministries and subordinate agencies are rather strong. On the other hand, there are tensions between ministries and policy areas, especially between line ministries and overarching ministries. In the field of societal security Ministry of Justice and Public Security is an overarching ministry across ministerial areas while the Ministry of Defense is more a line ministry.

A core concept within the Norwegian government is individual ministerial responsibility. This implies strong sectoral ministries, resulting in weak horizontal coordination between policy areas. This is also the case within the area of internal security and crisis management, where the Ministry of Justice's responsibility for coordination encounters strong sectoral interests in the different line ministries (Fimreite et al., 2014; Nilsen et al. 2017). The introduction of management tools over the last decades such as performance management has generally strengthened the internal coordination within each ministerial area and has not much to offer to enhance the inter-ministerial coordination (Lægreid, Roness and Rubecksen 2008).

A complex web of authorities is responsible for crisis management. The Cabinet has overall responsibility for security. The MJ normally takes the lead in a national crisis but constitutional responsibility still rests with each ministry. The *Government Crisis Council* supports the government during severe crises and a *Government Crisis Support Unit* has been set up within the MJ. The main agencies under the MJ are the *Directorate of the Police* (POD), the *Police Security Service* (PSS) and the *Directorate for Civil Protection* (DCP).

Four crucial principles guide the Norwegian authorities' approach to crisis management. The *liability principle* implies that every ministry and authority is responsible for crisis management within its own sector. The principle of *proximity* emphasizes that a crisis should be managed at the lowest operational level possible. The principle of *parity* emphasizes that organizational forms in a crisis should be as similar to 'normal' organizational forms as possible. After the terrorist attacks in 2011, a principle of *cooperation* was added. It emphasizes the need for actors from different sectors, both public and private, to collaborate. These four principles can be challenging to implement, because they are in some cases conflicting, e.g. the liability principle and the principle of cooperation.

The principle of ministerial responsibility paired with the principle of liability and the principle of proximity constrain efforts to establish an integrated and coherent organizational structure for internal security and crisis management because they make horizontal coordination across ministerial areas as well as vertical coordination between central and local government difficult. Recent efforts to strengthen coordination have, however, led to a certain clarification of the responsibilities of the MJ, line ministries, and subordinate agencies (Lango et al., 2011). But the principle of liability stands strong and continues to create tensions between ministries, central agencies, sectors, and administrative levels and constrains efforts to enhance transboundary coordination. The MJ remains the central coordinating body but has been rather weak and its coordinating ability has been repeating criticized by audits and evaluations. Attempts to build a strong overarching coordinating ministry or to strengthen the Prime Minister's Office have run into problems, largely owing to the strength of the principle of ministerial responsibility. Thus, coordination between different authorities continues to be a challenge (Fimreite et al., 2014).

The relationship between the military, defense and the civil sector has been strained and characterized by a lack of coordination and communication and turf wars (Lægreid and Serigstad, 2006). At the same time, there has been a shift of attention away from the military

towards the civil sector (Fimreite et al., 2014). Coordinating agencies such as DCP and the *National Security Authority* (NSA) have been established and a 'light version' of a lead ministry approach has been introduced. The NSA's coordinative role as a joint military and justice agency has been a lasting challenge, reporting to the MJ in civilian cases and to the MD in military cases. This is especially obvious in the object security case.

The Norwegian military is a hierarchical and centralized organization while the police is more decentralized. The MD is responsible for military emergency preparedness and has a primary responsibility to defend the country against external attacks and threats while the MJ is responsible for emergency preparedness for civil society and for fighting crime within national borders. However, when it comes to terrorism it is not always clear whether this should be categorized as a crime that should be handled by the police or as an armed external attack that should be handled by the military. Thus, there may be grey zones in the interface between the police and the military in such hybrid cases.

The principle of 'total defense' was originally designed as support by civil society for military defense during war or threat of war. Since 9/11, the concept has changed somewhat and become modernized and revitalized. The modernized 'total defense' concept includes mutual support and collaboration between the military and civil society. The military is now expected to protect civil society to a greater extent during crises in peace time. It has become a more explicit task for the military to contribute to safeguarding public security.

Just where the boundary should be drawn for military use of power in peace time is an issue that goes back two hundred years to 1814, when the Norwegian Constitution was drawn up. There has always been a grey zone between the military and the police on tasks that formally belong to the police but which the police are not able to handle entirely on their own. The Constitution prohibits the use of military power against the population in Norway without legislative regulation. Historically, a strict interpretation of the Constitution has been the norm (Bjerga and Håkenstad 2013). The military has tended to be cautious about getting involved in domestic crises, especially those involving civil disobedience, where the MD has been strongly opposed to military involvement (Børresen, Gjeseth and Tamnes, 2004). Thus, traditionally the military has been rather reluctant to be involved in civil society matters. Cultural differentiation across boundaries both intra- and inter-organizationally might be an

important factor in issues of collaboration and coordination across boundaries (Almklov et al., 2017; Johannessen, 2013).

Collaboration and coordination between the military and the police was also an issue in the aftermath of the terrorist attacks on July 22, 2011, which destroyed the government complex including the Prime Minister's Office and the MJ and killed a lot of young people who were attending the Labour Party's summer camp on the island of Utøya. In total, 77 people were killed and many were severely injured. The police were heavily criticized for their crisis management by the Inquiry Commission (NOU 2012:14), which cited a lack of communication, coordination, and leadership. The police and the military was criticized for lack of collaboration. The main problem, according to the commission, was cultural rather than structural.

We will now turn to two areas where coordination and collaboration between the police and the military have recently been high on the political agenda and received a lot of attention – the 'Object Protection' and the 'Assistance Instruction'. These two cases show that there are still significant coordination and collaboration challenges between the police and the military.

4. Object Protection

One area for collaboration and joint responsibility between the police and the military is the security and protection of important buildings, constructions, installations, critical infrastructure, and properties. In situations where objects may need protection against crime as well as in cases of armed attacks, the police and the military are mutually responsible for establishing contact and for coordinating the planned action. Although the Security Act of 1998 regulates object protection, detailed regulations were not drawn up until 2011. The NSA is responsible for the coordination, control, and auditing of the preventive object security measures. The 22 July Commission criticized the NSA for lack of supervision and auditing when it came to object security. However, according to the agency, the problem was that it did not have a minimum level of specific regulations to conduct the control. There was significant opposition to the suggested regulations from the regulatees, and substantial demarcation challenges vis-à-vis various sector regulations, the DCP and the Police.

4.1 The Audit Office's 2016 report

The Auditor General of Norway conducted a critical investigation of object protection by the military and the police agency (Riksrevisjonen 2016). The report was classified and was submitted to the parliament in 2016. The secretary general in the MD justified the classified status on the grounds that the report revealed weaknesses and shortcomings in collaboration between the military and the police that were so serious that they might be a threat to the security of the country if they were made public[4].

The failure of the Ministry of Justice and Civil Protection and the Ministry of Defense to strengthen and improve collaboration between the police and the military as requested by the parliament was seen as a very serious matter by the Audit Office. There has been a lot of disagreement about which objects need to be secured, by whom and when. According to the report, important measures to enhance collaboration and preparation have not been implemented. This increases the risk that important objects may not be able to function in critical situations. In addition, the two ministries have not ensured that the police and the military have established permanent basic protection of their own properties. According to the Audit Office, the police and the military, together or separately, will probably not be able to provide satisfactory protection for important objects in a crisis. In general, plans, information, and auditing were lacking and intergovernmental collaboration was weak. The Audit Office also concluded that the ministers of defense and justice and public security had not sufficiently or adequately explained the reasons for the lack of priority given to object security.

4.2 The parliamentary discussion in 2017 and 2018

The political opposition was very alarmed by the Audit Report and the parliamentary Control Committee conducted an open hearing on March 20–21, 2017. The prime minister, the minister of justice and public security, the minister of defense, the director of the Police Agency, the director of the National Security Authority, and the chief of defense participated in the hearing, which was characterized by a tense mood and polemics between the opposition parties and political and administrative executives. The latter agreed on the facts from the Audit Office but disagreed that there were coordination problems between the military and the police.

[4] The report were, however, published by VG, the leading newspaper.

The former minister of justice agreed with the criticism of the failure to implement the regulation on better protection of public buildings from terrorism and he admitted that he had been misinformed by the police agency regarding object security, a point that was also stressed by the prime minister. But he also claimed that there was very good cooperation between the police and the military. In his view, it had never been better. The current minister of justice concurred that there was very good collaboration between the police and the military, even if there might be disagreements on certain issues. The minister of defense admitted that the military and the police might disagree on some issues and have different priorities, but she also claimed that there had been an improvement and increased trust between the two authorities at all levels over time. The chief of defense characterized the cooperation between the police and the military as very good and he disagreed with the conclusions from the Audit Office. The chief of police also claimed that the police and the military collaborated closely, more and better than ever before.

The prime minister admitted that the moves to improve object security had been too slow and she said the government had not been aware of the problems with object security until the report was issued by the Audit Office. She also admitted that there had been a lack of collaboration on some issues but that these collaboration problems and previous challenges had now been solved. She claimed that it was now more an implementation problem than a coordination problem. According to the prime minister, the conclusions that the Audit Office had drawn about coordination problems between the police and the military were too far-reaching. She claimed that the collaboration between the military and the police was not bad, and that it had been improved significantly. Generally, the government defended itself by claiming there had been major improvement since the snapshot by the Audit Office in 2015.

The parliamentary control committee was dissatisfied with the executives' response to the criticism from the Audit Office. The open hearing revealed that it was not possible to clarify the case sufficiently because the summary from the Audit Office was classified. It was therefore decided to have a closed hearing on May 29. The majority of the committee, all political parties except the governing parties (the Conservatives and the Progress Party), concluded that neither the minister of defense nor the minister of justice and public security had fulfilled the parliament's preconditions or the provisions of the regulations (Innst. S. 483 (2016-2017). In other words, object security had not been followed up. The majority also concluded that neither the MD nor the MJ had ensured that the military and the police collaborate as instructed to.

Especially the opposition (the Labour Party, the Socialist Left Party, the Center Party, the Christian People's Party and the Greens) concluded that the government's work on object security and public security had been 'strongly criticized' which is the most serious term the Control Committee can use without claiming distrust to the government. They claimed that the government had not documented satisfactorily the ability to implement decisions in the parliament.

The majority of the MPs were very critical of both the presiding and the previous government on how they had handled object security and public security. They said the government should follow up on the recommendations from the Audit Office and report back to parliament about what it had done to implement them. The parliament also asked the Audit Office to follow up on the case and to come back to the parliament with a status report on object security. The government responded that it would take the Audit Office's criticism seriously and would base its future work on this issue on the remarks and suggestions from the Audit Office.

In a follow-up report from the Audit Office in 2018 the conclusion is that the weaknesses revealed in the 2016 report are still present (Riksrevisjonen, 2018). MJ and MD have not ensured that the basic security of important objects in the police and the military are in accordance with the security law and the preconditions form the parliament. The audit office characterized this situation as very serious. There is still a lack of joint understanding between the two ministries for how to understand the object regulation. This report was followed by an open hearing in the parliamentary control committee and the prime minister and also the minister of justice admitted imprecise and incomplete information in 2017 and regretted the misinformation. The open hearing was followed by a close hearing. The opposition (the Labour Party, the Centre Party and the Socialist Left Party) claimed a vote of a vote of non-confidence against the government, which fell by 89 against 80 votes (Innst.S. 88 (2018-2019). A proposal from the fourth opposition party, The Christian Peoples' Party was approved by 87 against 80 votes. It was also very critical and said that the parliament meant it was strongly blameworthy and very serious that the government had not followed up well enough the work on object protection and that it had given inadequate information to the parliament about delays and costs.

4.3 The Traavik Committee 2016

Parallel to this controversy a public committee was working on a revision of the Security Act to put a more comprehensive law on national security in place. The committee submitted its report in October 2016 (NOU 2016:19). The committee's work revealed that that different actors did not always pull in the same direction and that lack of collaboration was a problem when implementing the Security Act. Other actors in the field of public security challenged the role and status of the NSA. The designation of security objects has been a challenging and dissatisfying process for the NSA. Within the area of object security there have been conflicts between different sectors about what the rules are supposed to protect against and how.

The committee stressed the need for a comprehensive trans-sectoral framework act and admitted that a central challenge in implementing the current Security Act had been how to operationalize the relationship between the liability principle and the collaboration principle. The committee tried to balance the liability principle and the collaboration principle and to clarify more appropriate responsibility relations.

To resolve conflicts between different authorities they suggested the establishment of a specific disputes body. They recommended that responsibility for the Security Act remain in the MD, but also stated that good collaboration with different actors, especially the MJ, was crucial. With these suggestions, the committee sought to build bridges across the conflicts that have made it difficult to implement the current Security Act. The most important feedback from the committee was an urgent call to strengthen security collaboration. The government announced that it would work on developing a good legal basis for preventive security based on the report and the input from the consultation round.

5. Assistance Instruction

The Assistance Instruction is the regulatory framework that sets out guidelines for how the military and the police should cooperate in practice. It was established in 1965 and regulates when and how the police can request assistance from the military. It provides leaders in the police and the military with procedures for how they should interact when the police request military assistance. The police chief has overall leadership of such operations. The Assistance Instruction was not founded by law and its compliance with the Constitution has been contested (Hjellum 2018).

Prior to the 2012 revision, the police could request enforcement assistance when there was a danger of a particularly extensive character, such as a terrorist attack. Enforcement assistance

is particularly politically sensitive, and a request for assistance requires a comprehensive decision-making process. Six actors are required to approve a request for enforcement assistance. The police chief sends the request to the Police Directorate (POD), which sends it on to the MJ. Upon approval, the MJ sends the request to the MD, which also has to approve the request for assistance and to activate the military units.

5.1 The revision in 2012

Within two months after the terrorist attack, a working group led by the MD was appointed to improve the Assistance Instruction. It consisted of two members from the MD and two from the MJ and should conduct a comprehensive review of the Assistance Instruction's application of assistance, procedures, and command conditions. The purpose was to streamline the use of the Assistance Instruction and clarify the procedures for handling critical events.

The working group focused on simplifying the instruction. The threshold for when the police can request assistance from the military was lowered and the procedure was made a bit more flexible (NOU 2012:14). It was also decided that the police should cover the additional costs of the military's assistance to the police beyond the emergency phase. Several of the respondents saw the revision in 2012 as a symbolic action by the political executive to demonstrate that they had improved collaboration between the police and the military. The revision only implemented minor changes, and it bypassed the controversial question of whether the military`s use of power during assistance missions to the police violated the Constitution (Forsvarsdepartementet 2012).

The inclusion of the cost determination was particularly controversial. The minister of justice was strongly opposed and the minister of defense was strongly in favour, but the minister of defense prevailed (Hjellum 2018, p 46). This decision was criticized harshly by the judiciary. The provision did not define clearly what constituted an emergency phase and when the military would be able to bill the police.

5.2 The legislative process 2013–2015

In February 2012, the same working group was assigned to draft a legislative proposal for the military's assistance to the police. The MD was the lead ministry and the mandate was to investigate the issue of law enforcement as well as to prepare proposals for a legal basis for the Assistance Instruction.

The legislative work was highly centralized, and the cabinet closely supervised all the work done by the working group. The working group members had minimal room for manoeuvre and much of the time was used to write cabinet notes (Hjellum 2018, p 52). There were eleven cabinet notes about a task that took about a year. The working group was under great time pressure because the government wanted progress in the process of putting a legal basis in place.

The proposed law was sent for consultation in the summer of 2013 (Forsvarsdepartementet, 2013). Its purpose was to terminate the debate about whether military assistance to the police was in violation of the Constitution or not. There was major disagreement between the justice and the military sectors regarding how the legislation should be formulated. The defense sector was generally positive about the proposed law, while the justice sector was strongly critical. It questioned why a separate law for military assistance to the police needed to be created rather than simply enforcing the provisions of the Police Act. The Police emphasized that the draft had been written from a defense angle and that the working group lacked operational police experience.

The work on the draft law ceased after the consultation process, owing to different views in the two ministries about what the law should regulate. The MD wanted to keep the consultation note, but the MJ was very dissatisfied with the proposed law and wanted it scrapped. The MJ favoured regulating the Assistance Instruction using the provisions in the Police Act, but the MD was opposed to this because it meant that the administrative responsibility of the law would be transferred to the MJ.

The critical position of the MJ brought work on the draft law to a halt. Responsibility for carrying out the legislative assistance of the military was transferred from the MD to the MJ after the consultation process. The minister of justice made it clear that only the conditions required by the Constitution for statutory provisions should be included in the proposed legislation, while the Assistance Instruction was supposed to provide additional provisions on military assistance to the police.

The new proposed legislation was not sent on for normal consultation, which implied that large parts of the military did not have the opportunity to comment on its content. This was not welcomed by the Military Defense Staff, arguing critically that the military as a key player would not have a say in the passing of a law that would have profound consequences for its activities.

The new legislative proposal integrated into the Police Act (Prop 79 L (2014-2015) was submitted to the Storting in March 2015 and handled by the Justice Committee. The proposal aimed to remove any uncertainty about whether assistance from the Armed Forces was unconstitutional. It was not politically controversial. In the autumn of 2015, the law was unanimously approved by the Parliament and the long discussion about whether the military could use force while assisting the police was thus over. As this is a topic that historically has been characterized by both administrative and political disagreement, it is surprising that there was no discussion or disagreement in the parliament about the legislative proposal and the consequences it might have for the Armed Forces' role in maintaining internal security.

5.3 The Røksund Committee 2016-2017

The government set up an independent working group to prepare a proposal for a new Assistance Instruction in the light of the new law. It was decided to do this in order to avoid the subject getting bogged down in disagreement between the ministries, as had happened to the legislative proposal three years earlier (Hjellum 2018, p 67). The working group included two members of the police, two from the military and two neutral members as well as a secretariat led by the MD.

In 2016, the working group presented its draft for a new Assistance Instruction and it was sent for consultation. In the draft, the decision-making procedures for a request for assistance were greatly simplified and shortened. The working group suggested that a police chief could make a direct request to the Military Joint Headquarters for assistance from the military without it having to be approved by the ministries first, but the political leadership in the ministries could exercise reactive control by stopping an initiated operation. Thus, the number of decision-making levels was reduced from six to two, leaving the political executive at arm's length.

A particularly controversial aspect of the proposal was the military's role in maritime counter-terrorism. The leader of the committee said that they had worked for a long time to achieve a compromise on this issue, but had not succeeded (Hjellum 2018, p 70). Thus, there was dissent in the working group. The neutral members and the members of the military proposed giving the military the right to initiate operations against maritime terrorism without receiving a request from the police first. They also proposed that in a maritime counter-terrorism operation, the military would have overall responsibility for and management of the operation.

A minority in the working group, members of the police, argued that there was no need for special provisions for maritime counter-terrorism. They argued that it would create more unclear boundaries and stronger tensions. Deciding whether to classify an act as terrorism or an ordinary crime was a grey zone and the police and the military might therefore assess an incident independently and differently. If the military were to consider an incident as terrorism, while the police judged it as ordinary crime, there might be a conflict about who should initiate the operation.

The issue of maritime counter-terrorism was also the focus of special attention in the consultation phase (Hjellum 2018, p74). The consultation bodies from the justice sector were generally more critical of the draft than those from the defense sector. With the exception of the chief of defense, the military sector generally favoured having the right to initiate an operation in cases of maritime terrorism. The justice sector, especially the police, was strongly critical of giving the military the power to initiate operations within their area of responsibility without the police having requested it.

Several actors in the justice sector expressed the view that giving the military the right to initiate action in cases of maritime terrorism might be in violation of the Constitution. Oslo Police District emphasized that the draft was based on the military's premises, and that the Assistance Instruction seemed to have been shaped by what the military would like to assist with rather than by what the police actually needed.

The MD had main responsibility for processing the consultation input and for formulating the Assistance Instruction to be adopted. State secretaries at the MD and at the MJ tried to reach an agreement between the ministries (Hjellum 2018, p 76). In the autumn of 2017, the new Assistance Instruction was adopted (Forsvarsdepartementet, 2017). The final Instruction resulted in a ambiguous compromise between the justice sector and the defense sector. The military's right of initiative in maritime terrorism was withdrawn, but the military retained overall command over military assistance missions at sea. If the police request assistance from the military to combat maritime counter-terrorism, the military will conduct the operation themselves, but in the case of terrorism on land, the police will still retain leadership of the operation with assistance from the military. During the consultation phase, the police attempted to remove the provision for the additional costs to be covered by the police, but the provision was retained in the Assistance Instruction finally adopted. It did, however, contain

an additional proviso stipulating that the Ministry of Finance would decide who would foot the bill if there were disagreement between the police and the military.

6. Analysis and Discussion

These two cases reveal first, that the terrorist attack triggered a change process with respect to both the Object Security and the Assistance Instruction. Second, they both addressed administrative capacity, but along different dimensions. The Object Security issue revealed a lack of coordination capacity as well as delivery capacity, while the Assistance Instruction was more about coordination capacity and regulative capacity. Both cases revealed significant collaboration problems between the police and the military, so it was mainly horizontal coordination issues between two policy areas that were addressed. Transboundary coordination issues seemed to be prominent. Third, there was also lot of negative coordination (Scharpf 1988) and coordination underlap. A main strategy seems to be 'if you do not interfere in my business, I will not interfere in your business'. It also revealed that coordination is a question of power, which implies that organizations and officials generally prefer to coordinate than to be coordinated. Fourth, while the Object Security case revealed strong political conflicts between political parties, between the parliament and the government, between the ministries and the Audit Office, and between the police and the military, the Assistance Instruction revealed more conflicts between the MJ and MD and fewer conflicts between political parties or between the parliament and the government.

6.1 Theoretical approaches revisited

The hierarchical variant of the structural-instrumental approach gets little support in these two cases. In general, the process was not strongly analytical or hierarchical. The processes were not particularly top-down with common goals and joint understanding. This is not a surprising finding giving that we are addressing wicked issues transcending the traditional hierarchical sector based organization of the public administration. In this policy area there is a miss-match between the organizational structure and the problem structure which challenge the traditional principle of ministerial responsibility. It involved ambiguities, conflicting values and agendas, and negotiations between the government and supporting political parties as well as parliamentary negotiations. There were compromises and implementation problems, especially in the Object Security case. The structural and instrumental arguments were not elaborated to any great extent.

Strong elements of negotiation were present in the two cases studied. Rather than a hierarchical command system, we find a lot of conflicts and turf wars. In the Object Security case, the conflict was notably more prominent and visible in the relationship between the Audit Office and the opposition parties in parliament, on the one hand, and the government, the minister of justice and public security and minister of defense and also the top leaders in the military and the police on the other. But the Audit Office reports also revealed a major lack of collaboration and coordination between the police and the military as well as between the MJ and the MD in implementing the Object Security framework. The *Traavik* report likewise revealed a lack of collaboration between the military and the police regarding object security. In the Assistance Instruction case there was strong disagreement between the ministry of Justice and Public Security and the Ministry of Defense in the law preparation process and also between police and the military in the *Røksund* committee on responsibility for fighting terrorist attacks at sea. The dissent in the committee's report was along the military-police divide on this issue. The government came up with a compromise, trying to please both parties. In contrast to the Object Security case, the Assistance Instruction case did not reveal conflicts in the parliament between the opposition and the governing parties.

Another element of negotiation and open conflict was due to the potentially overlapping ministerial roles as well as the overlap between the military and the police. The cases speak of tensions between the relevant actors. The question of who should do what and when, especially related to the division of responsibility between the police and the military, became pertinent. There was both active negotiation and 'negative coordination': each actor involved relied on others to take care of the implementation (Scharpf, 1988). There were also elements of reputation management from the top executives in the police and the military. They were not particularly accommodating to criticism and their responses tended to be self-righteous rather than self-critical. This goes especially for the Object Security case, where the police response to criticism was similar to that after the terrorist attack (Christensen and Lægreid, 2015).

Looking at what happened from a cultural version of an institutional perspective, there seems to be a strong path-dependency – the historical-institutional legacy and reform history of the police and the military mattered. This means that police traditions as well as military traditions constrained the change process. In the Object Security case the collaboration was constrained by different cultures regarding what was seen as appropriate regarding what and

how different objects should be secured and who should have responsibility. In the Assistance Instruction case different cultures constrained the grey zone between the police and the military responsibility regarding who should lead the reform process and who should be in command in a crisis. As far as our data reaches or analysis indicates that established arrangements and institutions are infused with values, identities, traditions, culture and established routines and rules (Selznick, 1957) and these features seem to have a significant influence on emergency preparedness and crisis management arrangements. The relevant institutions and the civil servants who work in them do not easily adjust to changing external pressure or to new signals from the political executive. Thus, path-dependent processes and political and institutional conflicts characterize this policy area (Peters et al., 2005). It seems that the cultural arguments follow in the shadow of the hierarchy. Perceived problems and proposed solutions are informed by a logic of appropriateness.

Contextual environmental factors likewise played a crucial role in understanding the change process. The terrorist attacks were a major external shock and a crucial factor for understanding why change came onto the agenda. It opened a window for reforming the relationship between the police and the military. There was, however, ultimately no radical change in the relationship between the military and the police in these two cases. In spite of the serious external shock represented by the terrorist attacks, it did not result in a fundamental change in the relationship between the police and the military.

In contrast, the terrorist attacks produced ongoing turbulence lasting well beyond the immediate crisis and casting long shadows at least six years into the future (c.f. Boin and ‘t Hart 2010, Ansell and Trondal 2017). The terrorist attacks resulted in gradual incremental institutional changes rather than radical reforms in line with the Norwegian tradition of a stepwise pragmatic reform style (Jensen, Lægreid and Rykkja, 2018). The decision-makers seemed to be able to follow some appropriate path dependencies (Olsen, 2017). Most of the changes have been within the existing administrative order while there have been no fundamental changes in the organization of public security. Change has been more order-maintaining than order-transforming (Olsen, 2017). As long as the principle of ministerial responsibility is not challenged, it seems to be difficult to handle the challenges of transboundary inter-sectoral coordination.

New elements and arrangements are introduced to existing institutions which gradually change their status and structure. Old arrangements are adjusted to new goals and aspirations, which eventually can lead to gradual transformation. In this case, too, the process of change was characterized by new interpretations of existing goals because of environmental change. This is what Thelen and associates label layering and drift (Streek and Thelen, 2005; Mahoney and Thelen, 2010). We see this in the Assistance Instruction case, which went through three incremental changes in the aftermath of the terrorist attack, and in the Object Security case in which new elements were added to the responsibilities of the police and the military but the transformation was nonetheless difficult and gradual.

There has been neither a breakdown in nor a restructuring of the relationship between the police and the military since the terrorist attacks in 2011. What we see is rather gradual institutional change influenced by both the external shock and internal institutional features. The main organizational principles and the governing doctrine of ministerial responsibility have not changed but there have been changes in instructions and regulations and legal frameworks.

The principle of ministerial responsibility often becomes an obstacle to taking responsibility for joint matters (Jensen, Lægreid and Rykkja 2018). This is because matters that fall within a particular sector are often regarded as theirs alone, meaning that the incumbent minister holds primary responsibility. Conversely, the minister may actively choose to opt out on larger matters that are at the intersection between different policy areas. A mindset like this can have a negative effect on coordination and on understanding and solving problems jointly (Rittel and Webber, 1973). It creates a division of labour that might complicate coordination. This is also referred to as coordination 'underlap' in the exercise of authority, implying that when a policy area falls between the remits of different organizations no organization is responsible (Koop and Lodge, 2014; Christensen et al., 2016).

Rather than seeing the three perspectives as competing they might complement each other and together give a better understanding of the processes and their outcomes. Thus, there might be an interaction between instrumental design, negotiations and institutional constraints. A instrumental logic of consequentiality might be constrained by the interests of the actors as well as by a logic of appropriateness in the different institutional settings (March and Olsen 1989, Christensen et al. 2007). Thus, the different logics of actions can work together and influence each other as illustrated in this article.

7. Conclusion

This article contributes to understanding why there is a lack of policy collaboration and implementation of central measures of major importance within this central area of public policy-making (Christensen et al., 2016). Even a country with a generally high level of trust can obviously experience many turf wars between ministerial areas with respect to tasks and responsibilities. On a general level, the study touches on the concept of 'negative coordination' (Scharpf, 1988; Bouckaert et al., 2010) and the consequences of non-interference across organizational boundaries. Our argument is that in systems with strong sectoral government structures 'local rationality' will constrain efforts to implement coordination. Local rationalism has, however, changed over time due to managerial reforms and performance management which tend to strengthen sectorization and weaken the horizontal coordination between the police and the defense. Such coordination is crucial for dealing with 'wicked problems', particularly in settings where the structure of responsibility relations is ambiguous such as in the transboundary field of public security and crisis management. The article also adds to our understanding of the implications of coordination 'underlap': when policy issues fall between different organizations so that no organization feels responsible (Wegrich and Stimac, 2014). Because of the 'wicked' nature of the field, public administration here is often characterized by complex responsibility relations and lack of coordination. In the Norwegian context, this has to do with strong sector ministries with overlapping authority and a rather weak coordinating role for the overarching ministries.

What, then, would be the lessons learned from our analysis? One lesson from these cases is that in response to a crisis such as a terrorist attack, incumbent policy elites are more likely to aim for dynamic conservatism as a crisis management strategy rather than a radical reform strategy but also that they are compromised away when negotiating across sectors (Boin et al., 2016, Jensen et al., 2018). The core idea has been gradual change and incremental improvement rather than radical redesign. They have adapted policy instruments and organizational structures and processes to accommodate external pressure for change while leaving core values and governance arrangements intact (Ansell et al., 2015). Second, with increasing structural and cultural complexity in decision-making processes, it seems that we need to combine and understand the dynamics between the structural and institutional perspectives in order to understand reform processes. The negotiation perspective in particular needs to be included. Third, the top political and administrative leaders of the police and the

military tend to give a rosy picture of collaboration between the police and the military, while the Audit Office, the public commissions, and the opposition parties see more conflicts and problems in the relationship. This was especially the case with respect to Object Security. A fourth lesson is that there is a strong belief in the use of legal measures. A main strategy seems to be to change instructions, regulations and laws. Overall, the main lesson from this analysis is that the field of social security in general is recognized to demand changed in the way actors collaborate, for example in the context of digitalization of infrastructures which introduces new safety and security risks and necessitates collaboration outside agencies that normally is responsible.

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