DEFENSE PREPARATIONS AS THE STATE SAFETY CONDITION – SELECTED LEGAL DOCUMENTS

Dr Wojnarowska-Szpucha S.
Military University of Technology, Poland
Email: sylwia.wojnarowska-szpucha@wat.edu.pl

Abstract: Defense preparations are an antidote to emerging political and military threats. They cover, in accordance with applicable legal regulations, the military, economic and administrative area, as well as entrepreneurs and individual citizens of the state. They are mostly based on defensive tasks, that is, special benefits and material benefits in accordance with the law on the general obligation to defend the Republic of Poland.

The article presents selected legal documents regarding this issue in the Republic of Poland.

Keywords: SECURITY OF THE STATE, DEFENSE OF THE STATE, DEFENSE PREPARATIONS, DEFENSE TASKS, DEFENSE BENEFITS

Introduction

The current situation in the world, the possibility of various types of threats1 that in the future may lead to conflicts, wars will force states and nations to care for the broadly understood security2. [Security is the foundation of the functioning of every state, its provision is an important factor for the existence and survival of the nation]3, it is one of the most important functions of the state. Therefore, in times of danger, states prepare themselves in the event of their occurrence.

Defense preparations in Poland cover a wide range of planning activities defining tasks, preparing forces and means for their implementation by all elements of the defense system of the state4, which is part of the national security system of the Republic of Poland. As M. Kuliczkowski rightly points out […] defense preparations are an interdisciplinary undertaking covering all areas of state functioning, and the scope of these preparations has significantly expanded into important non-military areas, especially political, economic, ecological, cultural, etc.]5.

The important activities of the organs of executive and public administrative authorities in these preparations are aimed at securing the state against armed attack and creating opportunities for survival for the population in crisis and war situations by providing authorities, administrations and people with a communication system, medical care, food and security. One should therefore be aware that a well-prepared state must engage all possible and necessary forces and means to prepare for the event of a crisis or war.

Selected legal documents regulating the defense preparations of the state

For the purpose of efficient and regulated preparation of defense in Poland there is a number of legal documents regarding these issues. The basic and at the same time starting is the Act of November 21, 1967 on the general obligation to defend the Republic of Poland, where art. 2 specifies that the defense of our country, the preparation of people and state property in the event of war is the task […]of all organs and government administration and other state bodies and institutions, local self-government bodies, entrepreneurs and other organizational units, social organizations as well as every citizen in the scope defined in the Act]6. Another more detailed executive document to the above-mentioned Act is the Regulation of the Council of Ministers of June 15, 2004 on the conditions and mode of planning and financing tasks performed as part of state defense preparations by government administration bodies and local self-government bodies, where conditions and the mode of planning tasks that are performed as part of defense preparations, their financing and the principles of imposing defense tasks. The division of defense tasks can be made on the basis of stages of their implementation, starting from tasks of a preparatory nature, through tasks to react to the existing situation and ending with reconstruction tasks related to restoring the original state or using the second division defining the purpose of activities, or using the second division defining the purpose of activities, where defensive tasks can be divided into preparatory and executive. In addition, this document specifies in detail what defensive planning is7 that includes the performance, arrangement, updating of operational plans8 and defense programs9.

1 [Threat – a situation in which the probability of creating a dangerous state for the environment arises. Assuming areas in which a threat may arise as the foundation, military and non-military threats can be distinguished. Among non-military threats the following can be listed, in turn: political threats, economic (business) threats, psychosocial threats, ecological threats, internal threats, and others]. Ed. J. Pawłowski. Dictionary of terms in the field of national security, AON, Warszawa 2009, p. 162.
2 Security is: [a state of non-threat, peace, confidence]- J. Stańczyk, Contemporary understanding of security, ISP PAN, Warszawa 1996, p. 15.
4 [The defense system of the state is a coordinated set of steering elements and executive elements, as well as the functions and processes implemented by them, and the relations between them. SOP is created by all forces and resources intended for the implementation of defense tasks, organized, maintained and prepared appropriately for these tasks]. Defense strategy of the Republic of Poland 2009, Ministry of Defense, Warszawa 2009, chapter 3, point 57.
7 Defense tasks, as part of tasks in the field of national security, include undertakings implemented by executive bodies and other state bodies and institutions, entrepreneurs and citizens associated with preparing the state for efficient operation and survival in conditions of external threat to the state, crisis and war, implementation of specific operational undertakings in these conditions, as well as removing the effects after resolving the threat, aiming at restoring the state of normal functioning of the state – Defense Strategy of the Republic of Poland 2009, Ministry of Defense, Warszawa 2009, chapter 3, point 67.
9 Ibidem, p. 21.
10 Defense planning is: [defining the ways of performing defense tasks by government administration bodies and local self-
A significant part of defensive tasks as part of defense preparations is attributable to entrepreneurs doing business in the territory of the Republic of Poland, including entrepreneurs of special economic and defense importance. The tasks of entrepreneurs for the defense of the state are activities in the scope of:
1) economic mobilization;
2) militarization;
3) operational planning;
4) defense training;
5) resulting from the obligations of the host state. All these undertakings involve entrepreneurs of special economic and defense importance who conduct their activities in an area larger than one province or perform tasks in the field of: [...] operation of airports and air communication, broadcasting of radio and television programs, production, transport and storage of petroleum products, production, renovation or modernization of armaments and military equipment, execution of special trade, transport, postal services, telecommunications services, manufacturing, distribution and transmission of natural gas, liquid fuels and electricity. The Act on organizing tasks for state defense carried out by entrepreneurs in its records also refers to the economic mobilization program, defining the tasks of government administration bodies and entrepreneurs in securing the functioning of the economy, Armed Forces and other entities that will conduct security and defense activities of the state, also providing the population with vital needs. An equally important document is the Regulation of the Council of Ministers of June 15, 2004 on the defense readings of the state in which three states of defense readiness have been defined, the rules for implementing these states and tasks and their implementation related to the change of defense readiness of the state. According to the above-mentioned regulation, the following conditions apply: the state of permanent defense readiness of the state, the state of functioning of the state in time of peace, when there are no serious threats, during this time all planning, training government bodies and the use of necessary forces and resources for this purpose, including operational planning and defense programming – Regulation of the Council of Ministers of June 15, 2004 on conditions and the mode of planning and financing tasks performed within the framework of state defense preparations by government administration bodies and local self-government bodies, Journal of Laws of 2004, no. 152, item 1599, § 2, par. 6. Operational plans are performed as part of operational planning which includes [...] determining activities related to the preparation and operational government bodies of local self-government bodies in conditions of external threat to state security and during war, included in sets of operational tasks, as well as determination and measures necessary for their performance – Ibidem, § 2, point 7. Defense programs are carried out as part of defense programming, which includes [...] defining defense tasks carried out in peacetime, for a ten-year planning period, starting in an odd year, included in material and financial measures, to maintain and develop the defense potential of the state and the preparation of the Armed Forces, government administration bodies and local self-government bodies to operate in conditions of an external threat to state security and during war, as well as designing budget funds allocated for this purpose] - Ibidem, § 2, point 8. The list of entrepreneurs of special economic and defense significance and government administration bodies to which they are subject is in: Regulation of the Council of Ministers of November 6, 2017 amending the ordinance on the list of entrepreneurs of special economic and defense importance, Journal of Laws of 2017, item 2143. See the Act of August 21, 2001 on organizing tasks for state defense carried out by entrepreneurs, Journal of Laws of 2001 no. 122, item 1320, art. 2. An equally important document is the Regulation of the Council of Ministers of April 27, 2004 on conditions and the mode of planning and financing tasks performed by public administration bodies, entrepreneurs, organizational units performing tasks related to the management of national security, as well as command bodies of the Armed Forces of the Republic of Poland. The system of managing the national security of the Republic of Poland should be prepared on the basis of the guidelines of the above-mentioned regulation, so as to ensure continuity of decision-making and actions for these bodies in conditions of threat to national security. The Regulation of the Council of Minister of January 13, 2004 on general principles of performing tasks under the universal defense duty is a document defining the principles of defense tasks performed by public administration bodies, entrepreneurs, organizational units performing tasks important for safety and social organizations. These tasks include: creating conditions for planning and implementation of defense tasks and their coordination, cooperation of all entities in the implementation of these tasks and providing information on their planning and implementation. In order to ensure the efficiency of communication systems used to defend the country in 2004, a Regulation of the Council of Ministers was issued in this matter. The regulation specifies how these systems are to be prepared, who is responsible for this task and what characteristics should be fulfilled by such systems (they should be: reliable, resistant to interference, create conditions for safe transmission of information, be able to maintain communication when changing the place of control, preferentially

17 North Atlantic Treaty, Art. 5 [The parties agree that an armed attack on one or more of them in Europe or North America will be considered an assault against them all, and therefore they agree that if such an armed assault occurs, then each of them, as part of executing the right to individual or collective self-defense, recognized under article 51 of the United National Charter, will assist the Party or Parties under attack, taking, immediately, independently and in agreement with other Parties, actions it considers necessary, including the use of armed forces, to restore and maintain the security of the North Atlantic area].

18 In Poland, martial law is introduced by the President of the Republic of Poland at the request of the Council of Ministers, cf. the Act of August 29, 2002 on Martial Law and on competences of the Supreme Commander of the Armed Forces and the principles of its subordination to the constitutional organs of the Republic of Poland, Journal of Laws of 2002, no. 156 item 1301. See the Regulation of the Council of Ministers of April 27, 2004 on the preparation of the national security management system, Journal of Laws of 2004 no. 98, item 978, § 2. Public administration – is a set of activities, actions and organizational and executive undertakings carried out for the public interest by various entities, bodies and institutions on the basis of law and in legal forms or a system composed of people, organized for a steady and systematic orientation towards the future implementation of the common good as a public mission consisting mainly (but not exclusively) on the current performance of acts, equipped for this purpose with the state authority and material and technical resources. Source: http://www.sejm.gov.pl/Sejm8.nsf/BSLAslesykonxy.sp?dir=3B2030E D865D2D89C1257A780044A4CE&litera=A (access 25.04.2019).
support special users). To meet these requirements, defensive communication systems are created using: [departmental telecommunications networks, telecommunications networks of telecommunication entrepreneurs, dedicated telecommunications networks, postal operators’ infrastructure, military field post, special mail subordinate to the minister component for internal affairs and courier services subordinate to the minister of foreign affairs].

The health service is also obliged to prepare in the event of threats to national security through the implementation of the following tasks: [...]increasing the number of beds in the hospital base and changing its profile, creating substitute hospital places, performing outpatient health services, determining the manner of securing staffing needs and employment rates in medical entities, using special units of public blood services, determining the method of sanitary and epidemiological protection, determining the method proceedings in the event of a radiation emergency, defining the manner of providing services for the needs of units subordinate to or supervised by the Minister of National Defense and the minister competent for internal affairs and for the needs of the Head of the Internal Security Agency, determining the manner and scope of record keeping and medical reporting in the conditions of mass inflow of the injured, wounded and sick people, defining the manner of providing services for medical entities carrying out defensive tasks] as well as their coordination and cooperation in the implementation of these tasks with other bodies. Many of these tasks are organizational units of public blood services, determining the responsibility for, at least, determining the location and number of substitute hospital places, approving plans created before the bodies of territorial self-government units regarding the implementation of tasks for defense purposes, possible increase in the number of hospital beds, drawing up a balance of medical staff in the province and presenting it annually to the minister responsible for health matters, as well as drawing up a plan for the possible transfer of medical personnel in the province.

As part of defense preparations in the Republic of Poland, defense training is organized, in which all entities involved in ensuring state security are involved. The binding legal act on training is the Regulation of the Council of Ministers of October 8, 2015 on defense training, defining which subjects are obliged to undergo defensive training, what scope of subjects should be included in the training program and the competence of the authorities regarding planning and implementation of training.

State defense preparations are also readiness to protect facilities of particular importance to state security and defense implemented on the basis of the Regulation of the Council of Ministers of June 24, 2003 on the objects particularly important for security and defense of the state and their special protection, which distinguishes two categories of objects (the first one is subject to the Minister of National Defense and the other to the Minister of Home Affairs), tasks within their protection and competences of the authorities in these matters. [Preparation of special protection of facilities includes conceptual, planning, organizational, logistic, technical, training and control works].

In order to increase the defense capabilities of the Republic of Poland, ensure the efficient functioning of the departments of state administration and national economy and organizational units performing extremely important tasks from the point of view of security and defense as part of defense preparations, existing and specially created units will be subject to militarization. The units will be militarized that carry out tasks within the framework of: [production of goods, services and implementation work and expertise necessary to secure defense needs of the state, military transport and logistic support of the Armed Forces and allied reinforcement forces under the responsibility of the host state, operation of communication systems, transport, power industry, gas industry and the fuel sector, as well as performing functions resulting from supremacy in the Polish airspace, construction, development and reconstruction of the state’s defense infrastructure, as well as the collection and maintenance of mobilization reserves for the technical protection of facilities of special importance for security and state defense], that is all entities which, by their actions, strengthen the security of the state and contribute to its defense.

All undertakings, defensive tasks, in order to be able to be quickly and well implemented, require human and material resources. In order to provide these resources in the Republic of Poland, there are legal regulations that give the state the possibility to use the resources of the national economy, to secure them in peace through the imposition of personal and material benefits. The basic document in this regard is the Act of November 21, 1967, mentioned at the beginning of this article, a general obligation to defend the Republic of Poland and an executive document issued by the Council of Ministers of August 11, 2004 on personal and material benefits for defense in the event of an announcement of mobilization and during the war. The personal benefit is the performance of a certain type of activity, work for the defense, whereas the material benefit consists in putting into use the real defense training. Own study based on: RRM of October 8, 2015 on defense training, Journal of Laws 2015, item 1829, the Act of November 21, 1967 on the general obligation to defend the Republic of Poland.


Regulation of the Council of Ministers of June 27, 2012 on the conditions and manner of preparation and use of medical entities for the defense needs of the state and the competence of the authorities in these matters, Journal of Laws 2012, item 741, § 1.

Thevoivode is: [...]a representative of the Council of Ministers in the voivodeship, head of the government’s combined administration in the voivodeship, a supervisory body over the activities of territorial self-government units and their associations in terms of legality, a government administration body in the voivodeship, whose properties belong to all matters regarding government administration in the voivodeship not reserved in separate acts to the properties of other bodies of this administration, a representative of the State Treasury, in the scope and on the terms specified in separate acts [...]. The Act of January 23, 2009 on the voivode and government administration in the voivodeship. Journal of Laws of 2009 no. 31, item 206, art. 3.

[The planned number of hospital base beds in a voivodeship should be less than 75 hospital beds per 10,000 inhabitants, while 50% of which should be the treatment beds, including beds provided for uniformed services]. The Regulation of the Council of Ministers of June 27, 2012 on the conditions and manner of preparation and use of medical entities for the defense needs of the state and the competence of the authorities in these matters, Journal of Laws 2012, item 741, § 4.

The training is attended by representatives of government administration at all levels as well as local government administration and entrepreneurs. However, according to the Act on general obligation, citizens of municipalities participate in self-
estate or movable property\textsuperscript{31}. The regulation specifies how benefits can be collected, who is authorized to impose them, on what basis the reimbursement of expenses for services rendered and issues related to the payment of possible damages are made.

Summary
Due to the volume of the article, only the legal documents selected by the authors regarding the defense preparations of the state were presented. However, one should be aware that the issue of defense preparations is very broad, affects many spheres of the state, institutions, entrepreneurs and citizens, and therefore there are many other legal and strategic documents regulating these issues.

In order to prepare the state in the event of danger and war, use all available forces at your disposal, prepare them properly, plan in peace time, so that the state is ready to counteract various crisis and war threats of varying magnitude and scope.

Bibliography
Küçüközkan, M., Wojcieszko, M., (ed) Public administration in the process of state defense preparations – selected problems, War Studies Academy, Warszawa 2018
Stańczyk, J., Contemporary understanding of security, ISP PAN, Warszawa 1996.
Pawłowski, J., Dictionary of terms in the field of national security, AON, Warszawa 2009


The Act of August 21, 2001 on the organization of tasks for state agility carried out by entrepreneurs, Journal of Laws 2001 no. 122, item 1320
The Act of August 29, 2002 on martial law and on the competences of the Supreme Commander of the Armed Forces and the principles of his subordination to the constitutional bodies of the Republic of Poland, Journal of Laws 2002 no. 156 item 1301
Regulation of the Council of Ministers of June 15, 2004 on the conditions and mode of planning and financing tasks performed as part of state defense preparations by government administration bodies and local self-government bodies, Journal of Laws of 2004 no. 152, item 1599
Regulation of the Council of Ministers of November 6, 2017 amending the ordinance on the list of entrepreneurs of special economic and defense importance, Journal of Laws 2017, item 2143
Regulation of the Council of Ministers of April 27, 2004 on the preparation of the national security management system, Journal of Laws of 2004 no. 98, item 978
Regulation of the Council of Ministers of June 27, 2012 on the conditions and manner of preparation and use of medical entities for the defense needs of the state and the competence of the authorities in these matters, Journal of Laws of 2012, item 741
Regulation of the Council of Ministers of October 8, 2015 on defense training, Journal of Laws of 2015, item 1829