

After M/S Estonia

Summary of the report
by the Commission for guidance and information
after the M/S Estonia-disaster



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STOCKHOLM

B: SÖU
1996: 189
[särtryck]

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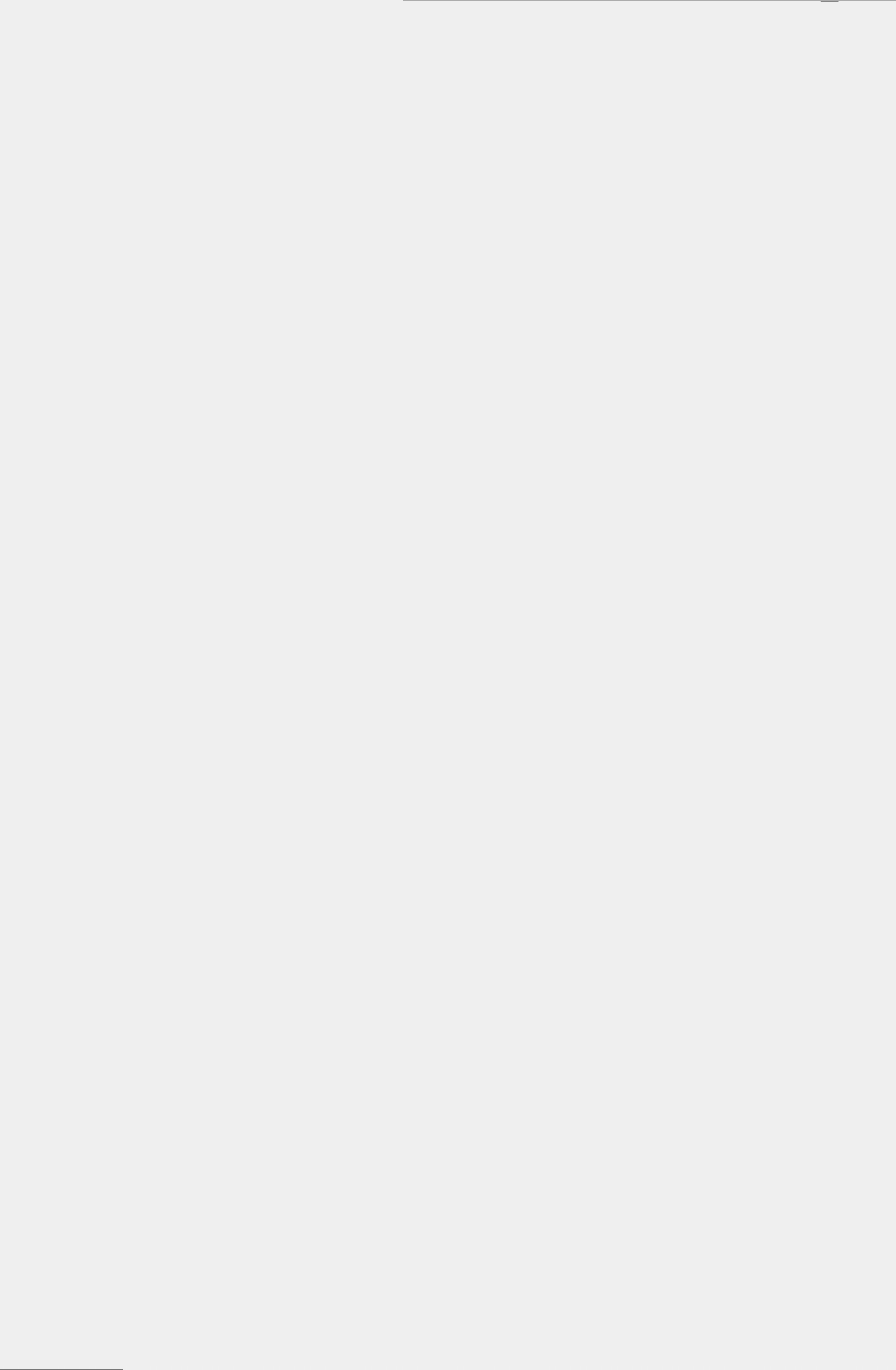
Utdredningen för vägledning efter Estoniakatastrofen

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distaster

Swedish titel
Efter Estonia
(SOU 1996:189)
(ISBN 91-38-20483-5)
(ISSN 0375-250X)

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After M/S Estonia

Summary in english

of the report (SOU 1996:189) by Jur.dr. Peter Nobel, commissioned by the Government of Sweden to give general guidance and information to the relatives of the victims and survivors of the M/S Estonia-disaster.

1 Background

Shortly after midnight on September 28th, 1994 the ferryship M/S Estonia, sailing under Estonian flag on its way from Talinn to Stockholm was shipwrecked during rough weather and sank in international waters at about 70 meters deep south of the Finnish island Utö. It was the greatest disaster befalling any of the Nordic countries since World War II.

As far as it has been possible to establish there were 989 persons on board of which 137 were rescued and 94 found dead. The number of missing dead is 758. 49 Swedish citizens survived. 551 persons from Sweden died in the disaster. This number can vary depending on whether it includes only Swedish citizens or also others domiciled in Sweden. The number of family members and relations in Sweden who were close to the victims is estimated to more than 3 000 persons. They are found all over the country.

Only ten days before the disaster general elections had been held in Sweden. The conservative-liberal coalition under Prime Minister Carl Bildt had lost to the Social Democratic Party led by Mr. Ingvar Carlsson. Both Mr. Bildt and Mr. Carlsson publicly expressed their shock and their sympathy with the victims and their families. Both also made statements which could hardly be understood other than a promise that M/S Estonia and all victims which could be found would be salvaged.

2 My commission

On November 8th, 1994, Cabinet Minister, Mrs. Marita Ulvskog, at that time Minister of Public Administration, following a mandate of the Government commissioned the author, Jur. Dr. Peter Nobel, to act as a special investigator for general information and guidance to familymembers and relations of victims as well as survivors after the M/S Estonia-disaster. My commission was to last from November 4th, 1994 and until June 30th, 1995.

3 The purpose of the commission

The assignment had been given by the Government of Sweden. It was meant to cover only Swedish citizens and those domiciled in Sweden and thus under Swedish jurisdiction. The task to give general information and guidance was understood that I was not to be legal counsel, advisor or therapist of the individual. This meant that my duty was restricted only to give general advice to individuals turning to me for advice. Finally I have sought strict impartiality in issues where the views and preferences of the relatives have stood wide apart and in conflict with each other, e.g. the question whether the ship and the dead should be salvaged and brought up or not.

4 The execution of the assignment

Contacts with the relatives of the victims and the survivors were made mainly in three ways; 1. Messages addressed to the entire group by letters or through the media, 2. Meetings with various associations and crisis-groups formed among them, 3. Dialogue or correspondence directly with individuals.

It should be mentioned that I was approached by many others than those directly affected by the M/S Estonia-disaster. There were inventors and others who had ideas about how the sunken ship, the dead or the goods should be salvaged. Others presented ideas about everything from memorials to safety at sea. Some seemed worth listening to and where their suggestions had no relevance to my assignment I referred them to

proper instances. Clearly a catastrophe of this magnitude did release a considerable creativity, to some extent undesirable. In the beginning there were reports of burglary of the homes and business-premises of persons who were reported missing and false invoices sent to them or their money for some kind of alleged memorial purpose was reported to the police. It was discovered that the swindlers operated from abroad. Their identity was not established since the attempt came to an end when the police started looking into the matter.

Those struck by other tragedies

There were also persons whose family members had been struck by other tragedies like traffic-accidents, homicide, etc. They all declared that they well understood that it was not my task to give advice or support to others than those suffering after the Estonia-disaster, but still in their desperation they wanted to communicate to someone how little understanding and assistance they had received from insurance companies, authorities etc. This indicates the need of better assistance in crisis due to everyday disasters striking thousands every year in Sweden.

The Support-Groups

Very soon after September 28th, 1994 various associations and crisis-groups were formed. They can be divided into three categories:

A Local Support-Groups

Very soon after September 28th, 1994 various associations and crisis-groups were formed. They can be divided into three categories:

A Local Support-Groups, these are local organizations of those affected and sympathizers, with adopted statutes and elected board-members, which have been formed spontaneously or on the initiative of some existing institution with the purpose to give needed assistance to those affected. There are about a dozen Local Support-Groups. About half of them have received a single financial support from the Government for covering administrative costs.

B Two National Support-Groups which are ambitiously run, recruiting

members all over the country with clearly defined aims going beyond satisfying the direct need of assistance and support. They too have adopted statutes and elected board-members. They have also received money from the Government to cover their cost of administration.

- C Crisis-Groups, which came up spontaneously connected to various centra for therapy and crisis-support without formalizing the activities through adopted statutes etc.

Local Support-Groups seem to have been functioning very well and in accordance with their aim, which is to support members struck by the disaster. Notwithstanding some assistance from outside the mutual support of the members themselves has been their most important role. An essential prerequisite has been that the Groups as such have observed impartiality in controversial and heartrending issues such as the salvaging of the ship, the dead or not.

The two National Support-Groups are different. The International Support-Group for relatives and survivors (Den Internationella Stödgruppen för anhöriga och överlevande), DIS, is based in Stockholm under the Presidency of Mr. Gunnar Bendréus. The Foundation Estonia victims and relatives (Stiftelsen Estoniaoffren och anhöriga), SEA, is based in Borlänge in the province of Dalecarlia and is presided over by Mr. Lennart Berglund. It is my impression that both their respective organizations have been very much characterized by their respective presidents. Both decided at an early stage to recruit members from all over the country, DIS as its name indicates recruited members abroad as well. Yet they are different in many respects and have had partly conflicting aims.

DIS has been neutral in the salvaging-issue, gave priority to solving the problems of indemnities from the Norwegian Assurance Association Skuld and early got in touch with Norwegian solicitors, who had been engaged against the same insurer following the fire on board the ferryship Scandinavian Star in 1990. In the beginning DIS suggested that those who claimed indemnities did not have to engage their own legal counsels, it was enough to sign a power of attorney for DIS and their solicitors. DIS has also launched support-programmes in Estonia and are trying the possibilities of an international indemnity case to be litigated against the constructors of M/S Estonia and the responsible classification-society.

SEA has been actively campaigning for the salvaging of the sunken ship, if not for bringing up as many victims as possible. SEA initially

held that the primary issue concerned who should be held responsible for the disaster and that the issue of financial compensation should be secondary.

The two National Support-Groups have acted with little interaction between them or with the Local Support-Groups. Many of the families and the relations of the victims were distressed and confused about which support-group to join and whom to empower to handle their claims. Other have found their support to be of value.

Personal account

I started on my mission on 14th November 1994, seven weeks after the disaster.

The most important part of the task was that of the issue of financial compensation from the Norwegian Assurance Association Skuld and other insurers, either under public law or private contracts. There were some initial difficulties with the National Support-Groups of which one opposed that the claimants should engage legal counsels of their own and the other was against giving priority to the issue of financial compensation. However after initial misunderstandings it became clear that we were all stringing in the same direction and that the issues of financial compensation on one side and legal responsibility for the disaster on the other could be dealt with separately.

I did recommend that every one entitled to compensation engage a well reputed local lawyer and this for the following reasons: 1. Knowledge about legislation, case law and the personal circumstances of the client are needed for proper presentation of his or her claims. 2. The offer from Skuld could be expected to be so complicated that professional legal advice would be required to evaluate it. 3. Most of the affected had other legal issues as well, which they needed to discuss. 4. If a case was wrongly handled the Swedish Bar Association could offer some legal remedies, provided that the assigned was a member of the Bar.

Everything that was done in the aftermath of the shipwreck of M/S Estonia was overshadowed by the heartrending conflict over whether the ship and the dead should be salvaged or not. I met bitterness and disappointment from those who where made unhappy by the Government's decision of 15th December 1994 not to salvage the sunken ship nor any of the victims. I will come back to some of the deliberations that preceded the decision.

The Archbishop of the Swedish Church, Rev. Gunnar Weman, was also criticized, firstly because his statements were interpreted as backing

the Government's decision and secondly because a proposed memorial service at sea on the site of the disaster could not be fulfilled.

The Government had declared that a national memorial would be built in Stockholm. In the beginning of 1995 this led to a debate which involved a number of national and local authorities concerning the proper place for the memorial. I proposed in a letter to the then Minister of Culture, Mrs. Margot Wallström, to intervene and take a decision which she promptly did. However no national memorial has been built to this day.

When the Government announced their decision of December 15th in 1994 neither to lift the wreck nor any of the deceased, the Government also pledged that the sunken ship should be considered a graveyard and a resting-place and that measures would be taken to guarantee its peace. The protection of M/S Estonia and the place where it rests at the bottom of the sea would be legal as well as technical.

On the 23rd February 1995 the Government of Estonia, Finland and Sweden signed a treaty binding the contracting states to respect the wreck of M/S Estonia and a rectangular area around it as the place of the final rest for the deceased and that activities violating this peace would be punishable by law. Laws have been enacted in accordance. The treaty includes an obligation for each one of the contracting states to report to each other if a ship under the flag of any of these signatories gets involved in activities thus criminalized. The treaty is open for accession to other states. I submitted a couple of remarks to the Parliament during the process of legislation. Firstly I indicated the desirability of reporting even criminalized activities carried out from ships under other flags than those of the contracting states. Secondly I pointed out that the wording of the proposed law should not exclude future activities of an entirely acceptable character, e.g. technical research or securing of evidence. Neither remark influenced the wording of the legislation.

5 The issue of salvaging

The Ethical Council

Although I observe impartiality in issues where there is serious disagreement between various groups of mourners and relatives, I think it proper to give account of some of the background to the Government's decision to let the wreckage and all the dead remain at the bottom of the sea.

Already on the 11th October 1994 the National Marine Board had reported to the Government that salvaging of the sunken ship probably was technically possible and that there were no legal obstacles. The 20th October the Government requested the Board to analyse the consequences of salvaging and of handling the bodies of the victims from M/S Estonia. The same day the Government authorized the Minister of Communications, Mrs. Ines Uusmann, to appoint a council to guide the Government in ethical issues and considerations after the Estonia-disaster. The Ethical Council constituted respected members of the society. However their competence was questioned and their recommendations were criticised.

The Ethical Council held four meetings. I attended the first three as observer. The members were well aware of how divided the relatives of the victims were as far as salvaging the ship was concerned. The Council held that it was hardly possible to reach a decision that would not for many entail a bitter disappointment.

Statements and reports were presented by the National Marine Board, by experts in forensic medicine and by the Identification Commission of the National Board of the Police. Photographs taken inside other sunken vessels showing human bodies in decay and the commotion on board, were also circulated.

No one submitted that salvaging would be legally prohibited or technically unfeasible. Financial aspects were not mentioned. But the great number of dead and the span of time needed to take care of them all as well as the expected effects on the bodies and remnants of the victims due to the technical measures as such, came very much into view. It was claimed that to turn the hull of the ship upright in order to lift would have meant a repetition of the disruption of everything movable on board which was supposed to have occurred during the ship-wreck. The steelwires used for lifting would cut deep into or press into the upper decks due to their light and fragile constructions. Furthermore all the bodies could only be taken care of step by step because of the clearance operations on board. Many of the bodies would be exposed to air and summer temperatures causing quick decay, as the operations would have to be carried, when waters are calm and free from ice. In their final opinion the Ethical Council stated: "If the ship is salvaged many will see it as an unworthy manner to handle corpses."

Police officers, rescue-servicemen, pathologists and other personal were prepared to perform their duties. But the number of corpses would expose the staff involved to severe psychological strain in spite of debriefings and other support-measures. Psychiatrists confirmed such risks.

The question to salvage or not to salvage was thoroughly discussed stressing the fears and hopes of those who were for as well as those who were against. The Ethical Council saw no real solution to this dilemma. Finally the evaluation of the risks for the personel engaged in the operation was decisive for the recommendation of the Council not to salvage the ship. This standpoint led to the question of whether one should try to bring up as many as possible of the deceased from the ship and its vicinity or not. Members of the Council had difficulties accepting a selection entirely governed by accessibility to the various sections of the hull. The eventual separation of for example couples who were now lying in the same grave was also mentioned. The recommendation was not to salvage any. This led to the recommendations aiming at the legal and technical protection of the wreckage.

SEA's enquiry

When the Government on the 15th December 1994 resolved to salvage neither the ship nor the deceased, the National Support-Group SEA, that had been campaigning for salvaging decided to undertake its own enquiry in order to find out what the relatives wanted. This initiative was controversial but was nevertheless carried out in March 1995. The wordings of the questionnaire were criticized. The results however were checked by an authorized auditor.

810 questionnaires had been distributed whereof 517 to addresses i Sweden. 82 percent in Sweden did reply, 35 percent were for taking care of deceased, 40 percent were against, 7 percent were not sure while 18 percent did not answer at all. In Estonia and other countries 73 percent replied with a majority for salvaging corpses. - In total 49 percent were for and 51 against.

6 The negotiated settlement with Skuld

Guidance directed at safeguarding the financial interests of those directly affected by the M/S Estonia-disaster stood out as the most important part of my task.

In the last decade there has been a series of severe accidents in northwestern European waters. On 6th March 1987 the British ferry Herald of Free Enterprize capsized outside Zeebrügge on the Belgian coast whereby 188 persons were killed. On the 7th April 1990 fire

broke out on the Bahamas-flagged passengership *Scandinavian Star* on route between Fredrikshavn and Oslo killing 158 persons. On the 14th January 1993 a Polish ferry, *Jan Heweliusz*, sank in the Baltic Sea between Poland and Southern Sweden claiming 54 lives. The greatest disaster of them all occurred on the 28th September 1994, when *M/S Estonia* sank and 852 people were killed.

A catastrophe of this magnitude entails many different claims for financial compensation and indemnities amounting to large sums of money, on the other hand the money available may be limited for various reasons including legal restrictions as well. Litigation in courts of justice is expensive and time-consuming. A shipping company as defendant in a case concerning legal counsels but also has to set aside administrative resources at the expense of routine activities, employ expertise, risk negative publicity etc. Small and middle-sized companies can reach a point where their future existence could be at stake. Typically therefore it is in the interest not only of the claimants but also of the ship-owner and the insurance company to avoid being dragged down in a swamp of court-cases.

With the above in mind the parties after the *Scandinavian Star* accident in 1990 reached an agreement without much delay. As in the case of *M/S Estonia*, the ship was insured by the Norwegian Assurance Association *Skuld*. The claimants were represented collectively by a delegation of Norwegian lawyers, who reached a negotiated settlement with *Skuld*. It was based on a division of those related to the victims into a number of categories and a system of standard compensations for damage and indemnities to be paid to everyone entitled, depending on which category they belonged to. This solution, which is inspired by so called class-actions known in the Anglo-american legal system, came to serve as a model-settlement for the *Estonia*-case, involving the same insurance association and the same Norwegian lawyers.

Beside the settlement with *Skuld*, many of the families of the deceased and the survivors have received and will receive compensation under a number of other insurance-contracts as well as public insurance which is part of the Swedish social security system. There were private life-insurances, travel-insurances, employment-insurances, etc. In some cases the accumulated sum is considerable, but this varies depending on the insurance-profile of the individual. At a crucial stage of the negotiations, *Skuld* and relevant Swedish insurance companies reciprocally declared that they refrained from requesting repayment or deduction of the amount in case it had been received from an other insurer as well. This mutual declaration greatly facilitated the agreement with *Skuld*. It also resulted in higher compensation than the claimants

would have been able to obtain through litigation having to prove the justification for every detail of the claim. This combination of multiple compensation and the standard amount from Skuld can be said in this case to have dissolved the relation between loss and hardship suffered on the one side and the amount paid as indemnity on the other.

It is noted that most Swedish insurance companies involved acted promptly after the disaster offering to meet the immediate financial needs of those victimized. The central Swedish tax authorities' confirmation that compensation received would only in exceptional cases be subject to taxation, was appreciated.

M/S Estonia was owned by a limited company registered in Cyprus. The Estonian shipping company Estline Ltd. leased the ship and was the contracting part vis a' vis the passengers and thus was under strict liability following the Swedish Marine Law. This liability was covered by insurance from Skuld, which is a Norwegian so called Protection and Indemnity Association. Under Marine Law however the liability is limited through the system of "Special Drawing Rights", SDR. Accordingly the liability for a passenger shall not exceed 100 000 SDRs - and is usually much lower as there is also a total limit at 25 million SDR. The value of one SDR is noted on a daily basis on the international monetary and currency-market. In the autumn 1994 it was about 10,5 Swedish Crowns, SEK. In short the roof for the total amount of compensation for claimants who lost relations in the M/S Estonia-disaster was estimated at about 260 million SEK. However the actual sum that is being paid out is expected to exceed 400 million SEKs.

The Swedish Law of Torts as well as the Swedish Marine law were applied. The Estonian Law of Torts was considered less favourable for the claimants. Under the Law of Torts compensation due to accidental death shall be given for loss of alimonies or provision, funeral costs and other reasonable expenses. A crucial question is whether and to what extent one can compensate the emotional and mental suffering caused by the sudden loss of someone loved. Swedish case-law is extremely restrictive almost inconsiderate, in recognizing financial claims by those not directly victimized, namely the third parties. In 1993 the Supreme Court passed verdicts on two extremely repulsive cases of sexual murder. In both cases the court accorded each of the parents the sum of 25.000 SEK after having been convinced that their suffering motivated that much. The settlement with Skuld should be seen *inter alia* in the light of these rulings.

Esteemed lawyers with extensive experience in Marine Law and the Law of Torts soon concluded that the application of class-action against Skuld would be best for obtaining a quick and good result, primarily

through negotiation otherwise by litigation. I supported their judgement and the proposed line of action. However SEA wanted to give priority to the question of responsibility for the accident over the issue of compensation. Furthermore there were a few practising lawyers propagating litigation in order to establish who was responsible for the tragedy. This would have meant years of court-room hazards without compensation to the claimants, considering that many of them really needed the money, and the risk that the entire compensation available would be limited according to Marine Law, and consumed by costly litigation.

In letters to all known relatives, through the media, in private consultations and in a letter to all members of the Swedish Bar Association I recommended joint action against Skuld.

On the 21st November 1994 a number of lawyers from Estonia, Norway and Sweden, representing about 250 estates of the deceased, gathered at Stockholm-Arlanda airport. They decided to form a joint delegation for negotiation under the leadership of the Norwegian advocate Mr. Espen Komnaes together with seven more lawyers from the three countries. Other lawyers representing families and estates of the deceased were to be a reference-group. The delegation and the representatives of Skuld promptly set out to work, and in spite of several difficulties an offer for a negotiated settlement was presented as early as the 3rd January 1995. The lawyers in the delegation strived at obtaining better compensation through the settlement than by having to prove loss and damage at court, under Swedish Law of Torts. They found that this had been achieved.

For Skuld it was important that as many as possible accepted the offer. Skuld therefore posed the condition that they would not be bound by the offer unless it was accepted by at least 90 percent of the closest family members and the survivors. Among the closest were counted those who had lost wife, husband or similar, and children or young dependant persons who had lost one or both parents or guardians. Those of minor age or for other reasons lacking legal capacity of course had to be represented by trustees. Parents who had lost their children were not included among those whose acceptance was required. The last day for acceptance of the offer was set on the 20th March 1995.

The offer is based on a classification of the claimants in nine categories with sub-groups depending on the closeness of kinship or other relationship to the deceased. Category 10 are the survivors. For each group and sub-group a standard compensation is granted which is calculated in excess of what it would have been under Swedish Law of Torts. For some families the total amount is far above the maximum

stipulated by the Marine Law. The agreement includes a special guarantee. A claimant is entitled to additional compensation if he can prove that the method of calculation used vis á vis another claimant would have given a better result.

Each survivor receives 150.000 SEK and with a certain right to raise further claims in case of future complications related to the accident.

However those who have accepted the offer have also thereby abstained from the possibility to sue Estline or Skuld. In accordance with customary law the agreement explicitly regulates compensation between the parties once and for all. This does not prevent anyone from taking up cases against any other party, e.g. the constructor of the ship, classification-societies, authorities who have issued passenger certificates for M/S Estonia etc.

The terms of agreement however were not satisfactory for all, particularly not for parents who have lost their children, category 7, and for persons with special relations to the deceased, category 9. It is true that the compensation is high compared to what has been granted under Swedish case law. Parents receive 50.000 SEK each, a single parent 75.000 SEK. Some could not relate the compensation offered to prevailing legal practise in Sweden. They saw it as absolutely inadequate in relation to their loss. Truly the loss of a child is among the heaviest that can befall anyone.

Before Skuld's dead-line on the 20th March 1995, it was feared that the demanded 90 percent acceptance would not be met with. I also received alarming reports about activities of some practising lawyers trying to undermine the agreement. They spread the opinion that Skuld's offer was insufficient from various points of view and that it would be in the interest of some categories to litigate against Estline and Skuld or at least to reject the offer and get into prolonged negotiations. In my opinion such proposals were founded neither on a correct analysis of the legal situation nor in the true interest of the claimants. In an article in Swedens leading daily, Dagens Nyheter, on the 18th January 1995 I warned against such proposals and gave the general advice to accept Skuld's offer. A short public debate ensued in the press and on the television.

Skuld found after having gone through all the replies that were sent them on March 20th that 98 percent accepted the offer, including groups whose accession was not required. Even claimants whose lawyers criticized the agreement had decided to accept.

The next step was to establish the correct amount of compensation in every single case and to effectuate the payments. Reports from claimants and lawyers indicated that difficulties had been overcome and

that the situation was under control.

The compensation to the families of deceased crew-members and to those of the crew who survived was time-consuming but as this has not been part of my mandate it is not accounted for here.

The main report contains chapters and findings which are not summarized here. They have however influenced the Conclusions and Suggestions below.

7 Summary of the Conclusions and Suggestions

Conclusions

Generally speaking those suffering loss and damage have been well compensated by the insurance companies. This evaluation is based on a comparison with what is usually granted in Sweden after accidental death or personal injuries. The Swedish insurance companies acted promptly and they refrained from claiming repayment in cases of compensation for the same damage from more than one insurer.

The negotiated settlement with Skuld will probably serve as model for future settlements related to accidents with a great number of victims.

The positive opinion of how the financial claims were met shall not overshadow the fact that groups like parents who lost their children, found the offered compensation by no means in proportion to the loss suffered.

The first hours and days after the disaster, chaos ruled over the information system. The shipping company had neither complete nor correct passenger-lists. Estline personel in Talinn and Stockholm had problems communicating with each other. The police long hesitated to release information about the dead, the rescued and the missing since they could not guarantee the correctness thereof. Relevant telephone-lines were blocked.

People turned to the media and particularly to television for information about the disaster. Some journalists, eager to serve their readers with direct information and testimony from survivors and relatives, unfortunately violated ethical norms. On the day after the disaster an evening-newspaper published passport photographs of all known to have been on board M/S Estonia but without being able to indicate who had survived, who had been found dead and who was missing. Other journalists lacked consideration by intrusive and indiscrete approaches of mourners and survivors.

Eventually information through the media, the members and spokesmen of the Government and through other channels all in all functioned well. However some of the information consisted of conflicting arguments and statements which later had to be corrected. The seemingly never-ending flow of headlines, news and articles related to the disaster have been part of the picture engulfing the lives of the relatives and the survivors after the disaster. Many a time news and articles have been upsetting.

Many of the relatives of the M/S Estonia victims are disappointed at the Government's decision not to salvage the ship or the victims. This disappointment has been reiterated in the agitation of one of the National Support-Groups. What impact all this had on those in mourning is a question yet to be answered.

The initial statements of both Prime Ministers were interpreted by most as a promise to salvage the ship and the deceased. The Government decided not to in spite of reports that salvaging was technically feasible and that there would be no legal obstacles. Looking back the Government should have restricted themselves and only promised that the possibilities of salvaging and the causes behind the disaster would be quickly and carefully investigated.

The pledges to arrange legal and technical protection of the ship's wreck; international and domestic legislation guarding the peace; and to cover the sunken hull in order to prevent intrusion, could have waited until the possibilities had been carefully examined and better information gained about the preferences of the relatives.

In conclusion, many of the promises and pledges made, afterwards stand out as superfluous. The unfulfilled promises have fueled the disappointment of many relatives, who have felt that their opinions and wishes have not been taken into consideration. This has been a recurrent theme in the agitation of the National Support-Groups.

In retrospect one can ask whether it was necessary to make all these promises.

All those who wanted had access to legal counsel. The analysis of

the legal situation and the negotiations with Skuld led to positive results. It is to the credit of one of the National Support-Groups, DIS, that contact with Norwegian lawyers, who from previous mass accidents had experience of class-action, was established at an early stage. After initial difficulties the two National Support-Groups co-operated well with the lawyers.

Municipalities, hospitals, employers, authorities and organizations assisted well in giving support and information. Most important were the Local Support-Groups and of course their families, relatives and friends of the affected themselves.

The relatives affected by the M/S Estonia-disaster in many ways have been given more support and attention compared to those who fall victims to everyday disasters, e.g. traffic-accidents and crimes.

People victimized by tragic incidents not related to the M/S Estonia-disaster got in touch with us to present their grievances knowing the limitations of my mandate.

This indicates the need of a generally improved alertness in the Swedish society for handling crisis and disasters. We know by experience that traumas are best handled where there is an already existing and functioning organization for the assistance of such victims.

The Government did well when they commissioned someone to give general guidance to the relatives and the survivors in safeguarding their interests.

Many of them declared that they felt secure thanks to such guidance. The lawyers have testified the importance of my interventions to establish a functioning negotiation model and to reach a quick result.

Support-Groups have expressed the wish that I should remain in my position until all payments had been received from Skuld. But I have also been subject to some criticism, part of which has been addressed to the Government and other central authorities.

Had I been appointed earlier, I would have been allowed to play a more co-ordinating role vis á vis the Support-Groups and clear-up a number of initial misunderstandings. My role should also have been more clearly defined in order to underline my independent task to serve no other interest than that of those affected by the disaster.

Suggestions to the Government:

- That everyone who transports passengers or goods by air or by sea should as far as possible and reasonable be obliged to keep complete and correct lists over passengers, crew and other personnel on board with names and other information needed to identify them and their

relatives. The lists should be available to those who would be engaged in supporting the directly or indirectly affected.

- That the Government commission a workinggroup to review the routines of their offices in case of major disasters, whereby special attention should be given to the need of prompt and correct information to the concerned and to the public; the importance of consistent and co-ordinated behaviour on the side of the Government and central authorities; analysis of the humanitarian, financial, psychological and political consequences of alternative decisions under consideration. The aim should be to establish a decision-making routine which is speedy but not overhasty.
- That the Government initiate a review of some of the legislation concerning death-declarations and related issues.
- That the Government investigate how the affected after everyday accidents and crises are treated and assisted by insurance-companies, public insurance, medical care, social welfare services, churches and voluntary organizations.

Suggestions to central authorities:

- That the National Board of Social Welfare consider measures to promote the capacity of local social welfare authorities to assist in crisis and disasters.
- That the National Board of the Police consider how information in case of crisis and disasters should be given faster without hazarding reliability.

Suggestions to local actors:

- To investigate if there is the alertness called for and if those affected by crisis and disaster are really receiving needed support and assistance. The investigation should bear in mind that accidents, catastrophes and crimes take place everyday.



