

# SECURITY AS A GOAL OF THE STATE EXISTENCE – CONDITIONS AND CONTEXTS BASED ON THE CASE OF POLAND

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## Abstract

The author points out that the problem of ensuring safety of individuals, social groups, communities, organizational units, and states is one of the fundamental objectives of a democratic state. Thus, security has a global dimension, but difficult to achieve due to the aspirations and interests of diverse social groups. Referring the discussion to the national conditions, based on the case of Poland, the author presents the elements co-creating security on different levels.

**Keywords:** State, security, functions of the state, authority, self-government, President, Parliament, Council of Ministers.

## Introduction

What we inherited from the twentieth century is the problem of ensuring safety of individuals, social groups, communities, organizational units, states as one of the basic objectives of a democratic state. Our perception of safety actually changed after the attack of 11 September 2001, although the process of changing this perception, however, began in the late twentieth century. Criticism of a narrow and ethnocentric perception of safety from the angle of a military threat in the national but also international dimension began after the collapse of the Eastern Bloc States. However, all

terrorist attacks attract attention of the whole world and result in perceiving security from different perspectives, and military threats, as basic to humanity, in terms of the old stereotype, due to the period of “cold war.” These attacks included a terrorist attack, or even a series of four terrorist attacks (two on the twin towers of the World Trade Center, the third on the headquarters of the Pentagon, the target of the fourth one (unsuccessful) was probably the White House or the Capitol), which were carried out in the United States on Tuesday morning, 11 September 2001 using hijacked passenger airplanes. Another series of terrorist attacks took place on 12 October 2002 in the resort of Kuta on the Indonesian island of Bali, then on 11 March 2004 in Madrid, 7 July 2005 in London. There were also terrorist attacks in Russia (8 August 2000 – the Moscow metro, 23 October 2002 – the Moscow theater on Dubrovka, 1 September 2004 – the school in Beslan, 17 August 2009- the Office of Internal Affairs in Nazran and many others), on 15 April 2013, during the Boston Marathon. However, the military threat should not be underestimated, either. Such events in Europe and in the world at the end of the twentieth century and in the twenty-first century as: the First War in the Gulf – the armed conflict which started on 2 August 1990, a civil war in Bosnia and Herzegovina waged in the period from 1992-1995, the War in Afghanistan – a set of military operations on 7 October 2001, the Second Gulf War – a conflict that began on 20 March 2003, the war in Georgia in 2008, the civil war in Syria since 2011, and now in Ukraine in 2014 show that the military risk persists. Nevertheless, a thorough analysis of their effects shows that in the case of non-military threats effects are far greater than those due to the wars waged. The above events as well as the current ones indicate the need for understanding, cooperation and collaboration in order to ensure security and the fight against them in the international dimension. The international dimension is difficult to achieve due to the aspirations and interests of diverse social groups. A classic example of the lack of decisive international action ensuring security is the war in Syria for two years, which so far has claimed a total of over 240 thousand victims on both sides of the conflict (Wikipedia, 2013). However, the issue of security has always been and probably will be crucial in legal, social, organizational and management discussions on the national and international levels. The paper presents the issue in the national dimension, based on the case of Poland.

## 1. Safety

Without engaging in the contemporary analysis of terminology and the meaning of safety, a traditional and common dictionary definition of

safety says: “state of being safe, freedom of danger, the state peace and confidence” (SJP PWN 2002). Safety cannot be analyzed in isolation from threat, therefore it is “a concept reflecting the lack of threat and its sense; the ability of a nation to protect its internal values from external threats; a contemporary measure of chances of existence, survival and development of the state, society and its citizens” (Kunikowski, Torek 2008: 16). Because the state is the „most perfect form of securing human needs in terms of safety (...), safety of the state, taking into account all factors (internal and external, individual and group, natural and resulting from human activity), can be equated with national security”. “National security is not only the protection of the people and territory against physical attack, but also protection – by various means – against vital economic and political interests, whose loss would threaten the fundamental values of the state” (Balcerowicz, 1996: 13).

In the national or state dimension, the state is a body that ensures citizens’ safety in the broad sense, based on military strength, and mainly the protection of the population against an external threat. Nowadays, talking about the need for safety in the state dimension, we think in terms of non-military threats, not forgetting the important meaning of the definition of a nation, national interest, state, reason of state.

In the context of the country’s security, it is worth noting that the term of public security has a narrower meaning. This is “a state ensuring protection of life and health of citizens and national wealth against the effects of natural and technical disasters” (internal security of the Republic of Poland 2003: 19). Public security characterizes threats occurring in the country. It is also “a set of conditions and institutions that protect citizens and national wealth, a system and sovereignty of the state against the phenomena threatening law, mainly in emergency situations”. Public security includes security in the area of the largest administrative unit the country in Poland – a province. Public order is “maintenance of proper sanitary condition of public utility facilities, maintenance of cleanliness and order in public places, observance of fire regulations, the correct organization of traffic, maintenance of roads, streets and bridges, the issue of the do’s and don’ts relating to behaviour in parks, recreational areas, sports fields, etc.” (Ura, 2003: 221-222). Public order refers to the general risks in local communities. There are other types of security, depending on the adopted criterion for the division, e.g. subjective, objective, spatial, how to organize oneself or time.

The multitude and diversity of areas in which man operates is diverse, however, it is difficult not to agree with the statement that safety is related to happiness of man. Safety is one of the most widely used concepts in daily (social, state) life. Such universality may give rise to ambiguity (Walancik,

2008: 33), moreover, both the concept itself and its contents are subjective to the individual, as well as to a group. Features which are significant in perceiving the concept in the individual dimension include: gender, age, state of current knowledge, state of wealth, and in the group dimension: cultural determinants, system of government, geo-strategic location.

*In the definitions of safety by Ryszard Kuźniar where it is “a primary existential need of individuals, social groups, and states” (Kuźniar, 1996) and by Jerzy Stańczyk where „safety is the supreme human and social group need, and also their most important goal” (Stańczyk, 1996: 18) I see the universality referring to both its dimensions and categories.*

## **2. Security – objectives, functions, and legal basis**

The prerequisite for successful development of the state is to ensure security as the primary goal of the state. The objectives of the state in the area of security include: stability and independence of the state, the nation’s sustainability, sovereignty, quality of life, human rights, national identity. These objectives in Poland arise from the Constitution of the Republic of Poland. Article 5 says that “The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.” (Dudek, 2003: 48). They are the essence of the security policy that is purposeful and organized activities of the competent authorities. Objectives of the state entail its functions. These in turn define “essential planes of its business activity, resulting from the objectives and tasks that the state should achieve” (Lipski, 2006: 134). The most common division of the state function includes features such as: internal, economic-organizational, social, cultural, educational, and external. The internal function is activities related to ensuring citizens’ safety and public order. It is considered the most important and is a basis for the implementation of the others. The economic-organizational function creates conditions for economic activity, and consequently it creates the material basis of national security. The social function is activities focused on social insurance and health protection. The cultural-educational function includes activities related to social development and the external function aims to ensure the security of the state outside. All of these features include a safety factor, none of them occurs spontaneously as isolated in the security sphere.

Security, independence, sovereignty – these are superior values in the state policy. Safety of life and development of the citizens can be ensured with the help of all state bodies, public institutions, social organizations and every citizen.

Polish law widely deals with issues of national security. Details referring to national security are included in acts and regulations. Also, administrative and criminal law regulate issues related to broadly understood national security. The acts include regulations related to security issues, covering the area of life which is security, they also regulate the duties and powers of regulatory bodies, and they refer to the type and scale of threats. Security is the domain of administrative law, for example through participation in this area of public administration (Ochendowski, 2002) Criminal law defines, inter alia, the principle of accountability for offenses against public order, state, local government and social institutions (Gardockin, 2010).

### **3. Authorities performing tasks in the area of security**

A model of organizing the functioning of the state, based on Montesquieu's principle of three-tier separation of power into legislative, executive, and judiciary fully applies to the share of each power in developing state security. Authorities responsible for security include above all:

- the Parliament,
- the President of the Republic of Poland,
- the Council of Ministers,
- the President of the Council of Ministers (the Prime Minister),
- Province governors,
- Regional governments,
- District governments,
- Municipal governments.

The Parliament (Sejm and Senate) are the legislature playing a particular role in creating the basis for security. They enact law in the form of acts. They fulfill many roles. In addition to the legislative role, they also play a creative, controlling role. The creative role involves appointing and dismissing state constitutional authorities directly, as well as people who are part of these authorities. Within the framework of the creative role, The Parliament enforces their responsibility. The controlling function of the legislature means controlling enforcement of laws, it is also the right to control the government and ministers. This function enables the Parliament to use political responsibility measures, it is also activity of parliamentary committees (e.g. the Committee on National Defence, the Foreign Affairs Committee, the Special Services Committee). This role also involves an an-

nual debate on setting the budget, examining reports (the National Council of Radio and Television, the General Inspector for Personal Data Protection), as well as hearing the annual information of the Ombudsman on the observance of the rights and freedoms of man and citizen. Forms of control measures taken by the Parliament are giving consent to: ratifying international treaties, declaring a state of emergency and martial law, extending the period of natural disaster and a state of emergency.

The President of the Republic of Poland is also a very important executive power entity. His function is to stabilize the state power, he is the supreme representative and guarantor of the continuity of state authority, respecting international obligations and state representation. He ensures the superior values such as: independence, sovereignty and national security, inviolability and integrity of its territory. The President is the supreme head of the Polish Armed Forces. In peacetime, this function is performed through the Minister of National Defence. The President appoints and dismisses the Chief of the General Staff and commanders of the armed forces, and during the wartime, at the request of the Prime Minister, the Commander-in-Chief of the Armed Forces, he also confers specified military ranks at the request of the Minister of National Defence (Dudek, 1997: 84). The President also:

- approves, at the request of the Prime Minister, the national security strategy;
- issues, at the request of the Prime Minister, by decision, the Political and Strategic Defence Directive of the Republic of Poland as well as other executive documents for the national security strategy,
- approves, at the request of the Prime Minister, plans for the national training related to the defence system and is in charge of their course
- makes a decision, at the request of the Prime Minister, about introducing or changing particular defence readiness of the state;
- may address all public, government and self-government administration authorities, heads of other organisational units and non-governmental organisations to obtain information important to the security and defence of the State,
- initiates and supports initiatives aimed at developing patriotic and defence attitudes in society." (Journal of Laws, 2012 item 461).

Powers of the President of the Republic of Poland were extended in 1997 by a possibility to use of the advisory body, which is the National Security Council in the field of internal and external security. According to Jan Boć, "the President has complete freedom in establishing various advisory bodies, but he has been obliged by the constitutional provision to appoint the National Security Council" (Boć, 1998: 223). The Constitution extends the

powers of the President by a possibility to order the general or partial mobilisation and use of Armed Forces to defend the Republic of Poland in the event of a direct external threat to the state. Powers of the President in the defense also include the issuance of official acts. Currently, under the 1997 Constitution, the President of the Republic of Poland shall issue official acts. They require the signature of the Prime Minister (countersignature) for their validity, whose responsibility before the Parliament arises upon the signing of the act. However, provisions enumerate the prerogatives of the President – acts which are exempt from the signature of the Prime Minister, in matters related to security, such as the appointment and dismissal of members of the National Security Council.

Provisions for “states of emergency” are essential to national security. Article 116 section 1 of the Constitution of 1997 says that the Sejm declares, by way of resolution, a state of war in the event of armed attack against the territory of the Republic of Poland, or when an obligation of common defence against aggression arises by virtue of international agreements. Bearing in mind such an important issue and the special circumstances associated with this state and when the Sejm cannot assemble for a sitting, the President of the Republic of Poland may, at the request of the Council of Ministers and under Art. 229 of the Constitution, declare a state of martial law in a part or in the entire territory of the Republic of Poland.

Powers of the President related to the so-called states of emergency – declaration of martial law or state of emergency have been reflected in the provisions of the Constitution articles. The declaration of the former in a part or in the entire territory arises from the threat to the state, armed attack on the Polish territory or the obligation of common defence against aggression which arises from international agreements. The Constitution of 1997 determined the state of emergency in terms of terminology. It is declared by the President at the request of the Council of Ministers (Article 230 section 1 and 2) “in the case of threats to the constitutional order of the State, to security of citizens or public order, [...] in a part of or on the whole territory of the State, for a definite period no longer than 90 days. State of emergency may be extended only once for a period no longer than 60 days” (Dudek, 1997: 111).

The Council of Ministers is the organ of executive power, which manages the government administration. As regards the security policy of the state, in accordance with Art. 146 of the Constitution of the Republic of Poland, the Council of Ministers:

- conducts internal affairs and pursues the foreign policy of the Republic of Poland,
- manages the government administration,

- ensures the internal security of the State and public order,
- ensures the external security of the State,
- exercises general control in the field of relations with other countries and international organizations,
- exercises general control in the field of national defence (Dudek, 2003: 88).

The Prime Minister, managing the work of the Council of Ministers, issues regulations, coordinating and controlling the work of the Council of Ministers members in the field of security and defence, among others, requires the information and opinions from [185 Art. 13 section 1]:

- "the Minister of Internal Affairs – on the activities of the police, Border Guard, the Government Protection Bureau,
- the Minister of Justice – on the activities of the Prison Service,
- the Minister of National Defence – on the activities of the Military Counterintelligence Service, Military Intelligence and Military Police,
- Heads of Agencies – on the activities of the Agencies,
- the Head of the Central Anticorruption Bureau – on the activities of the Central Anticorruption Bureau,
- the minister responsible for public finances – on to the activities of the Customs Service, tax offices and chambers, fiscal control bodies and the bodies of financial information" (Journal of Laws of 2002, No. 74, item. 676).

In a province, a province governor is a representative of government authority. He is, inter alia:

- a representative of the Council of Ministers in the province,
- the head of combined administration,
- the governmental administration body in the province,
- supervisory authority over the activities of local government units and their associations with regard to the legality and the representative of the State Treasury.

A province governor bears full responsibility for security in the province. As a representative of government policy, in particular, he:

- "ensures cooperation between all bodies of government and local government administration operating in the province and manages their activities in the scope of the prevention of danger to life, health or property and threats to the environment, national security and public order, the protection of civil rights and the prevention of natural disasters and other extraordinary threats as well as combating and eliminating their consequences, pursuant to principles specified in separate acts;

- assesses the state of the province flood protection, develops an operational plan for flood protection and declares and cancels flood emergency and alarm;
- performs and coordinates the tasks in the scope of defence and security of the State and crisis management, arising from separate acts” (Journal of Laws of 2009, No. 31, item 206).

The district government is in charge of public tasks of a supra-municipal nature, related to:

- health protection,
- public transport and public roads,
- architecture and construction administration,
- water management,
- public order and security of citizens,
- flood protection, including equipment and maintenance of the district flood storehouse, fire prevention and prevention from other extraordinary threats to life and health of people and the environment,
- counteracting unemployment and activation of the local labour market,
- maintenance of district buildings and public facilities and administration buildings (Journal of Laws of 2013, item 594).

Local governments perform tasks in the field of security to satisfy the collective needs of community and particularly related to, inter alia:

- spatial order, real property management, environment and nature protection and water management,
- municipal roads, streets, bridges, squares and traffic organization,
- water supply systems and water supply, sewerage systems, waste water disposal and treatment, maintenance of cleanliness and order and sanitation, waste dumps and disposal of municipal waste, the supply of electricity, heat and gas,
- local public transport,
- health protection,
- social welfare, including care centers and facilities,
- public order and security of citizens and fire and flood protection, including equipment and maintenance of the municipal flood storehouse,
- maintenance of municipal buildings and public facilities and administration facilities (Journal of Laws 2013, item 594).

The ministers play a specific role in this model, including the Minister of National Defence, who is the supreme body of state administration in the field of defence of the State. Individual ministers managing certain government departments perform specific tasks set by the President of the

Council of Ministers, including those related to security. From the point of view of security, entrepreneurs play an important role, carrying out tasks for the defence (transportation, broadcasting radio and television programmes). The participation of citizens themselves is also significant, for example by serving in the army or performing obligations.

## Conclusions

Security is generally perceived as peace, safety and a lack of danger. Security cannot be analysed in isolation from threat, therefore it appears as a concept reflecting the lack of threat and its sense. We frequently consider it as the ability of a nation to protect its internal values from external threats. The author highlights that the goal of every state is to ensure security as universal good, however the author refers it to national conditions, in this case Polish ones (legal, organizational). Security is a prerequisite for the successful development of each country, the essential goal of the state. The objectives imply functions of the state, each of which plays an essential role in ensuring security. Law is important in creating conditions of security, especially administrative and criminal law. The author points out that security would not be possible if not for the authorities performing tasks in the area of security and legislation, but also and above all bodies having executive power at every level.

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